

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Confirmation on Next Steps for Enhancement of the Code Enforcement Program
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director of Planning and Development Services Kristie Anderson, Code Enforcement Officer

PROBLEM/ISSUE STATEMENT:

As directed following the August 16, 2004 Council meeting, staff studied the International Property Maintenance Code (IPMC) and existing regulations relating to abandoned and junk vehicles and tree conservation. Staff began by:

- Identifying issues facing Shoreline neighborhoods and business districts;
- Determining if we have regulations in place to address those issues? If yes, why are they not adequately resolving the issues? If no, how far should the City go in using code enforcement to resolve the issues?

The purpose of this report is to provide the Council with our initial findings and proposed solutions regarding these issues and to receive additional direction from Council on the next steps.

FINANCIAL IMPACT:

There may be cumulative impacts on City resources associated with implementation of the staff recommendations contained in this report. We do not know what the extent of these impacts will be. We do anticipate an increase in the number of calls and cases. However, for those issues that the City is already regulating, recommended Code changes may resolve the issues and result in little or no impact on current resources. In addition, if Council chooses to enhance the code enforcement program by increasing the priority of an issue or adding issues to the priority list, then the priority of other issues would need to shift or additional resources would need to be allocated to the program. Staff recommends closely tracking the number of calls and cases generated following the implementation of enhancement measures to be used as a planning and budgetary tool in upcoming years. Council may also need to revisit the priority level guidelines as part the enhancement strategy.

RECOMMENDATION

No action is required. Staff is requesting Council to:

- Confirm that the correct issues have been identified as the focus for enhancement of the code enforcement program;

- Confirm which solution(s) staff should pursue for each issue identified; and
- Confirm that the proposed public process meets the Council's expectations.

Approved By:

City Manager



City Attorney



INTRODUCTION

Based on Council's previous direction, staff identified several issues that exist in the community as indicated by customer calls, visual observations by staff, or noted in the ETC Citizens' Survey. Staff researched the issues and developed proposed solutions that, if implemented, are designed to enhance the effectiveness of the City's code enforcement program.

BACKGROUND

Council adopted Goal No. 7 "To review and consider improvements in code enforcement standards" as part of its 2004-2005 Work Plan. At the August 16, 2004 workshop, Council provided staff with direction to further study and review the adoption of all or parts of the International Property Maintenance Code (IPMC); review, evaluate and consider updating regulations pertaining to abandoned and junk vehicles; and review, evaluate and consider updating regulations pertaining to tree conservation.

In response to Council direction, a multi departmental team with membership from Planning and Development Services, City Attorney's Office, City Manager's Office, the Customer Response Team and Community and Government Relations was created to identify a list of issues and possible solutions. The team reviewed and developed draft amendments to the Shoreline Municipal Code (SMC) and IPMC. Staff needs to check in with the Council and then the community to ensure that the City is focusing resources on the most important issues.

DISCUSSION

Following the August 16th Council Workshop, staff began to develop draft language to amend applicable codes to enhance the City's ability to use code enforcement to address issues in the community. The staff-recommended amendments are drafted and can be ready for public review and comment following Council's confirmation that the correct set of issues are being addressed in a manner consistent with the Council's desired outcomes. The issues that were the focus of staff discussion include the following:

- Neighborhood degradation;
- Minimum housing standards;
- Junk and abandoned vehicles;
- Number of vehicles stored outside on private residential property;
- Weeds; and
- Signs.

For each issue, this report describes the following:

- The issue;
- Possible Solutions;
- Current Code Enforcement Priority Level*;
- Next Steps;
- Resource Impacts and

- Staff Recommendation.

**Priority Level guidelines were approved by Council to guide the initial response time and type of code enforcement action for a variety of standard code violations. In general, the greater the threat to public health and safety, and to the environment, the higher the priority. The priority levels include: Urgent Level (hazardous); Important Level; and Routine Level (non hazardous).*

IDENTIFIED ISSUES

Neighborhood degradation

1. Issue: Deteriorating properties.

Currently the properties that are not maintained and degrading neighborhoods are predominately vacant and abandoned. Degrading conditions include broken windows, collections of junk and litter, graffiti, etc. There are a few occupied residential properties that generate community complaints. Their deterioration creates conditions that do not enhance attractive living environments and are not compatible with the quality of housing in the surrounding neighborhood. (Note: some of these properties may be eligible for financial assistance for maintaining or repairing residential structures. i.e. King County Housing Repair Program provides grants and 0% interest loans to help County residents keep their properties in good repair. The purpose of the program is to benefit low and moderate income homeowners, help preserve existing housing and keep neighborhoods livable.)

