Council Meeting Date: July 17, 2000 **Agenda Item: 6(a)**

CITY COUNCIL WORKSHOP ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Code Enforcement Program
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Tim Stewart, Director
	Sherri Dugdale, Code Enforcement Officer

EXECUTIVE / COUNCIL SUMMARY

A year ago, Council approved a plan to "Develop a code enforcement program reflective of City values" (Goal #8 of the 1999-2000 Workplan). Since that time, Staff has developed the policies and procedures that will guide the program and issued an interim Policy & Procedure Manual on December 15, 1999. Council had an opportunity to comment on the interim manual at a workshop session in February of this year. In the six months since the manual was issued, Staff has revised and expanded several of the chapters (see Attachment A for the list of major revisions) and now presents the final version of the Code Enforcement Policy & Procedure Manual (Attachment B) for Council's information. Staff recognizes that future revisions to the manual will be necessary as the program continues to mature.

Following the release of the manual, training of CRT, Planning & Development Services, and the Police has been completed. For the last 6 months, staff has used the policies and procedures in the enforcement of code cases. Attachment C shows the current code enforcement case load with more than half of all open cases at the Strike One level (68 cases) and approximately one-third at the Strike 2 or 3 level (31 cases). The 31 cases currently at Strike 2 & 3 represent more than half of the 56 cases that have been referred since the program was implemented.

Since January of this year, an average of 9 cases have been referred each month for Strike 2/Strike 3 action. During that same period, only 4 cases were resolved each month (on the average). Cases at the Strike 2/Strike 3 level usually take at least 3 months and approximately 6 hours of code enforcement staff time to close. In contrast, the Customer Response Team estimates that approximately 3 hours of staff time is spent on a Strike One case. The result is that the caseload at Strikes 2 and 3 continues to grow as new cases are referred more frequently than they are resolved. Especially complex cases require even more time. Take, for instance, the case that required the city to abate the numerous junk vehicles and debris and took more than 90 hours of code enforcement staff time. Or the sub-standard housing case that has demanded 72 hours of code enforcement staff time to date, plus 35 hours of other P&DS staff time, plus 48 hours of the City Clerk's office, plus 50 hours of the City Attorney and remains unresolved. That represents approximately $23,370.00 worth of staff time spent on one case. Fortunately, those cases are fairly infrequent.

In addition to code enforcement staff time, other P&DS staff often spend significant time on a code enforcement case, both in consultation and in research. Technical assistance is frequently

needed from planners and plans examiners to identify possible solutions to code enforcement problems. For example, there are currently 14 Strike Three cases that were initiated with a Stop Work Order for projects started without the necessary permits. Many of these projects don't meet minimum codes and require re-designing the project. One such recent case involved a Stop Work Order posted for a project along a stream corridor that involved the expansion of an existing building and construction of a new structure, without any building permits. In addition to the 10 ½ hours spent by code enforcement staff, a plans examiner, a building inspector, the SEPA Official and Project Engineer spent another 10 ½ hours with the subject of this case, before the permit application was even submitted. Hence, a large amount of staff time is spent working with the customer to explain, educate and advise them so that they can apply for the permits and complete their project. Because a Stop Work Order triggers double the building permit fees, some of those costs in staff time will be recovered.

As a community friendly approach to educating those homeowners who begin a project without realizing that a permit is required, staff has designed a new form, the "Stop Work Lite" (see page 46 of the Policy & Procedure manual). This form notifies the homeowner that their project requires a permit and requests that they contact the City and discontinue the project until they secure a permit. By posting the Stop Work Lite instead of a full-blown Stop Work Order (which triggers the formal Notice and Order) on a residential site, staff gives the homeowner the benefit of the doubt, and an opportunity to voluntarily comply with city codes. The Stop Work Lite is intended for homeowners working on their own projects, and is not appropriate for commercial projects, hazardous conditions, or for projects that involve a contractor.

The final phase of the development of the code enforcement program involves building proactive projects to solve community problems. In order to identify the issues that are perceived as the biggest problems, Staff has elicited feedback from the community, staff, and other service agencies (primarily Police and Fire) and examined current and past code enforcement case loads. As one would expect, the results of the community survey seem to mirror the code enforcement caseload. Attachment D shows which problems are reported the most, which issues tend to require Strike 2 or 3 enforcement, and what the community perceives as targets of opportunity for enforcement (from the code enforcement survey that requested each person to identify the top three code issues in Shoreline).

A closer look at five of the categories (see Attachment E) shows which are potential proactive projects. For example, 20% of all code enforcement requests are categorized as debris/garbage complaints, the community survey also identified debris as a problem, but few of those cases make it to Strikes 2 or 3. This means that the majority of the debris/garbage violations are resolved by CRT at Strike 1 and the issue would not necessarily be a good candidate for a proactive project. On the other hand, Building and Vehicle violations are often reported, the community survey indicates these issues as being problems, and many of the cases require Strike 2 or 3 enforcement. These issues would be excellent candidates for a proactive project. Notice also, that while violations within a sensitive area have rarely been reported, those surveyed frequently identified environmental issues as being one of the top three issues (second most frequent answer).

The following is a list of problems identified as potential proactive projects:

Building

- Work without a permit (makes up more than half of the code enforcement cases at Strike 3).

Vehicles

- Junk and abandoned vehicles (both on the public right-of-way and on private property).
- Parking on the grass (pervious surface).
- Excessive vehicles on the site (often spilling out onto the right-of-way).

Sub-standard Housing

- Rental houses and apartment complexes

Sensitive Areas

- Work without a permit or vegetation management plan

Noise

- Identified as a problem by the survey and by the Police.

While staff has identified those categories that offer the most potential for proactive projects, it would be difficult, if not impossible, to develop and implement any projects given the current workload. At the present rate of referral and case resolution, at least five cases are added to the backlog each month. Currently, the options for reducing the backlog are to triage incoming cases so that issues in the "routine level priority" classification (see page 6 of the manual) are put at the bottom of the list and resolved as time allows, and/or to reduce the level of service. A reduction in the level of service would mean spending less time working with customers to resolve violations, less time following up to assure compliance, and more time handing out letters of violations (or citations). That is the approach that King County used, with limited success. This issue will be further considered during the discussion of the 2001 budget.

ATTACHMENTS

A – Summary of Changes to the Manual
B – Code Enforcement Policy & Procedure Manual
C – Graph showing current case load
D – Graph showing categories of cases
E – Graph showing a close-up of 5 categories

RECOMMENDATION

This report is presented for Council's information only. No formal action is required at this time.

Approved By: City Manager LB City Attorney

Summary of Changes to the Manual

The following reflects the major changes to the Code Enforcement Policy & Procedure manual following its issuance as the interim manual on December 15, 1999. Technical corrections are not listed in this summary.

Chapter 1: Introduction

- Definitions have been expanded to include additional terms commonly used in code enforcement. Those that are from the Development Code reference the specific SMC.
- Code of Ethics (from American Association of Code Enforcement) has been added.
- The Authority section has been added.

Chapter 2: Administrative Process

- Priority level "Important" has been expanded to include additional violations; wetlands violations have been added to both the "Urgent" and "Important" levels (depending on the degree of impact).
- The visual model of the process has changed to reflect the additional tools.
- The section on Case Files, particularly that of the electronic files has been revised so that all of the code enforcement case files are under one directory, with all documents and photos related to a specific case stored in an individual folder with the case number.
- The section on Digital Photos has been expanded to standardize the way photos appear in the case file and to reduce the amount of network space used for their storage.
- Procedures for Junk Vehicles have changed to reflect the ability of the Code Enforcement Officer to certify junk vehicles.
- A new section entitled "Work without a permit" helps to determine the proper level of response for work without a permit and includes a new form (see Stop Work Lite, Chapter 4).
- The policy for compliance letters has been changed to reflect Council's suggestion that anyone receiving a written notice of violation should also receive a written notice of compliance.

Chapter 3: Investigations

- This chapter has had no major changes.

Chapter 4: Enforcement

- Strike Two actions now include the Stop Work Lite, which was designed to be a more "community friendly" approach to educating homeowners who may not have realized that a permit was required before beginning their project (see Chapter 4 for details).
- Strike Three actions now include the Notice of Civil Infraction (included in the new Enforcement Chapter of the Development Code). The civil infraction (similar to a speeding ticket) carries a $250.00 penalty, payable to and appealed through Municipal Court.
- A Letter of Extension was developed to document any extension of a compliance period set by a Notice and Order.

Chapter 5: Legal

- Appeal procedures, including a new form (Hearing Memorandum) are included.
- An Officer's Report form was developed for requesting a criminal complaint from the police.

Chapter 6: Operations

- The only change to this chapter was the addition of the requirement that a staff alert be sent via email to CRT, Planning & Development Services, and to the Management Team when any crime has occurred against an investigator.

Chapter 7: Forms and Letters

Additions to this chapter include:

- Hearing Memorandum
- Letter of Extension
- Notice of Civil Infraction
- Officer's Report
- Photo Template
- Stop Work Lite

Planning & Development Services

CITY OF SHORELINE

Policy and Procedure Manual

Code Enforcement Program

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Chapter 1

INTRODUCTION

Mission Statement

The mission of the City of Shoreline's Code Enforcement Program is to provide quality, professional enforcement of City codes, reflective of community values, in order to improve the quality of life in Shoreline.

Goals

The goals of the code enforcement program are to:

- Protect the health and safety of Shoreline residents, businesses, and visitors
- Support efforts to protect the environment and minimize environmental impact
- Enhance property values
- Work in partnership with community members, organizations and other agencies to solve problems
- Build trust, confidence and respect with the citizens of Shoreline
- Improve education about city codes

Intent

It is the intent of the City of Shoreline to achieve code compliance by education and prevention as a first step. Where voluntary compliance and warnings fail, enforcement through civil and criminal penalties should be used for remedial purposes as needed to effect code compliance. Abatement or remediation may be pursued when appropriate and feasible, and mitigation considered where remediation is either impossible or unreasonably burdensome.

Scope

The scope of laws and ordinances enforced by the code enforcement program include, but are not limited to the following:

- SMC 5.10 Cabarets and Adult Entertainment
- SMC 5.15 Panoram Devices
- SMC Title 12 Streets, Sidewalks and Public Places
- SMC Title 13 Utilities
- SMC Title 14 Environment

- SMC Title 15 Buildings and Construction
- SMC Title X Development Code

Code of Ethics (from American Association of Code Enforcement)

- I will uphold the constitutional property rights of all citizens to ensure due process with fairness and consistency.
- I will seek to improve the quality of life within my jurisdiction by enforcing all laws in an exemplary manner.
- I will strive to inspire public confidence and trust in my profession by performing my duties with honor, integrity, truthfulness and fairness.
- I will carefully avoid conflicts of interest, or appearance of impropriety, and will not accept, nor offer, any form of gift for the performance of my duties.
- I will strive to become more knowledgeable of my profession through continuous training and education.
- I will not permit personal feelings, prejudices nor influences (political or otherwise) to interfere, prohibit or delay the process of enforcement.

Confidentiality

Disclosure of Public Records

It is the policy of this program to maintain the confidentiality of code enforcement case files and computer records, including the identity of the reporting party, to the extent legally possible. This confidentiality is important for assuring effective investigation and enforcement of code violations. In addition, some reporting parties do not want their names disclosed to the alleged code violator for fear of retaliation. Reporting parties should request to have their name exempted from public disclosure at the time of filing. However, it may be necessary, in some cases, for the reporting party to be identified and to testify in court for successful prosecution and enforcement. Additionally, code enforcement files are subject to state statutes governing public records and disclosure. Any requests for disclosure of code enforcement case files should be directed to the City Clerk's office. In cases where the City cooperates with, or defers to another county, state, regional, or federal agency for enforcement, the contents of the file may be disclosed, as necessary to the other agency.

Definitions

Refer to SMC Title X, Development Code for other specific definitions.

Code Violation (SMC x)

An act or omission contrary to: (a) Any ordinance of the City, or state or federal laws that regulate or protect the public health or the use and development of land or water, whether or not such law or ordinance is codified; and/or (b) The conditions of any permit, notice and order or stop work order issued pursuant to any such law or ordinance.

Director (SMC x)

This refers to the Director of Planning and Development Services and his/her designee.

Enforcement Officer

This refers to the Code Enforcement Officer and his/her designees.

Garbage (SMC x)

All putrescible material including animal and vegetable waste that is not contained as functioning compost.

Investigator

This refers to anyone doing official investigation on a code enforcement case on behalf of the city. May include CRT, building, right-of-way, and fire inspectors, the code enforcement officer, etc.

Junk Vehicle (SMC x)

A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements: (a) Is three years old or older; (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission; (c) Is apparently inoperable; (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

Nuisance Vegetation (SMC x)

Includes the following: (a) Any trees, plants, shrubs, vegetation or parts thereof, which overhang any sidewalk or street or which are situated on the property or on the portion of the street or sidewalk abutting thereon, in such a manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption of interference with the clear vision of pedestrians or person operating vehicles thereon, or interfering with sidewalks, streets, poles, wires, pipes, fixtures or any other part of any public utility situated in the street. (b) Shrubs, brush, vines, trees or other vegetation growing or which has grown and died, and organic debris, which constitutes a fire hazard, or provides a harborage for rats, rodents or horticultural pests.

Public Nuisance (SMC x)

Code violations detrimental to the public health, safety and environment; any violation of any City land use and development ordinance, public health ordinance, or violations of Section X including, but not limited to:

1. Any accumulation of garbage or refuse; except for such yard debris that is properly contained for the purpose of composting. This does not apply to material kept in garbage cans or approved containers maintained for regular collection;
2. Nuisance vegetation;
3. The discarding or dumping of any material onto the public right-of-way, waterway, or other public property

Refuse (SMC x)

Includes, but is not limited to, all abandoned and disabled vehicle parts, all appliances or parts thereof, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, garbage or discarded material.

Authority

Authority for code enforcement is granted by city ordinances, and by state and federal law. Authority for the posting of Stop Work Orders, Notice to Vacate, and other Notice and Orders is granted by the Director.

Chapter

2

ADMINISTRATIVE PROCESS

Initiation of Code Enforcement

Cases may originate from the following:

- Complaint from customer
- Referral from City Council or City employee
- Referral from outside agency
- Review of permit conditions
- Routine Inspections
- Observation
- Compliance monitoring
- Proactive Project with the approval of the Director

Recording

Any complaints requiring investigation must be recorded in the electronic file system. Unless otherwise specified in this manual, any references to the Code Enforcement (CE) case file include both the electronic and hard copy files. All referrals from other agencies and departments, legal documents, enforcement actions, correspondence, photos, etc. should also be recorded in both the electronic and hard copy files. Investigators are responsible for ensuring that the CE case file is kept up-to-date, especially the electronic file. With few exceptions, new requests should go directly to the Customer Response Team (CRT) for input and initial investigation. New requests received by anyone other than CRT should be written on a CE Referral (CER form, page 30) and given to CRT. Any new requests that are to begin at enforcement level Strike Two or above should be referred to the enforcement officer (see Referrals, page 14).