Possible solutions:

- Maintain status quo.
- **Staff recommended solution:** Adopt applicable portions of the International Property Maintenance Code (IPMC).

Current Code Enforcement Priority: Urgent Level (if hazardous situation) or Important Level (if non-hazardous situation).

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Council to amend the Shoreline Municipal Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solutions will increase the number of properties meeting the definition of a deteriorating property and will necessitate the allocation of additional City resources or a shift in current priorities would need to occur. By implementing these solutions however, staff would be able to work more efficiently and effectively. We already are investigating

many of these situations only to determine that they are not in violation of current City codes.

2. Issue: Maintenance of planting strips.

Currently, property owners are responsible for maintaining sidewalks adjacent to their property. Sidewalk is specifically defined in SMC 12.05.010 as “ ... hard-surfaced walkways” This narrow definition creates confusion as to who is responsible for maintaining amenity zones, gravel shoulders, etc. adjacent to private property. It is the intent of the City’s regulations that the private property owner be responsible to maintain the property from the edge of the pavement to the private property line.

Possible solutions:

- Maintain status quo.
- **Staff recommended solution:** Amend the SMC section 12.05.020(A) to state the adjacent property owner is responsible for maintaining the adjacent right of way area between the property line and the edge of the pavement.

Current Code Enforcement Priority: Routine Level Priority

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Council to amend Title 12 of the SMC;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solutions would increase the number of properties where we will determine that a violation exists and possibly necessitate the allocation of additional City resources. By implementing these solutions, staff would be able to work more efficiently and effectively. Public education would play a crucial role in the implementation of this policy.

Minimum housing standards

3. Issue: The City has a few buildings/properties that are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise degraded areas.

These conditions are the result of, among other causes: dilapidation; failure to repair; lack of proper sanitary facilities and maintenance; structural defects; electrical, mechanical and other defects increasing the hazards of fire and accidents. The maintenance of housing stock is a goal of the City of Shoreline comprehensive plan and is critical to the health, safety and welfare of the general public.

Although the majority of property owners and tenants are responsible and conscientious, some rental properties fall below the minimum health and safety standards. For these substandard properties (approximately 2 – 4% of the rental stock), the City needs the kind of tools the Property Maintenance Code provides to ensure

minimum health and safety standards for our residents. These tools include the following:

- providing definitions for standards;
- establishing criteria for minimum thresholds of livability;
- establishing a method of informing property owner(s) and property tenant(s) of their responsibility in maintaining the property;
- providing a method of informing a property owner or manager of problems; and
- establishing method of appeal for the property owner to contest the City's determination.

Possible solutions:

- Maintain status quo.
- **Staff recommended solution:** Adopt applicable portions of the International Property Maintenance Code with possible local amendments, including exempting owner-occupied residences from requirements contained in chapters 4, 5, 6 & 7 which generally relate to conditions that exist inside the houses, i.e. heating & electrical equipment, sanitary conditions and equipment, light and ventilation requirements and fire safety requirements. It is our recommendation to adopt only those portions of the IPMC that address critical and significant health and safety issues.

Current Code Enforcement Priority: Urgent Level (if hazardous situation) or Important Level (if non-hazardous situation).

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Council to amend the Shoreline Municipal Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solutions will result in an increase in the case load due to the fact that we currently do not regulate some of the types of substandard housing that are addressed in the IPMC. If the Council chooses to adopt the regulations, additional staffing resources or a shift in current priorities would need to occur. By implementing these solutions however, staff would be able to work more efficiently and effectively. We already are investigating many of these situations only to determine that they are not technically in violation of City codes.

Vehicles

4. Issue: Junk and abandoned vehicles parked on public right of ways.

Police have jurisdiction concerning vehicles on the public right-of-way while the Development Code addresses vehicles on private property. Police statistics combined with Customer Response Team (CRT) customer complaints indicate that approximately **700** calls a year are received concerning abandoned, disabled and inhabited vehicles

on City right-of-ways. The current regulations do not allow the City to remove many of the vehicles that our community views as junk and abandoned cars.