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 judgement 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)

- Violations that present an imminent threat to public health and safety, including hazardous conditions
- Violations that present an imminent threat to the environment
- Violations affecting rivers, streams and/or adjacent riparian areas, and wetlands violations with significant impact
- Illegal dumping in progress
- Violations of Stop Work Order or Notice to Vacate
- Requests for immediate assistance from other agencies

Important Level Priority

- Violations of permit conditions, remediation or mitigation requirements
- Major accumulations of junk and debris and attractive nuisances to children
- Wetlands violations with minimal impact
- Illegal dumping with suspect information
- Violations of Stop Work Lite
- Substandard housing not presenting an imminent threat
- Extensive illegal auto repair activity
- Junk vehicles (repeat offense or 3+ vehicles)
- Land use violations with major impact
- Repeat violations
- Violations of permitted activities
- Proactive projects
- Referrals from City Council, City employees or outside agencies
- Remedial monitoring

Routine Level Priority (non hazardous)

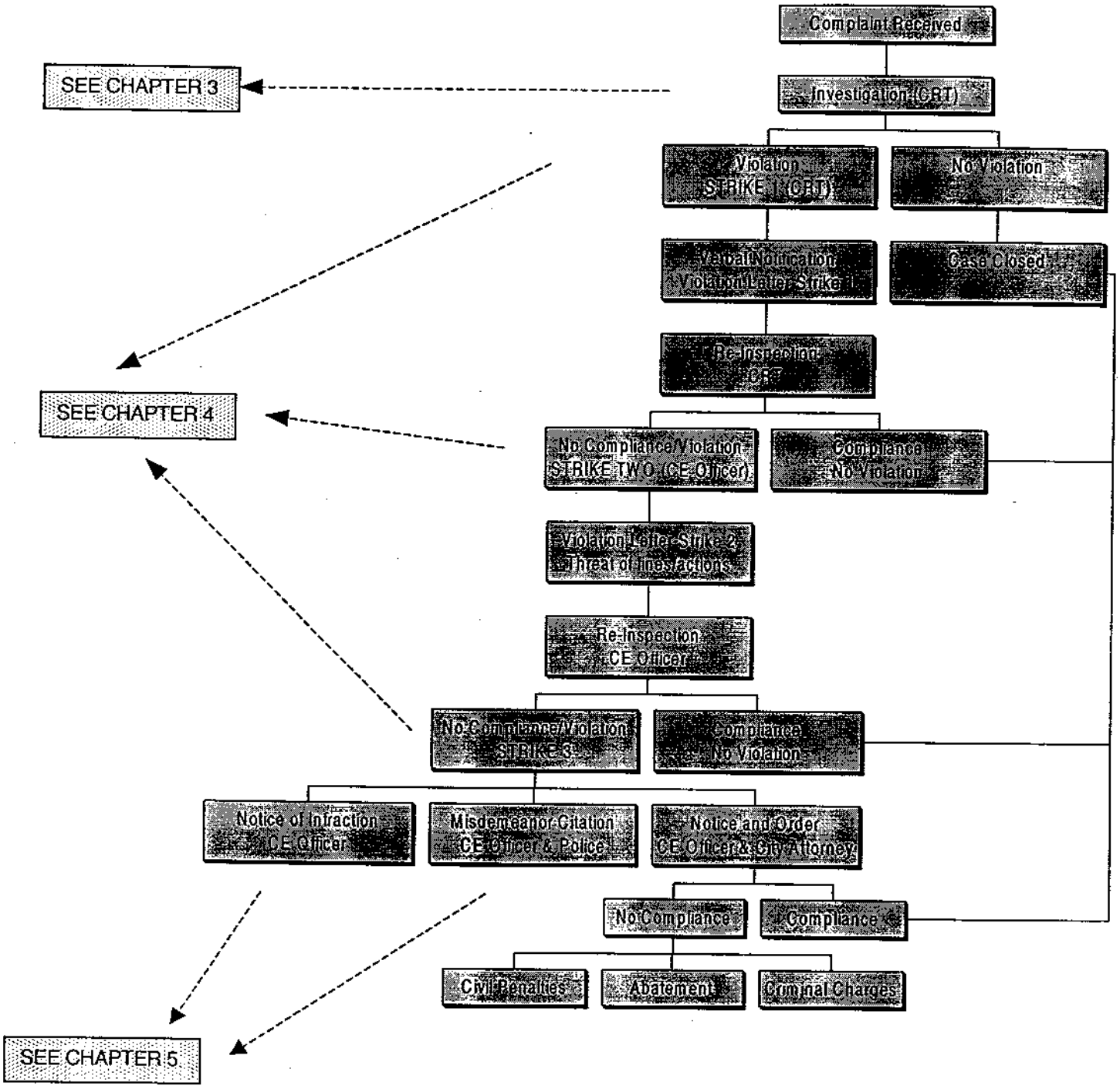
- Minor accumulations of junk and debris
- Land use violations with minimum impact
- Sign complaints
- Sidewalk obstructions

- Fence complaints
- Setback violations

Overview of Process

Generally speaking, the Customer Response Team (CRT) will be responsible for complaint intake and recording, and the initial investigation (although CRT may refer the file to another agency or department for initial investigation, if appropriate). CRT will then complete the notification required in enforcement level Strike One (page 19) and monitor the case for compliance. If compliance is not achieved, they will transfer the entire case file to the enforcement officer for Strike Two (page 20). The enforcement officer will complete the notification required in enforcement level Strike Two and monitor the case for compliance. If compliance is not achieved, the enforcement officer will initiate enforcement level Strike Three (page 21). This may involve transferring the file to the City Attorney for prosecution or other legal action.

Visual Model of Process



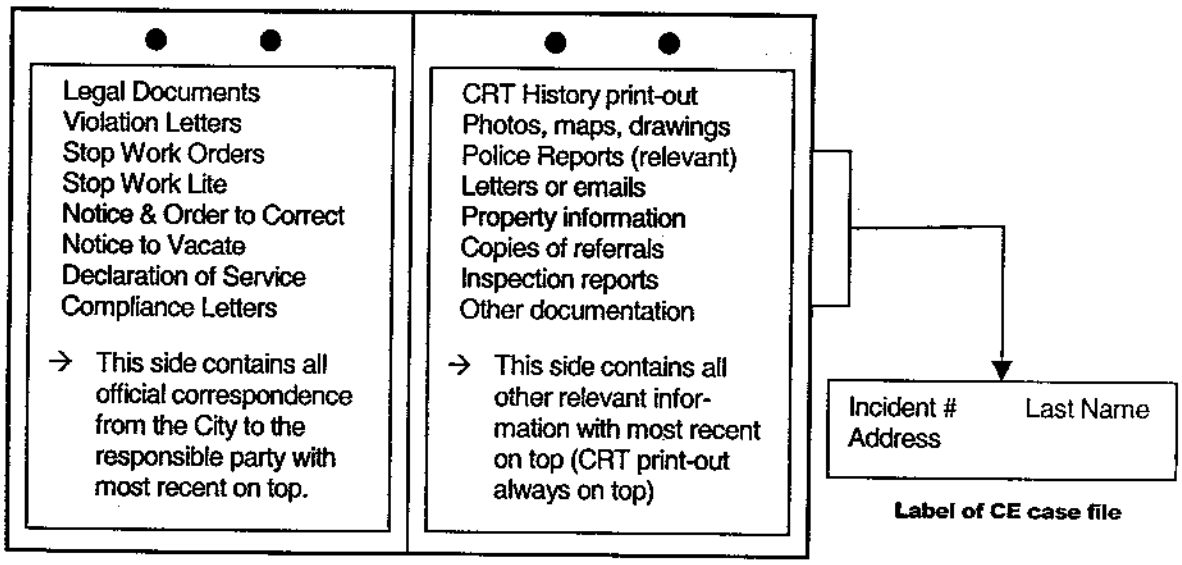
Case Files

The purpose of individual case files is to track the history of similar incidents at any given address with the same responsible party. Therefore, before opening a new CE case file, the electronic files should be queried for past incidents at the address. If the address, responsible party and incident are the same as the new incident, the prior CE case should be re-opened. If there is no prior history of the same type of incident, a new case file should be opened under a new incident number.

Physical Files

Code Enforcement case files should be started in brown, letter-sized folders with fasteners. Files should be organized with the most recent information on the top, with one incident number per case file, and filed in drawers according to address. Minimum retention for case files and associated correspondence is 6 years.

Organization of CE case files



The minimum information contained in a case file (both physical and electronic) should be:

- ✓ Responsible party's name, physical and mailing addresses, home and work phone numbers (in the case of rentals, this will usually be the property owner)
- ✓ Other responsible party's name, address, and phone numbers (e.g. property managers, occupants of rental properties, etc.)
- ✓ Address, parcel number, enforcement history (if applicable – should cross-reference other related incident numbers), and ownership information for location of violation
- ✓ Reporting party's name, address and phone numbers

Additional information as needed:

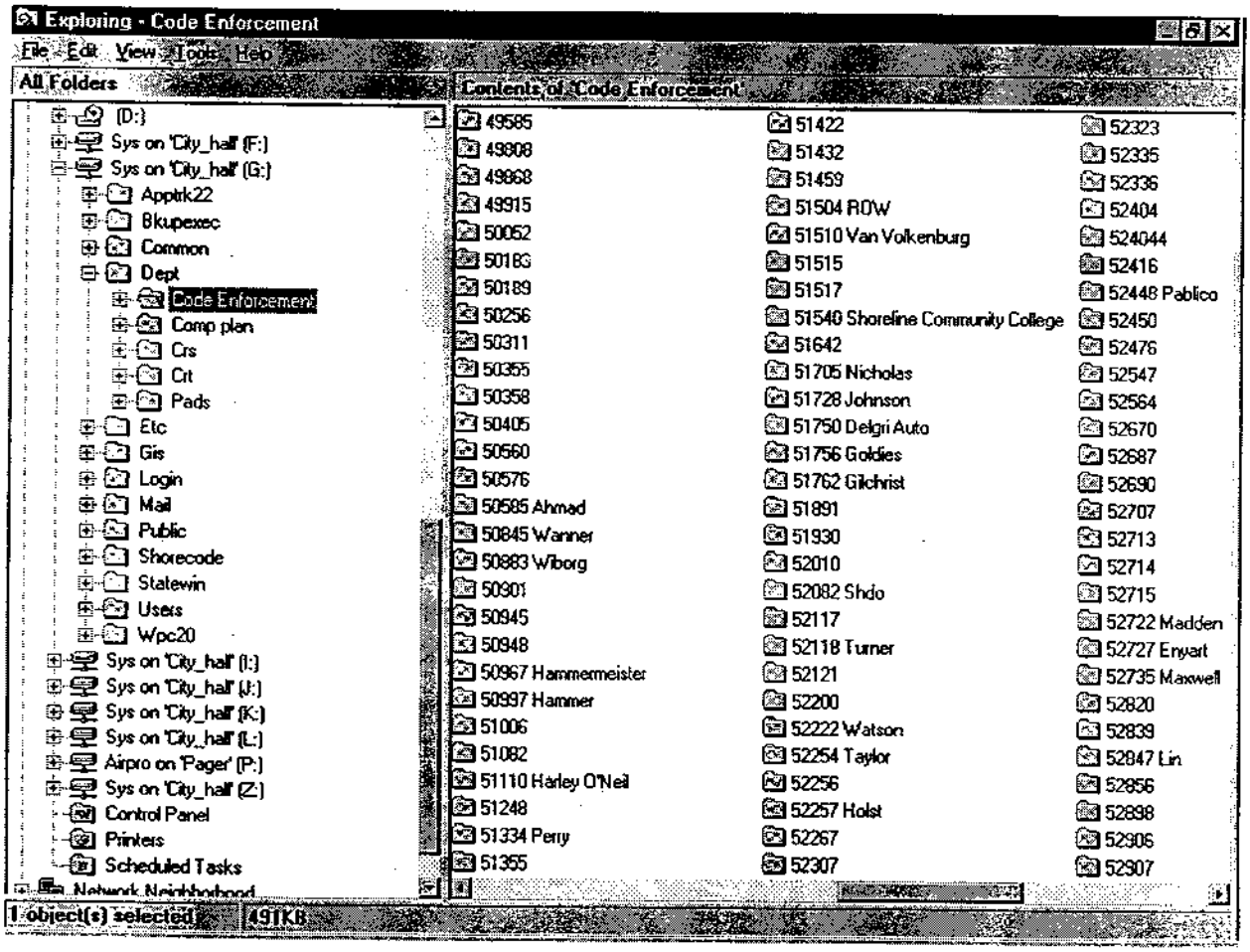
- ✓ Business owner's names and phone numbers
- ✓ Information for other responsible parties (e.g. occupant or tenant information on a rental property)

- ✓ Licensing information
- ✓ Property characteristics
- ✓ Permit history/information
- ✓ Plat map
- ✓ Photos

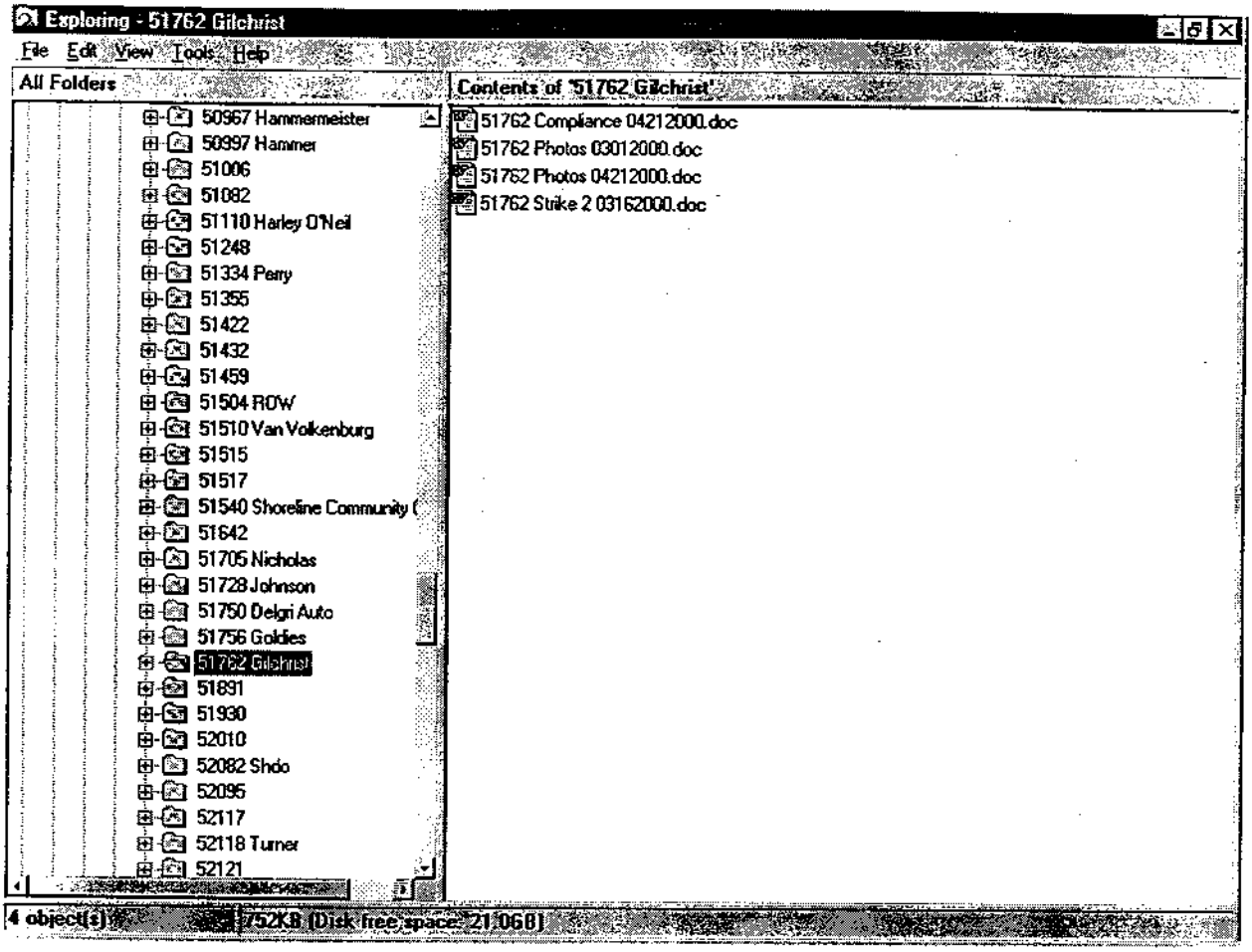
Electronic Files

Electronic files are divided into 3 categories: Customer Request Program (CRT), Photos, and Letters (including Orders, etc.). With the exception of the CRT files, all electronic files related to a code enforcement case will be kept on the network under G:\Dept\Code Enforcement. A folder will be created for each individual case and will be labeled with the case number and the responsible party's last name (e.g. 51234 Smith). All electronic files for that specific case should be saved in the appropriate folder. Documents should be named with the case number first, then the type of document and finally the date

Directory – G:\Dept\Code Enforcement



Contents of Folder for Code Enforcement Case #51762



Photos

35mm camera

Photos taken with a 35mm camera should be developed and stored in the CE case file. Photos should have the date, approximate time of photo, CE incident number, name of photographer, and any other pertinent information noted on the back. If the photos were taken by the police, their incident number should also be noted. As an alternative, photos may be scanned in and saved according to the procedures for the digital camera.

Digital camera

Photos taken with a digital camera should be inserted into a Word document, using the Photo Template (see page 42), and saved in the appropriate case folder.

Procedures

1. Open the photo template as a new document
2. Double click on the header – correct the incident #, address, date & time the photos were taken, and name of person who took the photos.
3. Go to the pull-down menu item **Insert** and select Picture, **From File**
4. Look in A:\

5. Select a photo from the directory
6. When the photo has been input into the document, right click on the photo and select **Format Picture**
7. Choose the tab for **Size** and change the height to 3.5
8. Click **OK**
9. Right click on the photo again and select **Caption**
10. Enter any narrative text after the Figure number and select **OK**
11. Repeat steps 3-10 until all photos are in the document (2 per page)
12. Go to the pull-down menu item **File** and select **Save As**
13. Change the file name to Incident # "Photos" date.doc
    example: 52118 Photos 02142000.doc
14. Save file in G:\Dept\Code Enforcement in the appropriate folder with the case number
15. Print the file and add to the physical case file

Violation-specific Procedures

Some violations require specific procedures, which are outside of or in addition to the normal process.

Junk Vehicles on public property

Any junk or unauthorized vehicles left on public property should be referred to the police to tag for 24-hour removal. Provide specific location of the vehicle, description of the vehicle (license number and/or VIN, color, make and model), and reason you are requesting removal. Registered owner information is also good to provide if possible.

Junk Vehicles on private property

The following procedures for the declaration of junk vehicles are designed to assist the landowner with the removal of a vehicle that does NOT belong to them and has been left on their property. In order to be considered authorized by the Department of Licensing to certify "junk vehicles", one must take the certification training offered by the Washington State Patrol.

Procedures

1. Inspect the vehicle to determine if it meets the RCW definition of "junk vehicle".

2. Obtain registered owner and legal owner information (Note: if there is a report of sale, the new owner information must be obtained from Department of Licensing Records at 360-902-4000).

3. A Junk Vehicle Verification, Notification & Affidavit form (see page 33) will be completed by the person certifying the vehicle. Currently, those that may certify a junk vehicle within city limits include:

    - Sherri Dugdale – Code Enforcement Officer (206) 546-0783

    - Washington State Patrol – Junk Vehicle hotline (425) 455-7750

4. Instruct the landowner to mail a copy of the form to both the registered and legal owners and allow 15 days for response.

5. Take photos of the vehicle for the case file.

6. Take a photocopy of the Affidavit for the case file.

7. Landowner should call tow company at the end of the 15-day waiting period to arrange for vehicle removal. Once vehicle has been removed, they should call CRT to notify them of compliance.

If the landowner is uncooperative, follow the procedures for Notice and Order to Correct (see Strike Three, page 21).

Accumulations of Junk and Debris

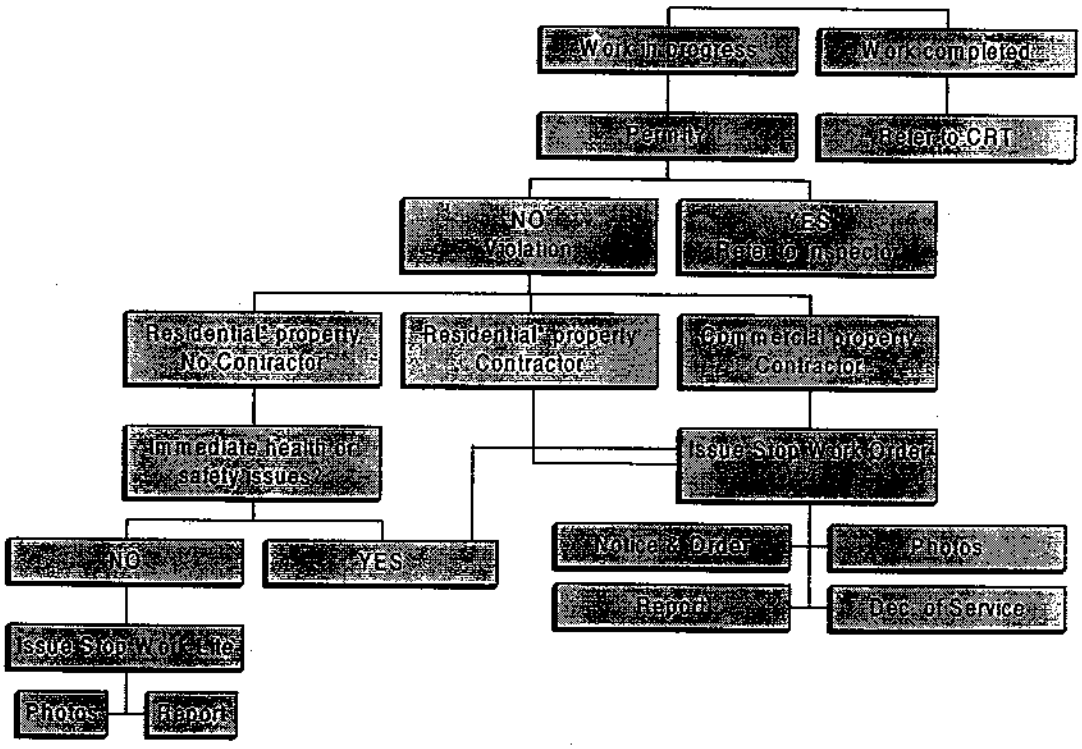
For public nuisance violations, the Refuse/Debris Supplemental Report (see page 44) may be completed for the case file in order to help document the conditions that make up the nuisance. This should be done in combination with photos of the site.

Critical Areas

To be completed in future revisions of the manual.

Work without a permit

Work without a permit is handled differently based on some specific criteria. The diagram below shows an overview of the process. If the project has already completed, it is not appropriate for either a Stop Work Order (page 23) or Stop Work Lite (page 20). Instead, a referral should be made to CRT who will complete an investigation and initiate enforcement actions if appropriate. If the project is not yet complete, a decision must be made about whether to post a Stop Work Lite, or a full-blown Stop Work Order. A residential project with no contractor and no immediate health or safety issues is appropriate for a Stop Work Lite. If a contractor has been hired for the project, there are immediate health or safety issues, or the property is commercial, a Stop Work Order should be issued.



* Single family or duplex

Consultations

When working on a case where there are others with expertise (e.g. planners, engineers, SEPA Official, other inspectors, etc.) it is appropriate to request their advice regarding corrective actions, compliance time limits, etc. Recommendations should be recorded in the CE case file.

Referrals

A referral is made when a case (along with the responsibility for monitoring compliance) is transferred to another party. A case should be referred to the enforcement officer when attempts to gain voluntary compliance are being met with resistance and the investigator feels that stronger methods are needed to resolve the case.

Internal

All internal referrals should be done on a Code Enforcement Referral (CER form), completing as much information as is available and to include actions requested. If a CE case file has already been started, that should also accompany the CER form. CRT, however, will print out the electronic case history and refer that, along with the hardcopy case file to the enforcement officer or other investigator (no CER form is needed).

External

External referrals should also be done on a CER form, completing as much information as is available and to include background information and actions requested. Form may be mailed, delivered, or faxed to agency, as appropriate. Electronic file should reflect the name, agency and phone number that the case file was referred to. The person transferring the case file is responsible for monitoring the file and ensuring that the case file has been updated.

Compliance Monitoring

When a violation has been repeated, or when, in the officer's opinion, is likely to be repeated, compliance monitoring may be scheduled. The reason for compliance monitoring, as well as the proposed schedule should be noted in the file (e.g. "Tenant does not pay for trash service and has previously been warned about garbage accumulations. Will monitor site every 2 weeks for a 6-week period"). The file should remain in a pending status until continued compliance is verified at the end of the monitoring period. If no further violations are observed within the monitoring period, the file may be closed.

Closing a Case File

A CE case file should be closed in the following cases:

- When no code violation is found after investigation
- When voluntary compliance has corrected the code violation
- When legal action has compelled compliance and the code violation has been corrected
- When the case file has been transferred to another agency and investigation and prosecution have been completed by the other agency
- When, in the Director's opinion, substantial compliance has successfully limited the negative impacts of a code violation

- When, at the end of a predetermined compliance monitoring period (see page 14), no further code violations have been observed

- When it is determined by the Director that the code violation is not likely to be successfully resolved within a reasonable amount of time, due to factors beyond City control

All closed CE case files will be maintained in a central location.

Compliance Letter

The enforcement officer should send a Compliance Letter (see page 30) when a complaint is resolved and compliance achieved (Strike Two and above). Compliance letters may be sent by CRT for Strike One depending on the case. Generally, if a written notice of a violation has been sent to the responsible party, a written notice of compliance should be sent as well.

Chapter

3

INVESTIGATIONS

Response Time

The following should be used as a guide for responding to requests for service. Generally, the higher the priority and the greater the risk to public health and safety, the more timely the response.

PRIORITY	INITIAL RESPONSE
Urgent Level	Within 24 hours
Important Level	Within 3 working days
Routine Level	Within 5 working days

Inspections

Plain View

An investigator can make observations from those areas that are either open to the public, or are open to public view, where no reasonable expectation of privacy exists (e.g. streets, sidewalks, open fields, parks, and alleys). Residential yards, however, are considered as curtilage (that area surrounding a home where the property owners have a reasonable expectation of privacy) and receive special protection if the owners have taken steps to keep people out (e.g. construction of fences or posting of signs). Otherwise, an investigator may enter those areas where there is no reasonable expectation of privacy, for example, the sidewalk that leads to the front door. Inspections may also be done from any adjacent public or city-owned property, or from neighboring property where the investigator has received permission for access. Investigators should not, however, enter fenced areas, or those marked "No Trespassing" without consent or a search warrant.

Requiring access to private property

When an inspection requires access to private property, the investigator should first try to obtain permission from the owner or tenant. If the building is unoccupied, the investigator should first make a reasonable effort to locate the owner or other person having charge or control of the building. In the case of rental properties, an investigator should attempt to obtain the consent of the occupant or tenant, as the Fourth Amendment protects the person in possession of the property. The property owner generally cannot consent to the search of leased premises unless they have an expressed right of entry. When possible, inspections inside a residence should be done with a minimum of two investigators. When the owner or tenant of a private property refuses to allow access for inspection, a Search Warrant must be obtained through the courts (see page 25).

Exception, exigent circumstances

If the investigator can articulate that conditions exist which create an imminent danger to the health, safety or welfare of the occupants or to the public, the investigator may enter private property without consent or a search warrant. Police should be requested to assist.

Research

Examples

- ✓ Business owner's names
- ✓ County Assessor's records
- ✓ Enforcement History
- ✓ Licensing Information
- ✓ Permits – information and history
- ✓ Plat map
- ✓ Property Characteristics
- ✓ Tenant name & phone number

Evidence

Examples

- ✓ Court Orders, Injunctions and Warrants
- ✓ Photographs
- ✓ Police Reports and Photos
- ✓ Vehicle owner information from Dept. of Licensing
- ✓ Statements from other agencies
- ✓ Prior similar convictions

Chapter

4

ENFORCEMENT

The following actions should be used as a guide when responding to possible code violations. Generally speaking, education and voluntary compliance are sought over forced compliance, however, some violations will be so grievous as to warrant stepping up the enforcement actions to Strike Two or even Strike Three. The following table shows the recommended action based on the type of situation.

Recommended Actions

SITUATION	INITIAL ACTION RECOMMENDED
Violation - Urgent Level Priority	Strikes 2 or 3, as appropriate
Violation - Important Level Priority	Strikes 1 or 2, as appropriate
Violation - Routine Level Priority	Strike 1
Repeat Violation (2nd offense)	Strike 2
Repeat Violation (3rd offense)	Strike 3
Violation of Notice & Orders	Strike 3
Proactive Projects	Strikes 1-3, as determined in Project Plan

Strike One

Once an investigation determines that a code violation has occurred, attempts at education and voluntary compliance should precede other enforcement actions (unless exigent circumstances exist). Reasonable attempts to personally contact the property owner and/or occupant should be made prior to sending the violation notification letter. Non-compliance with Strike One attempts moves enforcement action to Strike Two and triggers a referral of the case file to the enforcement officer (see Referrals, page 14). When the case file is referred, CRT and the enforcement officer may do a joint referral inspection of the site.

Timeline

Voluntary compliance should generally be achieved within 15-30 days from initial contact. This should be used as a guideline as there may be instances when 2 weeks is not necessary, or when 30 days is not enough. Investigators should use their judgement to adjust the compliance period, considering such factors as the severity of the violation, enforcement history, amount of risk to public health, property, or to the environment, the impact on the neighborhood, ability of the customer to comply, etc. and come up with a realistic compliance date. The compliance date and any extensions granted must be communicated to the customer and documented in the file.

Violation Notification Letter – Strike One

If CRT has been unable to personally contact the owner/occupant within 7 days, the Violation Notification Letter – Strike One (see page 48) should be sent to the violator. Before referring the case, this letter should be sent to the responsible party for documentation purposes. It may also be used for documentation purposes when the violation is complex and numerous corrections are required.

Strike Two

When attempts at education and voluntary compliance meet continued non-compliance, or for higher priority or repeat offenses (2nd time), it is appropriate to begin Strike Two by referring the file to the enforcement officer.

Timeline

Generally speaking, the time limit for compliance should not be longer than 15 days. The compliance date and any extensions granted must be communicated to the customer and documented in the file.

Stop Work Lite

A Stop Work Lite (see page 46) is designed to be a more "community friendly" approach to educating homeowners who may not have realized that a permit was required before beginning their project. This document gives the homeowner an opportunity to voluntarily comply with codes by identifying the problem, requesting that they discontinue work until they have secured a permit, and sets a one business day limit for contacting the city about the project. If the homeowner continues to work without a permit, or does not contact the city as requested, it is then appropriate to follow up with a Stop Work Order (see Stop Work Order – page 23). The Stop Work Lite is not appropriate for hazardous conditions (immediate health/safety issues) for commercial projects, or for projects that have already been completed (refer to CRT). There are no formal service requirements as it is not an Order.

Procedures

- Obtain a case number from CRT by providing at least the address and reason for posting
- Complete the Stop Work Lite, listing the specific activity that requires a permit.
- Post the pink copy in a plastic sleeve in a conspicuous place, or give to someone at the site (note the name and contact information).
- Take photos as part of the case file
- Distribute the remaining copies as follows: White to office staff who will create a temporary permit file and flag the parcel ID number; Canary to CRT for the CE case file.

Violation Letter – Strike Two

This letter (see page 49) refers to any contact made in Strike One, and any deadlines and agreements made. The tone is stronger, outlines the violation(s), remedies required, and warns of the penalties to be assessed in Strike Three. In the case of rental property, this letter should be addressed to both the tenant and the property owner/landlord and a copy sent to any property management company.

- Named responsible party(ies);
- The address, when available, or location of the code violation;
- Legal description of the real property where violation occurred or is located;
- A statement that the director has found the named person to have committed a code violation and a brief description of the violation(s) found;
- A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;
- The civil penalty assessed for failure to comply with the order;
- A statement advising that the notice and order may be recorded against the property in the King County office of records and elections subsequent to service;
- A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;
- A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, the director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of all responsible parties (should state specifically what actions will be taken by the City);
- A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, a director may charge the unpaid amount as a lien against the property where the code violation occurred and as a joint and several personal obligation of all responsible parties;
- A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the hearing examiner within ten days of the date of service of the notice and order;
- A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent city permit applications on the subject property;
- A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a code violation, and that the named party is liable as a person responsible for the code violation; and
- A statement advising the responsible party of his or her duty to notify the director of any actions taken to achieve compliance with the notice and order.