Possible solutions:

- Maintain status quo.
- **Staff recommended solutions:**
 - Amend the code to include vehicles not currently licensed, inoperable or abandoned and give the police the authority to tow a vehicle that meets these conditions.
 - Amend the code to prohibit reparking and/or moving a vehicle on a street to avoid a posted time limit.
 - Amend the code to prohibit vehicles being parked or left on a street or public right-of-way for the purposes of human habitation.

Current Code Enforcement Priority: Important Level for repeat offense, otherwise Routine Level.

Next steps: If Council instructs staff to pursue the above solutions, the next steps would include:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Council to amend the Shoreline Municipal Code;
- Council decision; and
- Public education.

Resource Impacts: Implementation of the above recommended solutions would increase the number of vehicles that are determined to be in violation and possibly necessitate the allocation of additional City resources. By implementing these solutions, staff would be able to work more efficiently and effectively.

5. Issue: “Junk” vehicles stored on private property.

“Junk vehicles” is a term that seems to encompass many conditions including, dismantled, disabled, rusting, or vehicles stored for a long period of time. Current code language prohibits “disabled” vehicles but does not define the term disabled. Customer calls concerning junk vehicles are the highest category of calls. Unfortunately, we are often unable to resolve the complaint because it is very difficult to definitively ascertain that a vehicle is “disabled” from our allowed observation point from the public right of way.

Possible solutions:

- Maintain status quo.
- **Staff recommended solutions:**
 - Define the term “disabled vehicle” to aid enforcement of current code language.
 - Add a requirement that stored vehicles must be currently licensed. Current licensing is a way to ensure that the vehicle is operable because to be licensed the vehicle must be operable to drive to and take an emissions test every two (2) years.

- Adopt provision in the International Property Maintenance Code (IPMC Section 302 – Exterior Property Areas), which deals with motor vehicles. IPMC 302.8 Motor vehicles states that “except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Staff would recommend that “do it yourself” auto repair be permitted on a limited basis.

Current Code Enforcement Priority: Important Level for repeat offense, otherwise Routine Level.

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Planning Commission to amend Title 20, Shoreline Development Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solutions would increase the number of properties where we will determine that a violation exists and possibly necessitate the allocation of additional City resources. By implementing these solutions however, staff would be able to work more efficiently and effectively. We already are investigating many of these situations only to determine that we cannot prove a violation of the City code.

6. Issue: Number of vehicles allowed on detached single family and duplex properties.

Current Code language for single-family and duplex properties allows six (6) vehicles to be stored outside not counting recreational vehicles and trailers. The City receives complaints concerning “too many vehicles” at a property. A problem we are encountering is that some of the vehicles are parked partially on public right of way and partially on private property. The determination of where the vehicle is located and determining the legal property line makes enforcement difficult. Questions arise on whether it should be “tagged” by the police or if it is counting towards the six vehicles per private property maximum.

Possible solutions:

- Maintain status quo.
- **Staff recommended solution:** Add the term “wholly or partially” concerning vehicles parked or stored on single-family or duplex properties.

Current Code Enforcement Priority: Routine Level Priority

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;

- Proceed to public hearing in front of the Planning Commission amend Title 20, Development Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solution would increase the number of properties exceeding the maximum number of vehicles per property and possibly necessitate the allocation of additional City resources. By implementing these solutions however, staff would be able to work more efficiently and effectively. We already are investigating many of these situations only to determine that they are not strictly in violation of City codes.

- 7. Issue: Recreational vehicles, boats and trailers stored on private property.** Currently the codes do not include recreation vehicles, boat and trailers in the maximum number of vehicles allowed per single family or duplex properties. The only factors limiting the number of these types of vehicles are: impervious surface maximums; required access from an approved driveway; and required yard setbacks.

Possible solutions:

- Maintain status quo.
- **Staff recommended solution:** Change current Code wording to include recreational vehicles, boats and trailers in the six (6) vehicle allowance for parking outside on detached single family or duplex properties.

Current Code Enforcement Priority: If regulated, it would most likely be a Routine Level Priority.