Procedures – Distribution of copies

- Director of Planning & Development Services
- City Attorney

Strike Three

Notice of Civil Infraction

A Notice of Civil Infraction (page 41) may be issued by an enforcement officer when the civil infraction occurs in the officer's presence. In most cases, the infraction will be maintaining a public nuisance and standard bail amount is set at $250.00. The enforcement officer issuing the notice shall request some reasonable identification, including a driver's license or identicard from the responsible party. The responsible party receiving the notice of infraction is required by RCW 7.80.060 to identify themselves by giving their name, address, and date of birth and producing the identification when requested. The officer may detain those who are unable or unwilling to identify themselves for a reasonable period of time in order to identify them for the purpose of issuing the civil infraction. If the responsible party refuses to identify themselves, a police officer shall be requested to respond as they may be charged with Obstructing a Public Servant (RCW 9A.76.020).

Procedures

To be completed – will follow in future updates of the manual.

Notice and Order to Correct

A Notice and Order to Correct (see page 39) is an enforcement action, and so is considered a legal action, which requires following certain procedures for notification and documentation. We must be able to show the courts that we have properly notified the responsible parties of all required information, and that a reasonable attempt to serve the Notice and Order has been made. Issuance of a Notice and Order should be coordinated through the enforcement officer who will consult with the City Attorney. A copy of the Order, along with any other pertinent information should be given to the Director of Planning & Development Services. If there is a related building permit, the permit number should be noted on the Order, and any enforcement actions should be noted in the building permit system. A copy of the Order should be filed in the permit file. Service of a Notice and Order shall be made on any responsible party by one or more of the following methods:

- Personal service may be made on the responsible party
- Posting the Notice and Order in a conspicuous place on the property where the violation occurred (preferably at the main entrance, if possible), and concurrently mailing the Notice by both certified and regular first class mail (see below).
- Service by mail may be made by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county may be considered the proper address for the landowner of the property. Service by mail is presumed effective on the third business day following the day the Notice and Order was mailed.

The person serving the Notice and Order (either by mail or in-person) must complete a Declaration of Service (pg. 32), which becomes part of the CE file. The Notice and Order template should be used to ensure uniformity and completeness. All Notice and Orders must include the following information:

- Incident number and any associated permit number;

- City Clerk's Office (note on the Order the last day for Appeal)
- CE case file
- Permit file (if applicable)

Stop Work Order

A Stop Work Order (see page 47) is an enforcement action and is also considered a type of Notice and Order. Therefore, the notification and documentation required for the Notice and Order to Correct applies to the Stop Work Order. Stop work order numbers are the same as a CE case file number and are currently issued by CRT (incident #). Anyone posting a stop work order will first obtain an incident # from CRT by providing at least the address of the violation and reason for the posting. Photos of the site at the time of posting (including one of the posted Order) should be taken as part of the file. The investigator posting the Order will need to coordinate with the enforcement officer as a Notice and Order to Correct letter must be mailed to the property owner and occupant (if applicable) the same day as posting (see Service instructions for Notice and Order). The back copy of the stop work order includes a declaration of service that must be signed by the investigator that posted the Order. This copy, along with any photos should be given to the enforcement officer. The Building Official should also receive a copy of the Stop Work Order. The enforcement officer will monitor the case for compliance and must be notified of any permit application and approval, or of any other activities associated with the Order.

Procedures

- Obtain a case number (Stop Work Order #) from CRT by providing at least the address and reason for posting
- Complete the Stop Work Order, listing the specific activity that requires a permit
- Post the hard fuchsia copy in a plastic sleeve in a conspicuous place
- Take photos as part of the case file (including one of the posted Order)
- Complete the Declaration of Service (Pink copy), list any recommendation for compliance period, and detail observations about the site (especially hazardous conditions), the violation and any contact (especially contractors or tenants) in the Notes field.
- Distribute the remaining copies as follows: White to office staff who will create a temporary permit file and flag the parcel ID number; Canary to the Building Official (for Building issues) or to the Planning Manager (for Right-of-Way issues), Pink with any photos to the Code Enforcement Officer for the CE case file.

Notice to Vacate

This is considered an enforcement action and is also a type of Notice and Order. The Notice to Vacate (page 33) is to be used when the building is structurally unsafe, or safe, but with conditions that render the building or premises unsafe to occupy (e.g. infestations, lack of running water, sewer, or heat). The Notice shall be posted in a clear plastic sleeve at or upon each legally accessible entrance and egress to the building. Photos of the site at the time of posting (including one of the posted Order) should be taken as part of the file. The person posting the Notice will need to coordinate with the enforcement officer as a Notice and Order to Correct Letter must be mailed to the property owner and occupant (if applicable) with a copy of the Notice to Vacate. The back copy of the Notice to Vacate includes a declaration of service that must be signed by the investigator that posted the Order. These documents should be served according to the procedures set forth for

Notice and Orders, and a Declaration of Service completed and signed. The enforcement officer will monitor the case for compliance and must be notified of any activities associated with the Order.

Letter of Extension

A Letter of Extension (page 37) should be used when an extension of time is granted under Strike Three, particularly if a Notice and Order has been issued. Responsible parties should show that they are making progress toward compliance in order to receive an extension of time.

Chapter

5

LEGAL

These enforcement actions will generally be coordinated by the City Attorney, but will rely on the investigation and previous enforcement actions documented in the CE case file.

Activity Nuisances

Civil actions to be prepared by the City Attorney or designated legal counsel. Some examples include:

- Use and occupancy violations
- Licensing violations

Appeals

Appeals of a Notice and Order will follow the rules of procedure for an open record hearing listed in Exhibit A of Resolution No. 130. A Hearing Memorandum (see page 33) must be submitted to the Hearing Examiner at least seven days in advance of the scheduled hearing date. All correspondence with the Hearing Examiner must be routed through the City Clerk's office. City Attorney will take the lead on Appeals, with support from the enforcement officer.

Civil Citations

Notice of Civil Infraction (see pages 21 and 41) may be completed by the enforcement officer or by the prosecuting attorney.

Criminal Charges

Criminal complaint will be issued by a law enforcement officer or by the City Attorney or other designated counsel. The enforcement officer will prepare an Officer's Report (see page 42) and case background (including pictures and other evidence).

Search Warrants

The Affidavit will be completed by the enforcement officer and forwarded to the City Attorney to obtain the warrant.

Chapter

6

OPERATIONS

Officer Safety

The safety of investigators is paramount and takes precedence over all other procedures. All City employees should be aware and cautious when approaching a private residence on official business. Any information received that would warrant a reasonable person to be concerned for their safety should be noted in the CE case file as an officer safety alert.

Contact in the Field

When approaching a private residence where no prior contact with the owner/tenant has been made, the investigator should drive past the residence and observe the residence for anything that appears to be unusual (i.e. large amounts of junk, windows boarded up or damaged, excessive vehicles, etc.). If conditions exist that would arouse suspicion in a reasonable person, the investigator should either make the contact by telephone, or request an escort by a second investigator or a uniformed police officer. If conditions appear to be normal, the investigator may park in front of the residence and approach the front door. Investigators on a code enforcement case should always use a city vehicle in the field, instead of their personal vehicle. If at any time the investigator feels their personal safety is at risk, they should back out and request an escort. Employees should always identify themselves by name and position, and offer a business card.

Posting of Orders

With the exception of a Stop Work Order, the posting and/or service of other Orders should be done with a minimum of two people.

Criminal Activity

Any investigators that encounter criminal activity while on-duty shall make a report of the activity to the Police Department. Investigators should note addresses, vehicle licenses, names, and other pertinent information. Crimes in progress should be reported as soon as it is safe to do so.

Crimes against investigators

Any crimes against investigators (including threats that could likely produce bodily harm presently or in the future) shall be reported to the police department and to the investigator's supervisor. The police incident number and description of the incident should appear in the CE case file and the file flagged with an officer safety alert. A staff alert should be sent via email to CRT, Planning & Development Services, and to the Management Team.

Clandestine Drug Labs

Signs of a meth lab include:

- Strong, unpleasant/chemical odors – especially ammonia (cat box), but also ether, chloroform, or other solvents
- Presence of a considerable quantity of chemistry equipment
- Bottles or jugs used extensively for other purposes (e.g. milk jugs or 5-gallon buckets filled with unidentified liquids)
- Broken or discarded chemistry equipment – (e.g. broken flasks, beakers, tubing, or other chemical paraphernalia)
- Large amounts of tinfoil, baking soda, or electrical cords
- Unusually sophisticated weigh scales – (not necessarily an indicator by itself).

Dangers include:

- Unknown and lethal chemicals often stored improperly
- Contaminated broken glass, needles, and other paraphernalia
- Booby traps
- Risk of explosion or fire due to the flammable liquids used
- Toxic vapors

If you find a suspected meth lab:

- LEAVE THE PREMISES IMMEDIATELY! Do not touch or move anything – get out quickly.
- Wash your face and hands as soon as possible and check your physical symptoms. If you have concerns about symptoms you are experiencing, call your doctor, contact an emergency room, or call a poison control center for advice.
- As soon as reasonably possible, take a shower and change your clothes.
- Notify the police
- Inform supervisor
- Complete a city accident form
- Record the incident in the case file

Radio Procedures

Public works has extra radios available for checkout. Refer to CRT's radio procedures.

Chapter

7

ADDENDUM

Forms and Letters

Code Enforcement Referral

Code Enforcement Referral

Confidential - for official use only

CITY OF SHORELINE

Date: _____ Referred by: _____ Phone: _____

Type of Request:
- ☐ New
- ☐ Additional information
- ☐ Change in Status
- ☐ Referral

Status of Case:
- ☐ Open
- ☐ Closed
- ☐ Pending

Case Number: _____

Permit Number: _____

Order Number: _____

☐ **Urgent Level Priority** ☐ **Important Level Priority** ☐ **Routine Level Priority**

☐ **OFFICER SAFETY ALERT**

Details: _____

Location of Violation:
Address/Location: _____
Type of Property: _____ Parcel ID: _____

Complainant:
Name: _____ Agency/Dept: _____
Address: _____ How reported: _____
Home Phone: _____ Work Phone: _____ Other: _____

Property Owner:
Name(s): _____
Address: _____
Home Phone: _____ Work Phone: _____

Other Responsible Party:
Name: _____ ☐ Tenant ☐ Other _____
Address: _____
Home Phone: _____ Work Phone: _____

Incident Details:

_____

_____

_____

_____

_____

_____

_____

Referred to:
Name: _____ Agency/Dept: _____ Date: _____
Address: _____ Phone: _____
Reason: _____

Actions Taken/Requested:

_____

_____

_____

_____

Additional Documentation: _____

Available at K:/Common/Forms/Code Enforcement/Code Enforcement Referral.doc

Updated 12/08/09

Compliance Letter

City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 • Fax (206) 546-2200

DATE

NAME
ADDRESS
CITY, STATE, ZIP

Re: Incident #
Site Address:

Dear NAME:

Based on a recent inspection of the above site, we have found the site to be in compliance with Shoreline Municipal Codes regarding TYPE OF COMPLAINT. We appreciate your efforts in bringing this matter to a successful conclusion.

Please be aware that a repeat violation could result in double or triple the civil penalties, abatement actions, and/or the filing of misdemeanor charges.

If you have any questions or need additional information, please feel free to contact the Customer Response Team at (206) 546-1700. Again, thank you for your cooperation.

Sincerely,

Sherri Dugdale
Code Enforcement Officer
Planning & Development Services

City of Shoreline
Planning and Development Services
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 ♦ Fax (206) 546-2200

DECLARATION OF SERVICE

I, _____(print name)

declare that I am a citizen of the United States, am over 18 years of age and am currently employed by the City of Shoreline, located in King County, State of Washington.

On _____(date) at _____ hours, I served _____(name)

at _____(address)

with the attached
- ☐ Notice and Order to Correct _____(number).
- ☐ Notice to Vacate _____(number).
- ☐ Stop Work Order _____(number).

I served the Order(s) by:

- ☐ Posting at the above address at:

  _____(location).
- ☐ Personal service to:

  _____(name).
- ☐ Mailing one copy by ordinary first class mail and another copy by certified mail

  _____(number), return receipt requested,

  both to the above address.

Under penalty of perjury under the laws of the State of Washington, I certify and declare that the foregoing is true.

Signed _____(signature)

At Shoreline, Washington

Hearing Memorandum

BEFORE THE CITY OF SHORELINE HEARING EXAMINER

(Responsible Party) , Appellant, v. CITY OF SHORELINE, Respondent.	Notice and Order to Correct No. (case #) HEARING MEMORANDUM OF CITY OF SHORELINE

Summary Information

Case Number:
Case Opened:
Address of Violation:
Zoning:
Property Size:
Property Owner:
Date of Purchase:
Violations:

Background Information

Common Description of Property

Legal Description of Property

Site Description

(Physical description of the property)

Procedural History

(A brief synopsis of the case history)

Response to Appeal Issues

(List the appeal item verbatim, and response)

Recommendation

Staff recommends that the appeal be dismissed.

Attachments

(List of attachments)

Respectfully submitted this 20th day of April, 2000.

_____
Sherri Dugdale
Code Enforcement Officer

_____
Ian R. Sievers
City Attorney

Junk Vehicle Certification

STATE OF WASHINGTON Department of **Licensing**

JUNK VEHICLE

VERIFICATION, NOTIFICATION AND AFFIDAVIT

To qualify as a "Junk" vehicle, per RCW 46.55.010, a vehicle must meet at least three (3) of the following conditions:

- **Must be three years old or older**
- **Must be extensively damaged**
- **Must be apparently inoperable**
- **Must have a "Fair Market Value" equal only to the approximate value of the scrap in it**

If the vehicle meets the above requirements, contact a law enforcement agency to arrange for the inspection of the vehicle. If not, refer to RCW 46.55.230 concerning abandoned vehicles.

1 VERIFICATION - To be completed by a law enforcement officer.

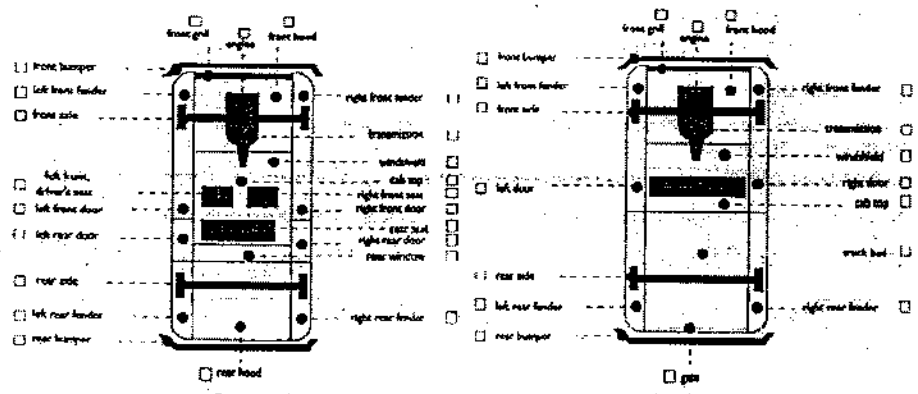
VEHICLE IDENTIFICATION				
License Plate Number	State	Year	Make	Vehicle Identification Number (VIN)

* Registered Owner: Name — Address (Street, City, State, Zip Code)

* Legal Owner: Name — Address (Street, City, State, Zip Code)

*** NOTE: If no Owner is found, enter "NONE" in appropriate spaces.**

VEHICLE DAMAGE



I have inspected the vehicle described above and certify that it meets the requirements set forth in RCW 46.55.010.

Officer's Printed Name | Officer's Title | Officer's Agency

Badge or Personnel # | Officer's Signature | Date

The Department of Licensing has a policy of providing equal access to its services. If you need special accommodations, please call (206) 902-3846 or TDD (206) 664-8885.

TD-420-549 Junk Vehicle Verif/NotAffid (R 8/94) OR Page 1 of 2

Front of Junk Vehicle Affidavit

2 **NOTIFICATION** - Landowner: Please complete this section and mail a COPY of the ENTIRE FORM to both the Registered and Legal Owner(s) of the vehicle, listed on the front of this form. If no Ownership was found, proceed to Section 3.

TO: _____ _____
Registered Owner's Name Legal Owner's Name

You are hereby notified, as of this date, _____ 19 ____ that the vehicle, described on the front of this form, may be disposed of, or the landowner, identified below, may sign an affidavit of sale (Section 3) to be used as a title document for the purpose of selling the vehicle. This is in accordance with RCW 46.55.230.

FROM: _____ _____
* Landowner's Name Landowner's Signature

_____ ( )
* Landowner's Address Landowner's Telephone Number

* For the purposes of this notice the term "Landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

REDEMPTION PROCEDURE

VEHICLE OWNER'S RIGHTS:

The vehicle owner has the right to arrange for the removal of the vehicle within fifteen days after the landowner has mailed notification to the vehicle owner.

LANDOWNER'S RIGHTS IF A VEHICLE REMAINS UNCLAIMED

a. If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the owner, the landowner may dispose of the vehicle or sign an affidavit of sale, to be used as a title document.

b. The landowner of the property upon which the junk vehicle is located, is entitled to recover, from the vehicle's owner, all costs incurred in the removal of the junk vehicle.

3 **LANDOWNER AFFIDAVIT** - Landowner: If the vehicle is not claimed within fifteen days, or a vehicle owner was not found, have the following Landowner Affidavit notarized. It may be used as a title document, to dispose of the vehicle. You are responsible for making arrangements for removal of the vehicle.

I hereby claim the right to dispose or retain the vehicle described on the front of this form, as provided in RCW 46.55.230.

PLEASE CHECK ONE:

☐ I mailed the Junk Vehicle Notification to the Registered and Legal Owner(s) of the vehicle and the owner(s) have not redeemed the vehicle.

☐ No Registered or Legal Owner(s) information could be found.

I certify that the information contained herein is accurate and complete and that the disposition complies with the requirements set forth in RCW 46.55.230.

Signature of Landowner: _____ Date Signed: _____

NOTARY PUBLIC OR LICENSE AGENT NAME AND OFFICE NUMBER	SUBSCRIBED AND SWORN TO BEFORE ME	RESIDING AT
	ON THIS ____ DAY OF _____ 19____	

4 **IF VEHICLE IS SOLD BY LANDOWNER**

Purchaser's Name and Address _____

Signature of Purchaser: _____ Date of Sale _____

NOTE: If you intend to operate this vehicle after completion of repairs, this form and the vehicle must be taken to the Washington State Patrol for Inspection. A separate WSP inspection form must be included with your title application. (RCW 46.12.030.)

TO-420-545 Junk Vehicle Verif/Notif/Affid (R 8/94) OR Page 2 of 2

Back of Junk Vehicle Affidavit

Letter of Extension

CITY OF SHORELINE

Planning and Development Services
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

Date

Name
Address

RE: Notice & Order to Correct #52450
Location:

Dear:

This letter is in response to your request for an extension of the 30-day compliance period set forth in the Notice and Order to Correct. We find that you are making satisfactory progress toward compliance and grant an extension of the compliance period until DATE. This should provide enough time to finalize the restoration plan and submit a complete permit application package.

Thank you for your progress thus far. Please do not hesitate to contact me at (206) 546-0783 with any further questions you may have.

Sincerely,

Sherri Dugdale
Code Enforcement Officer
Planning & Development Services

CITY OF SHORELINE

Planning and Development Services
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700

NOTICE - UNSAFE TO OCCUPY

DO NOT ENTER

ORDER #_____ PERMIT #_____

PROPERTY ADDRESS:_____

POSTED DATE:_____ TIME:_____ BY:_____

No person shall remain in or enter this ☐building ☐premises, except that entry may be made to repair, demolish or remove building under permit or upon prior written consent of the Director. This order is issued pursuant to SMC 16.25.

WARNING: IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING, OR TO REMOVE, CONCEAL, OR DEFACE THIS ORDER.

Signed: _____ Title: _____ Date:_____

QUESTIONS: PLEASE CALL (206) 546-1700 AND REFER TO THE ORDER NUMBER LISTED ABOVE.

Updated 01/10/2000 White (Office) Canary (Building Official) Pink (Code Enforcement) Lime (Posted at site)

City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 • Fax (206) 546-2200

NOTICE AND ORDER TO CORRECT

VIA CERTIFIED MAIL
RETURN RECEIPT #

Date

NAME
ADDRESS
CITY, STATE, ZIP

Re: Incident #

Dear **<NAME>:**

1. You are hereby notified that the Director of Planning and Development Services has found you to be the responsible party for a code violation located at:

   ADDRESS OF VIOLATION:

   PARCEL #:

   LEGAL DESCRIPTION OF PROPERTY:

   This property is being maintained as a public nuisance in violation of the provisions of Chapter 16.25 of the Shoreline Municipal Code. The following are conditions which render the subject property a public nuisance:

   <CONDITIONS>

2. The Director has determined that the violations on the subject property must be corrected with the following actions:

   <ACTIONS>

3. The required corrective actions must commence, and any required permits to perform the corrective action must be obtained from the proper issuing agency, within **<COMMENCE TIME>** and be completed within **<COMPLETION TIME>** from the date of this Order.

4. You are further notified that if the required corrective actions are not commenced and/or completed within the specified time, the Director may:

   (a) Assess civil penalties in the amount of $500.00 per violation for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen day period and each such period or portion thereafter, shall be double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;
   (b) Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
   (c) Submit this matter to Superior Court for injunctive relief; and/or
   (d) Recommend to the City Attorney the filing of criminal misdemeanor charges.

5. This Notice and Order may be recorded against the property in the King County Office of Records and Elections subsequent to service.

6. Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is recorded may request an appeal of the Notice and Order within ten days of the date of service of this Order. A Notice of Appeal must be filed in writing with the City Clerk no later than 5:00 pm on the tenth day following the service of this Order. An appeal fee of $350.00 is required at the time of filing an appeal.

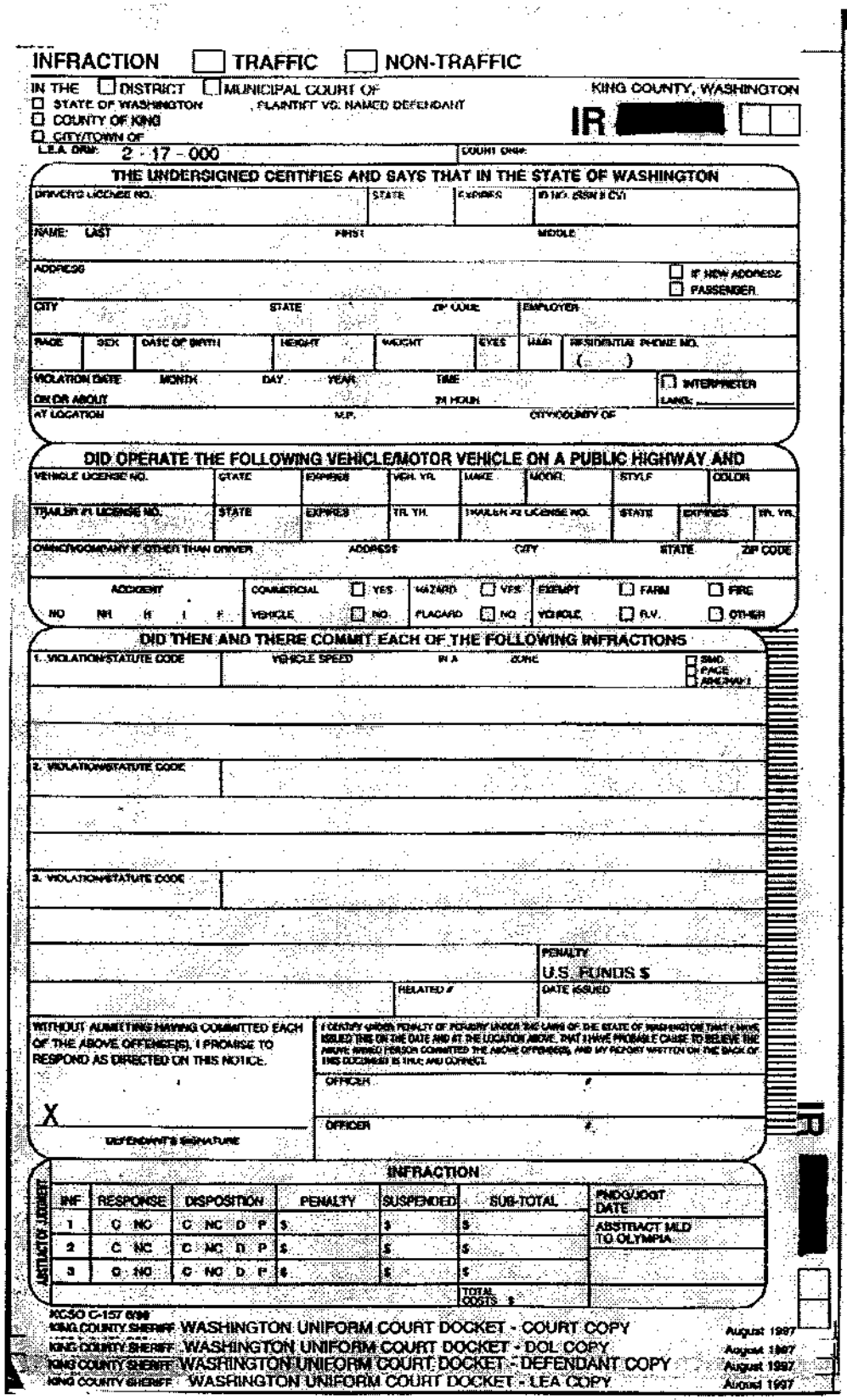
7. Failure to appeal within ten days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

8. **As the responsible party, it is <u>your</u> duty to notify the Director of any actions taken to achieve compliance with the Notice and Order. You may request a compliance inspection by calling (206) 546-1700.**

Sincerely,

Sherri Dugdale
Code Enforcement Officer
Planning and Development Services

Notice of Civil Infraction



INFRACTION ☐ TRAFFIC ☐ NON-TRAFFIC

IN THE ☐ DISTRICT ☐ MUNICIPAL COURT OF KING COUNTY, WASHINGTON
☐ STATE OF WASHINGTON , PLAINTIFF VS. NAMED DEFENDANT
☐ COUNTY OF KING
☐ CITY/TOWN OF

IR [redacted]

L.E.A. DR#: 2 - 17 - 000 COURT DR#:

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. | STATE | EXPIRES | ID NO. (SSN # CVI)

NAME: LAST | FIRST | MIDDLE

ADDRESS ☐ IF NEW ADDRESS ☐ PASSENGER

CITY | STATE | ZIP CODE | EMPLOYER

RACE | SEX | DATE OF BIRTH | HEIGHT | WEIGHT | EYES | HAIR | RESIDENTIAL PHONE NO. ( )

VIOLATION DATE ON OR ABOUT: MONTH DAY YEAR | TIME IN HOUR | ☐ INTERPRETER LANG:

AT LOCATION | M.P. | CITY/COUNTY OF

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO. | STATE | EXPIRES | VEH. YR. | MAKE | MODEL | STYLE | COLOR

TRAILER #1 LICENSE NO. | STATE | EXPIRES | TR. YR. | TRAILER #2 LICENSE NO. | STATE | EXPIRES | TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER | ADDRESS | CITY | STATE | ZIP CODE

ACCIDENT: NO INJ. F. I. F. | COMMERCIAL VEHICLE ☐ YES ☐ NO | HAZARD PLACARD ☐ YES ☐ NO | EXEMPT VEHICLE ☐ FARM ☐ R.V. ☐ FIRE ☐ OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING INFRACTIONS

1. VIOLATION/STATUTE CODE | VEHICLE SPEED | IN A ZONE | ☐ SWD ☐ PACE ☐ RADAR

2. VIOLATION/STATUTE CODE

3. VIOLATION/STATUTE CODE

PENALTY U.S. FUNDS $

RELATED # | DATE ISSUED

WITHOUT ADMITTING HAVING COMMITTED EACH OF THE ABOVE OFFENSE(S), I PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE.

X
DEFENDANT'S SIGNATURE

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT IS TRUE AND CORRECT.

OFFICER #

OFFICER #

IR [redacted]

ENTRY OF JUDGMENT

INFRACTION

INF.	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FINDG/JDGT DATE
1	C NC	C NC D P	$	$	$	ABSTRACT MLD TO OLYMPIA
2	C NC	C NC D P	$	$	$	
3	C NC	C NC D P	$	$	$	
				TOTAL COSTS	$	

KCSO C-157 6/96
KING COUNTY SHERIFF WASHINGTON UNIFORM COURT DOCKET - COURT COPY August 1997
KING COUNTY SHERIFF WASHINGTON UNIFORM COURT DOCKET - DOL COPY August 1997
KING COUNTY SHERIFF WASHINGTON UNIFORM COURT DOCKET - DEFENDANT COPY August 1997
KING COUNTY SHERIFF WASHINGTON UNIFORM COURT DOCKET - LEA COPY August 1997

Contact: Sherri Dugdale
Code Enforcement Officer
Phone 206-546-0783
Fax 206-546-6340

17544 Midvale Avenue N.
Shoreline, WA 98133-4921
Phone 206-546-1700
Fax 206-546-2200

CITY OF SHORELINE

Officer's Report

Date of Report:

Code Enforcement Case # **Associated Permit #**

Notice and Order # **Type:** **Date:**

Location of Violation:

Type of Property: **Parcel ID:**

Type of Violation:

RESPONSIBLE PARTY INFORMATION

Name: **DOB:** **Sex:** **Race:**

Address:

Home Phone: **Work Phone:**

Occupation: **D/L:** **SS#:**

WITNESS INFORMATION

Name: **DOB:** **Sex:** **Race:**

Address:

Home Phone: **Work Phone:**

Occupation: **D/L:** **SS#:**

EVIDENCE

Documents Attached:

NARRATIVE

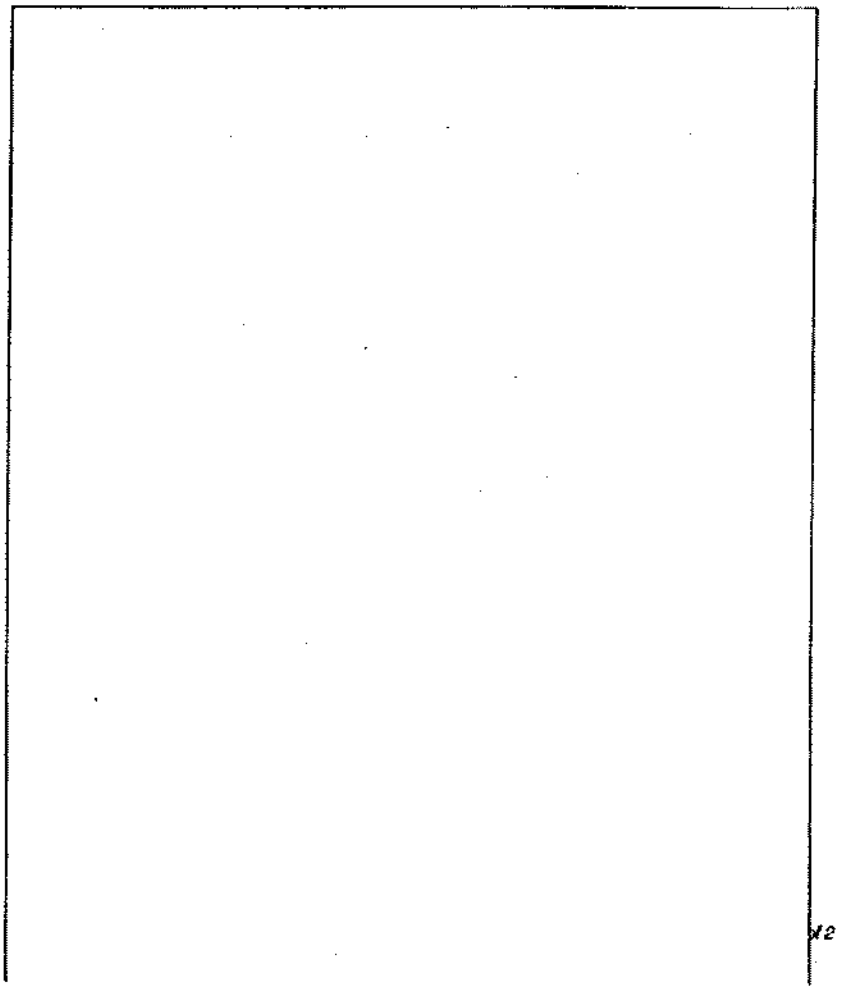


Photo Template

Incident #47031 Address/Location: 14539 32nd Ave. NE
Photos taken 01/27/00 at 1141 hours by Sherri Dugdale

Figure 1, Front view of site

Figure 2, South side of the dwelling

47021 Photos 01272000.doc

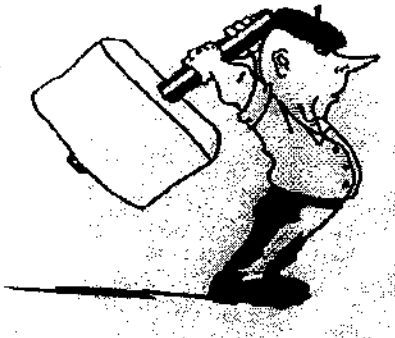
REFUSE/DEBRIS SUPPLEMENTAL REPORT

INSPECTION DATE	TIME	OFFICER	INCIDENT NUMBER
ADDRESS/LOCATION			PHONE

AUTOMOTIVE PARTS	VEHICLE BODY PARTS	FURNISHINGS	APPLIANCES
☐ Alternator	☐ Bumper	☐ Bed frame	☐ Air conditioner
☐ Axles	☐ Car seats	☐ Cabinets	☐ Dishwasher
☐ Carburetor	☐ Chrome stripping	☐ Carpet/pad	☐ Dryer
☐ Distributor	☐ Dashboard	☐ Chairs	☐ Freezer
☐ Driveshaft	☐ Door panels	☐ Crib	☐ Garbage compactor
☐ Engine block	☐ Hood	☐ Dresser/night stand	☐ Heat pump
☐ Exhaust pipes	☐ Grill	☐ Lamps	☐ Oven
☐ Gas tanks	☐ Headlights	☐ Mattress	☐ Refrigerator
☐ Hoses	☐ Quarter panels	☐ Shelves	☐ Small appliances
☐ Manifold	☐ Steering column	☐ Sinks	☐ Stove
☐ Muffler	☐ Stereo components	☐ Sofas	☐ Swamp cooler
☐ Radiator	☐ Tail lights	☐ Stereo components	☐ Washing Machine
☐ Starter	☐ Windows side/rear	☐ Table	☐ Water heater
☐ Tire rims	☐ Windshield	☐ Television	☐ _____
☐ Tires	☐ _____	☐ Toilet	☐ _____
☐ Transmission	☐ _____	☐ Tub/shower stall	☐ _____
☐ Valve covers	☐ _____	☐ _____	☐ _____
☐ Vehicle Chassis	☐ _____	☐ _____	☐ _____
☐ _____	☐ _____	☐ _____	☐ _____

GARBAGE & TRASH	BULK MATERIALS	OTHER/MISCELLANEOUS
☐ Bedding	☐ Asphalt	☐ _____
☐ Books	☐ Bricks	☐ _____
☐ Bottles/cans	☐ Cinder blocks	☐ _____
☐ Cardboard	☐ Compost	☐ _____
☐ Clothing	☐ Concrete	☐ _____
☐ Diapers	☐ Container (empty)	☐ _____
☐ Food items	☐ Container (full)	☐ _____
☐ Garbage – bagged	☐ Fencing	☐ _____
☐ Garbage – loose	☐ Firewood	☐ _____
☐ Grass clippings	☐ Gravel	☐ _____
☐ Leaves	☐ Lead pipes	☐ _____
☐ Magazines	☐ Plastic pipes	☐ _____
☐ Newspaper	☐ Sand	☐ _____
☐ Paper	☐ Scrap lumber	☐ _____
☐ Plastic	☐ Scrap metal	☐ _____
☐ Tree branches	☐ Scrap wood	☐ _____
☐ _____	☐ Soil	☐ _____
☐ _____	☐ Wood chips	☐ _____
☐ _____	☐ Wood pallets	☐ _____
☐ _____	☐ _____	☐ _____

NARRATIVE



ATTENTION!

According to our records, the following work has not been permitted by the City of Shoreline: _____

_____

Please contact the City of Shoreline within 1 business day to discuss your application for a permit. Failure to do so may result in further enforcement actions such as the posting of a Stop Work Order.

PLEASE DO NOT CONTINUE WORK WITHOUT A VALID PERMIT.

If you already have a valid permit for the work mentioned above, please provide us with the permit number.

Thank you for your cooperation!

CASE #_____

PROPERTY ADDRESS:_____

DATE:_____ TIME:_____ BY:_____

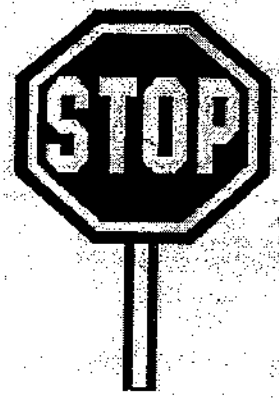
Please contact: City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921
Phone: 206-546-1700
Hours: M-F, 8 am – 5 pm

CITY OF SHORELINE

Updated 03/07/2000 White (Office) Canary (Code Enforcement) Pink (Posted at site)

CITY OF SHORELINE

Planning and Development Services
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700



STOP WORK IMMEDIATELY

ORDER #_____ PERMIT #_____

PROPERTY ADDRESS:_____

POSTED DATE:_____ TIME:_____ BY:_____

No person shall commence any work, including construction, alteration, repair or occupancy related to the violation(s) listed below:

- ☐ Construction without a valid permit: _____
- ☐ Grading/Clearing without a valid permit:_____
- ☐ Zoning violation: _____
- ☐ Unsafe Building or Structure: _____
- ☐ Other: _____

Except that the following corrective work is allowed: _____

_____

WARNING: IT IS A MISDEMEANOR TO RESUME WORK IN VIOLATION OF THIS ORDER, OR TO REMOVE, CONCEAL, OR DEFACE THIS ORDER.

THIS ORDER IS ISSUED BY THE DIRECTOR, PURSUANT TO SMC 16.25

Signed:_____ Title:_____ Date:_____

Questions: please call (206) 546-1700 and refer to the order number listed above.

Updated 01/10/2000 White (Office) Canary (Building Official) Pink (Code Enforcement) Fuchsia (Posted at site)

Violation Notification Letter – Strike One

City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 ♦ Fax (206) 546-2200

Date

NAME
ADDRESS
CITY, STATE, ZIP

Re: Incident #

Dear NAME:

The City of Shoreline has received a complaint regarding TYPE OF COMPLAINT. A recent inspection has revealed the following violation(s):

DESCRIPTION OF VIOLATION:

CORRECTIVE ACTION REQUIRED:

As the person responsible for this violation, you are required to correct the violation by DATE. Failure to do so may result in further enforcement actions, which may include civil penalties, abatement actions, and/or criminal misdemeanor charges.

For further clarification and assistance in this matter, please contact the officer named below as soon as possible in order to obtain any additional information you may need to make the corrections, and to schedule a re-inspection. We appreciate your cooperation and prompt attention to this matter.

Sincerely,

Name
Customer Response Team

Violation Letter – Strike Two

City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 ♦ Fax (206) 546-2200

DATE

NAME
ADDRESS
CITY, STATE, ZIP

Re: Incident #

Dear NAME:

On DATE, you were notified by the City of Shoreline that you were in violation of Shoreline's city codes concerning TYPE OF COMPLAINT. Our records indicate that you were informed of the nature of the violation, the action necessary to correct the violation, and that you were given ample time to remedy the violation.

DESCRIPTION OF VIOLATION:

CORRECTIVE ACTION REQUIRED:

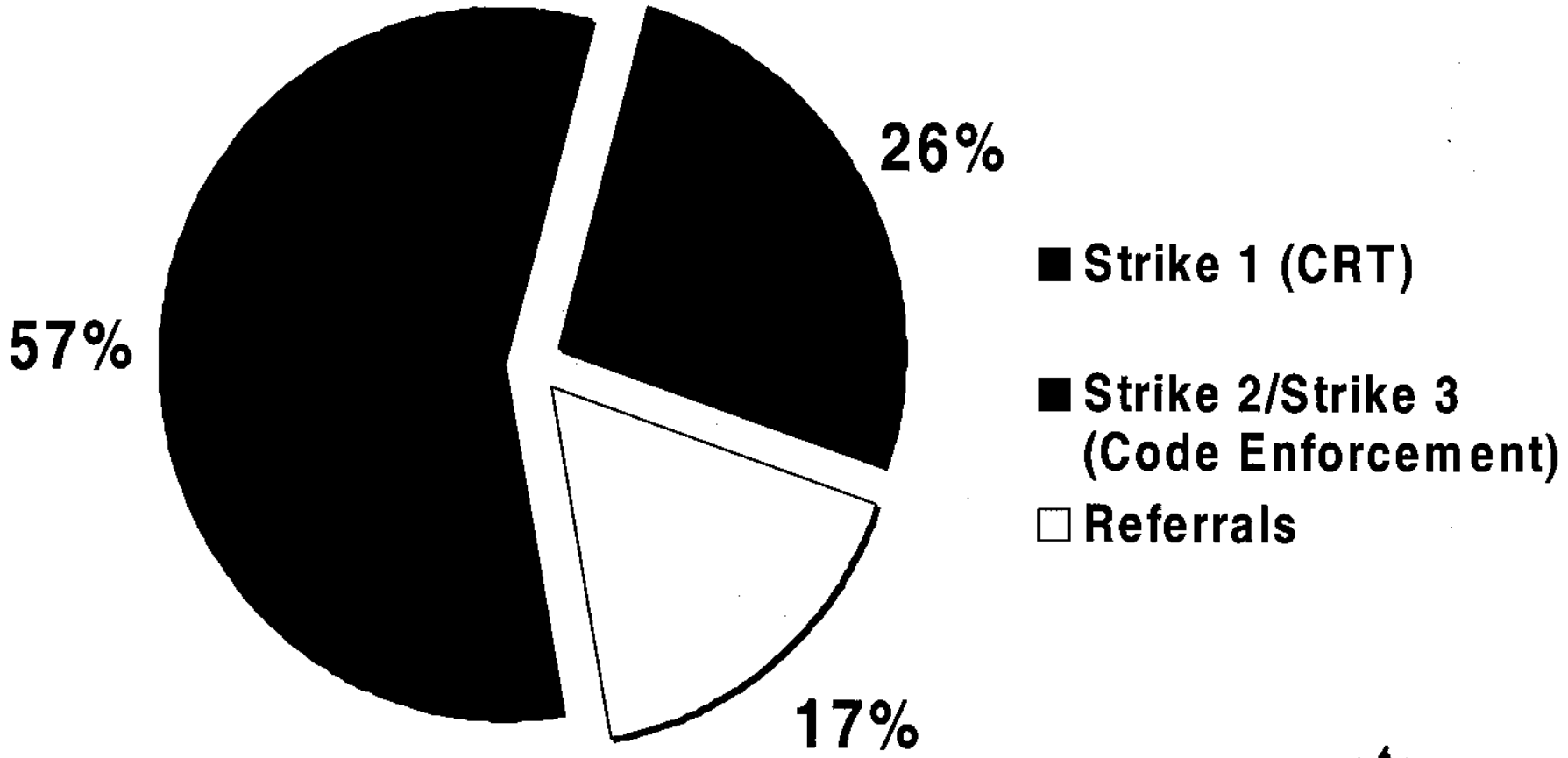
Another inspection was made of your property on DATE, which revealed that the necessary corrective action had not been taken. This letter is to notify you that unless you take action to correct this violation by NEW DATE, we will have no choice but to pursue enforcement actions, which may include civil penalties, abatement actions, and/or criminal misdemeanor charges. In order to avoid the possibility of these penalties, please take the corrective action requested.

For further clarification and assistance in this matter, please contact the officer named below as soon as possible in order to obtain any additional information you may need to make the corrections, and to schedule a re-inspection. We appreciate your cooperation and prompt attention to this matter.

Sincerely,

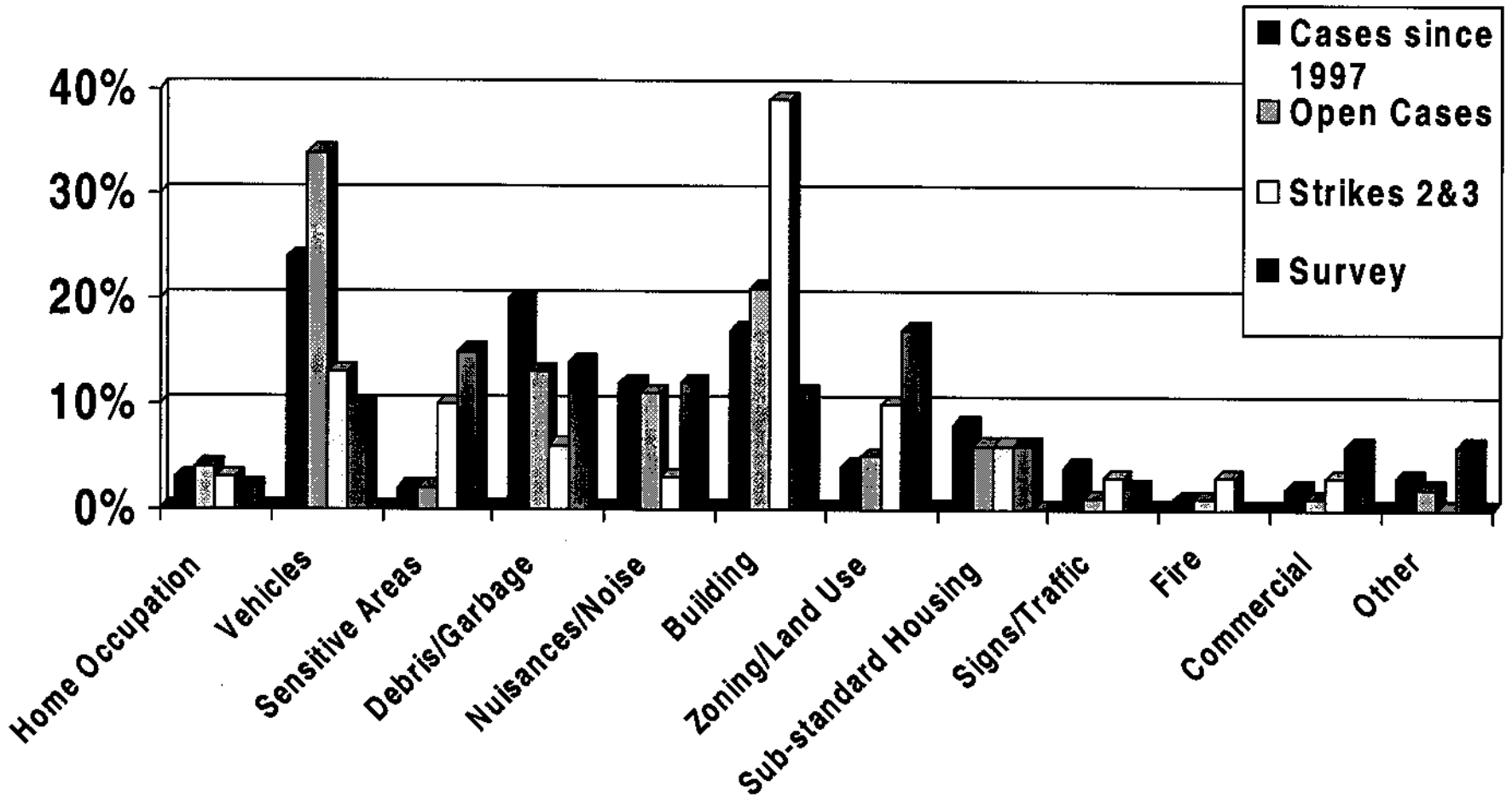
Sherri Dugdale
Code Enforcement Officer
Planning & Development Services

Current Case Load - 119 cases



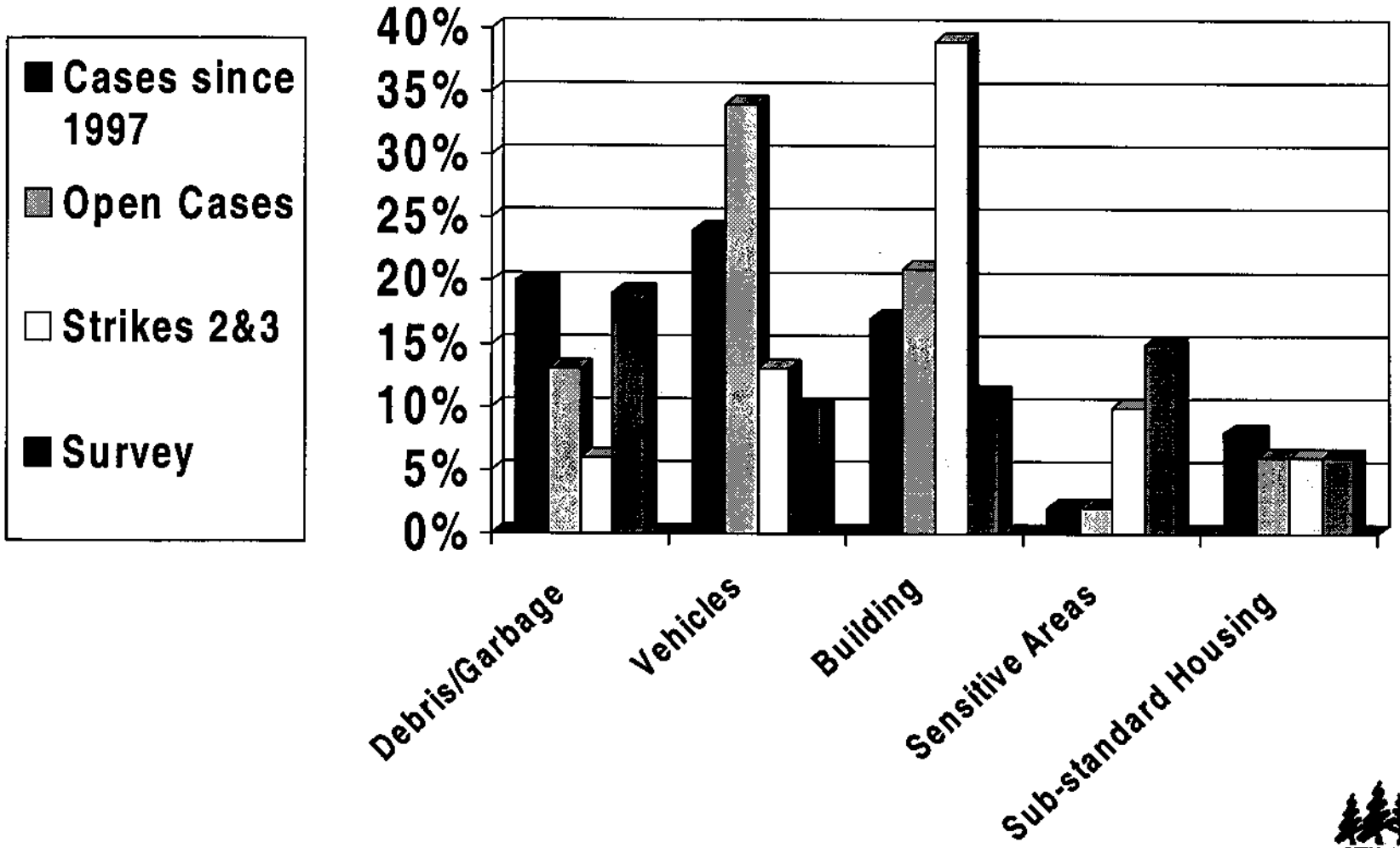
Attachment C

Categories of Cases



Attachment D

Close-up of 5 Categories



Attachment E

Council Meeting Date: July 17, 2000 **Agenda Item: 6(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Budget and Capital Improvement Program (CIP) Plan Policies
DEPARTMENT:	Finance
PRESENTED BY:	Debbie Tarry, Finance Director

EXECUTIVE / COUNCIL SUMMARY

Attached are recommended Budget and Capital Improvement Program (CIP) Plan policies to be adopted by the City Council.

Policies provide guidance for staff when developing work products and conducting City business and help provide a roadmap for obtaining goals. In 1995 the City Council adopted a set of Financial Management Policies that provided broad guidance in the areas of budgeting, accounting and financial reporting, investments, fixed asset management, and purchasing. Since that time the City's processes have matured and as a result, the original policies need to be reviewed and updated. Over the next year the Finance Department will be reviewing these financial policies and bringing recommended revisions or enhancements to the City Council for adoption.

The City is in the initial phases of the 2001 budget process and therefore it is appropriate to begin the policy update process with the Budget and Capital Improvement Program (CIP) Plan policies (see Attachment A). These policies provide overall guidance in the development of the City's operating and capital budgets. The policies are based on State Statute, recommended best business practices of the Government Finance Officers Association (GFOA), and the recommended budget practices of the National Advisory Council on State and Local Budgeting (NACSLB).

RECOMMENDATION

This item is for discussion purposes at the July 17, 2000 Council Workshop. With City Council concurrence, staff would recommend the adoption of the Budget and CIP policies at the August 28, 2000 regular City Council meeting.

Approved By: City Manager LB City Attorney N/A

BACKGROUND / ANALYSIS

In 1995 the City Council adopted a set of Financial Management policies. These policies provided overall guidance for financial practices related to budgeting, accounting and financial reporting, investments, fixed asset management, and purchasing. Since that time the City's financial operations have matured and as a result, the policies need to be reviewed and revised as necessary to provide policy guidance for best financial business practices.

Since the City is in the initial phases of the 2001 budget process, it is appropriate to begin the policy review with those related to budget and CIP planning. NACSLB defines the budget process as activities that encompass the development, implementation, and evaluation of a plan for the provision of services and capital assets. The goal of the budget process is to help decision makers make informed choices about the provision of services and capital assets and to promote stakeholder participation in the process. NACSLB recommends that the key characteristics of the budget process include the following:

- Long-term perspective;
- Linkages to broad organizational goals;
- Focus of budget decisions on results and outcomes; and
- Effective communication with stakeholders.

With these recommended characteristics in mind, the previously adopted policies were reviewed and revised to develop the policies included in this packet. In addition, the policies formalize much of the budget criteria and practices used by the City over the last few years.

The following is a brief summarization of each of the broad categories of the policy document itself.

Financial Planning

The first policy statement states that the City intends to have long-term financial plans and this financial planning will be for a six year planning horizon. This sets the stage for balancing long-term financial stability with meeting the need for municipal services to Shoreline's citizens. The City has been following this practice.

General Budget Policies

General Budget policies include the basic criteria that staff will follow when developing budget proposals for the City Council. The most significant criteria requires that a balanced budget be submitted, and that operating expenditures will be supported by operating (on-going) revenue sources. This policy provides that one-time unanticipated additional resources will not be used to fund operating expenditures. In addition it makes it clear that the budget will be adopted by the Council at the "fund" level (i.e., General Fund). This has been the past practice of the City, and it is important to make this clear, as it determines at what level staff can administratively make adjustments within the budget structure. The remainder of this section formalizes the budget criteria that staff has used in developing previous budgets.

Formulation and Approval of Budgets

This policy statement outlines the required time frame for the budget development process as provided by State law. To date, the City has used a more accelerated time frame in budget development, than that mandated by the State. In addition this policy provides for some of the basic components that should be included in the budget document.

Budget Adjustment and Amendment Process

This policy differentiates between two methods of altering the City's budget. An adjustment is when changes are made within or between departments, but there is not an increase in overall expenditures at the fund level (i.e., General Fund). Adjustments may be made administratively with City Manager approval. Amendments, on the other hand, are changes in expenditures at the fund level and require City Council approval through the adoption of a budget amendment ordinance. In either case, if a proposed change in budget were to change the overall budget program, prior City Council approval would be required.

Reserve and Contingency Fund Policies

These policies formalize and enhance some of the general practices that the City has followed in developing previous budgets. This policy specifically designates that the City will maintain a Contingency Reserve and Unreserved Fund Balances in operating funds. Council has had a policy of maintaining a General Fund Reserve of 10% of operating revenues. As was shared with the Council in year 2000 budget submittal, State Law (RCW 35.33.145) limits a contingency reserve to no more than 37.5 cents per one thousand dollars of assessed valuation of property within the City. In 2000 this would limit a Contingency Reserve to $1,278,952. To comply with the State law, the City created a designated Contingency Reserve Fund, which is separate from any undesignated General Fund balance. This new policy would suggest that the combination of the Contingency Reserve and the undesignated General Fund Balance be a minimum of 10% of the General Fund budgeted operating revenues. Other operating funds should maintain a minimum unreserved fund balance of 5% of budgeted operating revenues.

The year 2000 budget provided that for the General Fund the combination of the Contingency Reserve, Unreserved Fund Balance, budgeted General Fund Operating Contingency, and budgeted Insurance Reserve, were approximately 14% of budgeted General Fund expenditures. Since the Contingency Accounts (Operating Contingency and Insurance Reserve) are not reserves carried forward from year to year, but rather a budgeted line-item, it is recommended that these accounts not be included in determining adequate on-going reserve levels. The combination of the Contingency Reserve and budgeted undesignated Fund Balance in the General Fund totaled 11.1% of budgeted revenues in the year 2000 budget.

The policy also provides for budgeting an operating contingency and insurance contingency line-items in the General Fund and a capital contingency in each of the Capital Project Funds.

Capital Improvement Plan (CIP) Policies

These policies outline the general process and criteria that will be used by staff in developing the CIP for submission to the City Council. In addition it provides guidelines for some of the financial aspects of financing of the CIP. Most importantly it recognizes the CIP as an integral part of the City's long-term financial and programmatic planning and integrates the CIP as part of the budget process.

Some of the main components within the policies include:

- Establishment of Capital Improvement Plan Coordination Team. This is a cross department team that will review and analyze proposed capital projects for the CIP plan.
- General guidance for the CIP process including updates and amendments to the CIP plan.
- General guidance for defining the types of projects included in the CIP document.
- Provision of maintenance and operational costs, associated with the CIP project, be included as part of the CIP and that those costs be integrated into the City's long-term financial plans.
- General guidance for the use of Local Improvement Districts (LID).
- General guidance for the criteria in balancing the need for additional infrastructure against the maintenance of the existing infrastructure and the inclusion of appropriate costs in planning CIP projects.
- General guidance on financial matters related to the implementation of the CIP.

RECOMMENDATION

This item is for discussion purposes at the July 17, 2000 Council workshop. With City Council concurrence, staff would recommend the adoption of the Budget and CIP policies at the August 28, 2000 regular City Council meeting.

ATTACHMENTS

A. Budget and Capital Improvement Program Plan Policies

F:\DEPT\FIN\Debbie\2000\Staff Reports\Budget and CIP Policies.dot

ATTACHMENT A

CITY OF SHORELINE

BUDGET
AND
CAPITAL IMPROVEMENT PROGRAM (CIP) PLAN POLICIES

I. Financial Planning Policies

II. General Budget Policies
- A. No Operating Deficit
- B. Resources Greater than Estimates
- C. Budget Adoption Level
- D. Necessary to Implement City Council Goals Identified in Annual Workplan
- E. Public Safety Protection
- F. Degradation of Current Service Levels
- G. Investments that are Primarily funded by Additional Fees or Grants
- H. Investments that delay Future Cost Increases
- I. Investments that Forestall Adding Permanent Staff
- J. Commitments that can Reasonably be Maintained over the Long Term
- K. Overhead and Full Cost Allocation
- L. Maintenance of Quality Service Programs
- M. Distinguished Budget Presentation

III. Formulation and Approval of Budgets

IV. Budget Adjustment and Amendment Process
- A. Adjustment
- B. Amendment

V. Reserve and Contingency Fund Policies
- A. Contingency Reserve
- B. Unreserved Fund Balance
- C. Budgeted Operating Contingency
- D. Budgeted Insurance Reserve
- E. Budgeted Capital Improvement Contingency.

VI. Capital Improvement Program Plan Policies

A. Relationship of Long-Range Plans to the CIP
B. Capital Improvement Plan Coordination Team
C. Establishing CIP Priorities
D. Types of Projects Included in the CIP
E. Scoping and Costing Based on Predesign Study
F. Required Project Features and Financial Responsibility
G. Predictability of Project Timing, Cost and Scope
H. CIP Maintenance and Operating Costs
I. Local Improvement Districts (LID)
J. Preserve Existing Capital Infrastructure Before Building New Facilities
K. New Facilities Should be of High Quality, Low Maintenance, Least Cost
L. Public Input at All Phases of Projects
M. Basis for Project Appropriations
N. Balanced CIP Plan
O. Use of Debt in the CIP
P. Finance Director's Authority to Borrow
Q. CIP Plan Update and Amendment
R. Usage of County-Imposed Vehicle License Fees
S. Formalization of Monetary Agreements
T. Applicable Project Charges

I. FINANCIAL PLANNING POLICY

The City shall develop and maintain a 6-year financial forecast that estimates resource and expenditure behavior for the five years beyond the current budget period. This forecast will provide the City's decision makers with an indication of the long-term fiscal impact of current policy and budget decisions. This planning tool must recognize the effects of economic cycles on the demand for services and the City's resources. To this end, the forecast should differentiate between revenue associated with one-time economic activities and revenues derived as a result of base economic growth. City financial planning should ensure the delivery of needed services (many of which become more critical during economic downturns) by assuring adequate reliance on ongoing resources in order to support continued City services during economic downturns.

II. GENERAL BUDGET POLICIES

These general budget policies are the basis on which staff develops budget recommendations and establishes funding priorities within the limited revenues the City has available to provide municipal services.

A. No Operating Deficit: Current revenues will be sufficient to support current expenditures. Revenue estimates will be realistic and debt financing will not be used for current operating expenses.
B. Resources Greater than Budget Estimates: Resources (fund balance) greater than budget estimates in any fund shall be considered "one-time" resources and shall not be used to fund ongoing service delivery programs.
C. Budget Adoption Level: Budget adoption by the City Council shall be at fund level. Any changes in appropriations at fund level require City Council approval.
D. Necessary to Implement City Council Goals Identified in Annual Workplan: The City Council identifies specific goals as part of its work-plan, and departmental budgets should include adequate resources to accomplish those goals in the expected timeframes.
E. Public Safety Protection: Public safety is a top priority, and as such, unmet needs in this area should have a priority over other service areas.
F. Degradation of Current Service Levels: When increased service demands are experienced over a sustained period of time, resources should be provided to prevent service level degradation below an acceptable level.
G. Investments that are Primarily Funded by Additional Fees or Grants: Programs and investments that are funded through a dedicated revenue source (i.e., non-tax revenue), that meet the goals of the City Council, will receive priority consideration.
H. Investments that Delay Future Cost Increases: When practical, resources should be allocated for selective preventative investments that can be made to avoid even larger costs in the future.
I. Investments that Forestall Adding Permanent Staff: Recognizing that personnel related expenditures represent the largest portion of the City's budget, methods to increase efficiency and effectiveness of the delivery of City services through technology improvements should receive priority funding if it can forestall the addition of permanent staff.
J. Commitments that can Reasonably be Maintained over the Long-Term: Funding for new programs and services in operating funds should be limited to the extent

that they can be reasonably funded over the near-to-long-term given the current revenue stream.

K. Overhead and Full Cost Allocation: Department budgets should be prepared in a manner to reflect the full cost of providing services.

L. Maintenance of Quality Service Programs: The City of Shoreline will offer quality service programs. If expenditure reductions are necessary as a result of changing economic status, selective service elimination is preferable to poor or marginal quality programs that are caused by across the board cuts.

M. Distinguished Budget Presentation: The City will seek to comply with the suggested criteria of the Government Finance Officers Association in producing a budget document that meets the Distinguished Budget Presentation program criteria as policy document, as an operations guide, as a financial plan, and as a communication device.

III. FORMULATION AND APPROVAL OF BUDGETS

In accordance with RCW 35A.33, departments shall be requested by the Finance Director to prepare detailed estimates of revenues and expenditures for the next fiscal year by no later than the second Monday of September. Responses will be due by no later than the fourth Monday in September, and by no later than the first business day in October, the Finance Director will present to the City Manager a proposed preliminary budget setting forth the complete financial program, showing expenditures requested by each department and sources of revenue by which each program is proposed to be financed.

Although the schedule outlined above meets the requirements of the Revised Code of Washington, the Shoreline budget process usually follows an accelerated time schedule. The Finance Director typically requests departments to prepare their detailed estimates of revenues and expenditures for the next fiscal year in July, with those responses due in August.

By no later than the first Monday in October, the City Manager will provide the City Council with current information on estimates of revenues from all sources as adopted in the budget for the current year. The City complies with this requirement by providing the City Council with a quarterly report and a comprehensive overview of the City's current financial position at a summer Budget Retreat.

The administration will analyze program priorities and needs and recommend funding levels for each program in a proposed operating budget and six-year capital improvement program, which will be submitted to the Council by no later than 60 days prior to the end of the fiscal year. The City Manager typically presents the proposed budget to the City Council in late October.

As part of the budget document, a budget message will be prepared that contains the following:

- An explanation of the budget document.
- An outline of the recommended financial policies and programs of the City for the ensuing fiscal year.
- A statement of the relation of the recommended appropriation to such policies and programs.

- A statement of the reason for salient changes from the previous year in appropriation and revenue items.
- An explanation of any recommended major changes in financial policy.

The operating budget proposal for the general fund will include a financial plan that shows projected revenues and expenditures for at least the next five fiscal years. The financial plan will provide an explanation of the assumptions used in projecting future year expenditure and revenue levels, such as growth in tax revenues, inflation, cost of services, and other factors that may impact the financial condition of the City.

The operating budget will be classified and segregated according to a standard classification of accounts as prescribed by the State Auditor.

The Council will hold public hearings as required and approve operating and capital budgets prior to the end of the fiscal year in accordance with State law.

IV. BUDGET ADJUSTMENT & AMENDMENT PROCESSES

Under the provisions of State law and the City's operating procedures, the operating budget may be adjusted or amended in two different ways. Adjustment of the budget involves a reallocation of existing appropriations and does not change the budget "bottom line." Amendment of the budget involves an addition to or reduction of existing appropriations.

A. Adjustment

The City departmental expenditures and program goals are monitored throughout the year. Certain departments may develop the need for additional expenditure authority to cover unanticipated costs that cannot be absorbed within the budget, while other departments may unexpectedly not require their full budget authorizations. The Finance Department reviews and analyzes all department and/or fund budgets to determine what adjustments are necessary and whether the adjustments can be made within existing appropriation limits and within the City Council and Departmental goals as provided in the budget. Necessary adjustments are then reviewed with the affected department and/or fund managers. When an adjustment is needed, the Finance staff will look first to savings within the department and then consider budget transfers between departments. The Finance Director, in conjunction with the Department Directors and the City Manager, reviews and decides if any specific budget reductions are needed. No City Council action is needed as State law allows budget adjustments to be done administratively and approved by the City Manager. As a matter of practice, staff will include any adjustments made between departments with the quarterly financial information provided to the City Council.

B. Amendment

Amending the City's budget occurs whenever the requested changes from departments and/or funds will cause the existing appropriation level for the fund to change. This situation generally occurs when the City Council authorizes additional appropriation. This is done by an ordinance that amends the original budget and states the sources of funding for the incremental appropriations.

V. RESERVE AND CONTINGENCY FUND POLICIES

A. Contingency Reserve

It is the City's policy to maintain a contingency reserve in accordance with RCW 35A.33.040. The reserve will be available for unforeseen urgent or emergency needs. The contingency reserve is intended to provide for unanticipated expenditures or revenue shortfalls of a non-recurring nature. The maximum allowable amount in the contingency reserve is 37.5 cents per thousand dollars of assessed valuation.

B. Unreserved Fund Balance

It is the City's policy to maintain a unreserved balance in each of the operating funds of the City (i.e., General, City Streets) at a level sufficient to provide for cash flow needs, a reasonable amount for emergent or unforeseen needs, and an orderly adjustment to adverse changes in revenues, including termination of revenue sources through actions of other governmental bodies. The Finance Director, in conjunction with the departments and the City Manager, will analyze fund balance requirements and recommend formal fund balance policies for each of the principal City funds. Fund balance policies will be reviewed at least every three years to ensure all relevant factors are being considered. Until such time as a thorough analysis has been completed for each fund, the City's policy will be to provide a minimum fund balance (combination of Contingency Reserve and Unreserved Fund Balance) of at least 10% of budgeted operating revenues for the General Fund and a minimum unreserved fund balance of 5% of budgeted operating revenues for other City operating funds.

C. Budgeted Operating Contingency

In order to provide for unforeseen expenditures or new opportunities throughout the year, the General Fund budget will have an operating contingency of $250,000 that will be used only with City Council approval. Savings within departmental budgets throughout the year will be the first source for funding unforeseen expenditures or providing for new opportunities before the Operating Contingency is accessed.

D. Budgeted Insurance Reserve

A separate insurance reserve account will be budgeted within the General Fund budget to be used for potential substantial events (street damage, inverse condemnation, etc.) and infrastructure repair not covered by insurance policies or other sources such as FEMA. The budgeted amount should approximate 2% of the City's assets (not including roads and surface water utilities).

E. Budgeted Capital Improvement Contingency

A separate capital contingency account will be budgeted within each of the three capital improvement funds to be used for capital project adjustments and for project acceleration. The amount to be budgeted in each of the capital contingency accounts is equal to 10% of the total budgeted capital improvement projects within each fund for that year or $200,000, whichever is less.

The City Manager may administratively approve expenditures from the contingency fund for any project, without changing the project scope, regardless of the percentage of the project budget, if the amount does not exceed $10,000.

In addition, the City Council delegates the authority to the City Manager to administratively approve dollar adjustments to individual capital projects that do not change the scope of project in an amount up to 10% of the project's adopted budget, not to exceed $50,000.

VI. CAPITAL IMPROVEMENT PROGRAM PLAN POLICIES

A number of important policy considerations are the basis for the Capital Improvement Program (CIP) Plan. These policies provide guidelines for all financial aspects of the CIP, and ultimately affect the project selection process.

A. Relationship of Long-Range Plans to the CIP

The CIP will be updated annually as part of the City's budget process. The City Council may amend the CIP Plan at any time as required.

Virtually all of the projects included in the CIP are based upon formal long-range plans that have been adopted by the City Council. This ensures that the City's Capital Improvement Program, which is the embodiment of the recommendations of these individual planning studies, is responsive to the officially stated direction of the City Council as contained in the Comprehensive Plan, Council work goals, and supporting documents. Examples of these supporting documents: Pavement Management System Plan and the Parks and Open Space and Recreation Services Plan. There are exceptions, but they are relatively small when compared to the other major areas of expenditure noted above.

B. CIP Coordination Team

A CIP Coordination Team is a cross-departmental team which participates in the review and recommendation of the CIP program to the City Manager. The Team will review proposed capital projects in regards to accurate costing (design, capital, and operating), congruence with City objectives, and prioritize projects by a set of deterministic criteria. The Public Works Director, or his/her designee, will serve as the lead for the team.

C. Establishing CIP Priorities

The City uses the following basic CIP project prioritization and selection process:

1. Each CIP program area establishes criteria to be used in the prioritization of specific projects submitted for funding. These specific criteria are developed by staff in conjunction with City Council priorities and input from citizens, associated City boards and commissions. The criteria is identified in the City's budget document. The City has divided its CIP projects into the following program areas: General & Parks Capital Projects, Roads Capital Projects, and Surface Water Capital Projects.
2. Designated personnel within City departments recommend project expenditure plans to the Public Works Department. The project expenditure plans include all capital costs and any applicable maintenance and operation expenditures along with a recommended funding source.
3. The CIP Coordination Team evaluates the various CIP projects and selects those with the highest priority based on input from citizens, project stakeholders, appropriate advisory committees, and City Council goals.

4. A Preliminary CIP Plan is developed by the Public Works Department and is recommended to the City Council by the City Manager along with the operating budget recommendations.
5. The City Council reviews the Operating and Preliminary CIP Plan, holds a public hearing(s) on the plan, makes their desired alterations, and then officially adopts the CIP and establishes related appropriations as a part of the City's budget.
6. Within the available funding, the highest priority projects are then selected and funded in the CIP.

D. Types of Projects Included in the CIP Plan

The CIP Plan will display, to the maximum extent possible, all major capital projects in which the City is involved. It is difficult to define precisely what characteristics a project should have before it is included in the CIP Plan for the public's and City Council's review and approval. While the following criteria may be used as a general guide to distinguish among projects which should be included or excluded from the CIP Plan, there are always exceptions which require management's judgment. Therefore, the City Manager has the administrative authority to determine which projects should be included in the CIP Plan and which projects are more appropriately contained in the City's operating budget.

For purposes of the CIP Plan, a CIP project is generally defined to be any project that possesses all of the following characteristics:

1. Exceeds an estimated cost of $10,000;
2. Involves totally new physical construction, reconstruction designed to gradually and systematically replace an existing system on a piecemeal basis, replacement of a major component of an existing facility, or acquisition of land or structures; and
3. Involves City funding in whole or in part, or involves no City funds but is the City's responsibility for implementing, such as a 100% grant-funded project or 100% Local Improvement District funded project.
4. Involves the skills and construction needs beyond those needed for a general repair and maintenance project.

These should be considered general guidelines. Any project in excess of $25,000 meeting the criteria of (2), (3) and (4) above, or various miscellaneous improvements of a like nature whose cumulative total exceeds $25,000 (i.e., street overlays) should be considered as part of the CIP process.

Program area managers are responsible for the cost estimates of their proposed programs, including future maintenance and operations costs related to the implementation of completed projects.

E. Scoping and Costing Based on Predesign Study

For some projects it is difficult to develop accurate project scopes, cost estimates, and schedules on which no preliminary engineering or community contact work has been done. To address this problem, some projects are initially proposed and funded only for preliminary engineering and planning work. This

funding will not provide any monies to develop final plans, specifications, and estimates to purchase rights-of-way or to construct the projects. Future project costs are refined through the predesign study process.

F. Required Project Features and Financial Responsibility: If a proposed project will cause a direct impact on other publicly-owned facilities, an equitable shared and funded cost plan must be coordinated between the affected program areas.

G. Predictability of Project Timing, Cost and Scope: The predictability of timing and costs of projects is important to specific private developments, such as the provision of street improvements or the extension of major sewer lines or water supply, without which development could not occur. These projects generally involve significant financial contributions from such private development through developer extension agreements, LIDs, and other means. Once a project has been approved by the City Council in the CIP, project scheduling is a priority to maintain.

The City Council authorizes the City Manager to administratively approve the acceleration of project schedules so long as they can be accomplished within budgeted and any allowable contingency expenditures, with the understanding that all controversial issues will be brought before the City Council. All project additions or deletions must be approved by the City Council.

H. CIP Maintenance and Operating Costs: CIP projects, as approved by the City Council, shall have a funding plan for maintenance and operating costs identified in the project description. These costs will be included in the City's long-term financial planning.

I. Local Improvement Districts (LID)
Examples of when future LIDs may be formed are as follows: 1) where old agreements exist, committing property owners to LID participation on future projects; 2) when a group of property owners wish to accelerate development of a certain improvement; 3) when a group of property owners desire a higher standard of improvement than the City's project contemplates; or 4) when a group of property owners request City assistance in LID formation to fund internal neighborhood transportation facilities improvements, which may or may not have City funding involved. If City funding is proposed by the project sponsors (property owners), they shall so request of the City Council (through the City Clerk) in writing before any LID promotion activity begins. The City Manager shall analyze such request and report his conclusions and recommendation to Council for their consideration. The Council shall by motion affirm or deny the recommendation. The Council's affirmative motion to financially participate shall expire in 180 days, unless the project sponsors have submitted a sufficient LID petition by that time.

In the event that the request is for street resurfacing in advance of the City's normal street resurfacing cycle, the City's contribution, if any, will be determined based on a recommendation from the Public Work's Department and a financial analysis of the impact of completing the project prior to the City's original timeline.

On capital projects whose financing depends in part on an LID, interim financing will be issued to support the LID's portion of the project budget at the same time or in close proximity to the issuance of the construction contract. The amount of the interim financing shall be the current estimate of the final assessment roll as determined by the administering department.

In the event that the project is 100% LID funded, interim financing shall be issued either in phases (i.e., design phase and construction phase) or up front in the amount of the entire estimated final assessment roll, whichever means is estimated to provide the lowest overall cost to the project as determined by the Finance Department.

The City will recapture direct administrative costs incurred by the City for the LID project by including these in the preliminary and final assessment roles.

J. Preserve Existing Capital Infrastructure Before Building New Facilities: It is the City's policy to ensure that adequate resources are allocated to preserve the City's existing infrastructure before targeting resources toward building new facilities that also have maintenance obligations. This policy addresses the need to protect the City's historical investment in capital facilities and to avoid embarking on a facility enhancement program which, together with the existing facilities, the City cannot afford to adequately maintain.

K. New Facilities Should Be of High Quality, Low Maintenance, Least Cost: The intent of this policy is to guide the development and execution of the CIP Plan through an emphasis on lowest life-cycle cost. Projects should only be built if the necessary funding to operate them is provided. Also, priority is given to new facilities that have minimal ongoing maintenance costs so as to limit the impact upon both the CIP and the operating budget.

L. Public Input at All Phases of Projects: The City makes a serious commitment to public involvement. The City's long-range plans are developed through an extensive citizen involvement program.

M. Basis for Project Appropriations: During the City Council's CIP Plan review, the City Council will appropriate the full estimated project cost for all projects in the CIP Plan. Subsequent adjustments to appropriation levels for amendments to the CIP Plan may be made by the City Council at any time.

N. Balanced CIP Plan: The CIP Plan is a balanced six-year plan. This means that for the entire six-year period, revenues will be equal to project expenditures in the plan. It is anticipated that the plan will have more expenditures than revenues in single years of the plan, but this imbalance will be corrected through the use of interim financing, if actually needed. Over the life of the six-year plan, however, all planned interim debt will be repaid and all plan expenditures, including interest costs on interim debt will be provided for with identified revenues. Any project funding plan, in which debt is not retired within the current six-year plan, must have specific City Council approval.

O. Use of Debt in the CIP: The CIP is viewed as a long-term program that will continually address capital requirements far into the future. As such, the use of

long-term debt should be minimized, allowing the City to put money into actual projects that benefit Shoreline residents and businesses rather than into interest payments to financial institutions. There may be exceptions to this policy for extraordinary circumstances, where voted or non-voted long-term debt must be issued to achieve major City goals that otherwise could not be achieved, or would have to wait an unacceptably long time. Issuance of long-term debt must receive City Council authorization.

Staff monitors CIP cash flow regularly and utilizes fund balances to minimize the amount of borrowing required. Funds borrowed for cash flow purposes are limited to short-term obligations. Projected financing costs are included within a project in the administrative program area.

P. Finance Director's Authority to Borrow: The Finance Director is authorized to initiate interim and long-term borrowing measures, as they become necessary, as identified in the CIP Plan and approved by the City Council.

Q. CIP Plan Update and Amendment: The CIP Plan will be updated at least annually as a part of the City's budget process. The City Council may amend the CIP Plan at any time if a decision must be made and action must be taken before the next CIP review period. All project additions or deletions must be approved by the City Council.

R. Usage of County-Imposed Vehicle License Fees: The City's share of the King County-imposed Vehicle License Fees is a component of "Transportation Funding" and can therefore be assumed to be part of the annual Transportation Funding contribution to the CIP Plan as pursuant to State Law.

S. Formalization of Monetary Agreements: All agreements between the City and outside jurisdictions, where resources are exchanged shall be in writing specifying the financial terms of the agreement, the length of the agreement, and the timing of any required payments (i.e., Joint CIP projects where the City is the lead agency, grant funded projects, etc.). Formalization of these agreements will protect the City's interests. Program areas shall make every effort to promptly request any reimbursements that are due the City. Where revenues from outside jurisdictions are ongoing, these requests shall be made at least quarterly, unless alternative arrangements are approved by the City Manager or City Council.

T. Applicable Project Charges: CIP projects should reflect all costs that can be clearly shown to be necessary and applicable. Staff charges to CIP projects will be limited to time spent actually working on those projects and shall include an overhead factor to cover the applicable portion of that person's operating cost.