Next steps:

- Develop draft amendment language (completed);
- Solicit public input;
- Proceed to public hearing in front of the Planning Commission to amend Title 20, Development Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that implementation of the above solutions would increase the number of properties exceeding the maximum number of vehicles per property and possibly necessitate the allocation of additional City resources. By implementing these solutions however, staff would be able to work more efficiently and effectively. We already are investigating many of these situations only to determine that they are not in violation of any City codes.

Weeds

- 8. Issue: The ETC Institute 2004 Citizen Survey indicated that 23% of the residents surveyed were dissatisfied with the City's enforcement of mowing and cutting of weeds.**

The survey does not specify exactly what type of weed problem dissatisfies the respondents. For example, it is not clear whether the main issue is weeds on public property i.e. amenity zones and drainage ditches, or whether the issue is weeds on private property. In our Code, weeds fall under the classification of "vegetation." The Code allows for regulation of vegetation only if it: 1) creates traffic sight hazard or 2) encroaches over a sidewalk. We do not have statistics on the number of calls for other types of vegetation issues because we do not keep statistics on categories that are not violations of any code. Shoreline citizens rated weeds as a medium priority in the ETC Institute Citizen Survey.

Possible solutions:

- **Staff recommended solution:** Maintain status quo.
- Develop a weed control ordinance and increase or shift resources.

Current Code Enforcement Priority: Routine Level Priority defined as sidewalk obstructions.

Next steps:

- Status Quo; or
- Determine the Council's policy on weeds;
- Develop draft amendment language;
- Solicit public input;
- Proceed to public hearing in front of the Council to amend Title 12 of the SMC;
- Proceed to public hearing in front of the Planning Commission to amend Title 20, Development Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that the development of a weed control ordinance could dramatically increase the number of properties in violation of the Codes. This assumption is based on staff experience in other jurisdictions that have regulations that target private property vegetation management and aggressively enforce such codes. Should the Council choose to develop a weed control ordinance, staff would need additional time to develop the regulations. Further, if Council chooses to aggressively enforce such regulations, additional staffing resources or a shift in current priorities would need to occur as this would be essentially a new program.

Signs

9. Issue: This item was presented to the community in the ETC Institute 2004 Citizen Survey. Shoreline citizens rated sign regulation as a low priority in the ETC Institute Citizen Survey. Twelve (12) percent of those persons responding to the survey indicated that they were dissatisfied with the City's enforcement of the sign regulations. Additionally the City Council prioritized sign code regulation as a low priority in the guidelines adopted by Council for Code Enforcement. We do not have separate statistics on the number of calls relating to sign code violations. Most calls that are received about signs deal with public signs (i.e. stop signs knocked down, etc).

Possible solutions:

- **Staff recommended solution:** Maintain status quo. Note: although sign code regulation is a low priority, we do regulate signs that create vehicle sight hazards and safety hazards (i.e. block wheelchair access, block sidewalks, etc.).
- Change the priority level guidelines and elevate sign code enforcement and increase or shift resources.
- Develop a sign program to enforce existing regulations.

Current Code Enforcement Priority: Routine Level Priority.

Next steps:

- Maintain status quo; or
- Determine the Council's policy on signs;
- Develop draft amendment language;
- Solicit public input;
- Proceed to public hearing in front of the Planning Commission to amend Title 20, Development Code;
- Council decision; and
- Public education.

Resource Impacts: It is anticipated that enhancing or more aggressively enforcing the existing sign regulations would dramatically increase the number of properties in violation of the Codes. This assumption is based on the fact that many of the existing signs in the City are not in compliance with the City's current regulations. Should the Council choose to enhance the sign regulations, staff would need additional time to develop the regulations. Further, if Council chose to aggressively enforce such regulations, additional staffing resources or a shift in current priorities would need to occur.

Proposed Public Process

Once Council has set forth the preferred issues and solutions for enhancing of the Code Enforcement Program, the following public process is suggested:

- 1) Hold at least two open houses including staff presentation on the issues and the proposed Code and program amendments. One open house would be held on the east side and one on the west side of Shoreline. Depending on the array of issues chosen by the Council to address, these meetings could be held in late February/early March;
- 2) Utilize the City's web site, cable access channel, newsletter, Council of Neighborhood's publications and the City's column in the Enterprise to encourage public attendance and involvement;
- 3) Conduct the applicable public hearings. If amending Title 20 the Planning Commission will hold the public hearing. If amending any other chapter of the SMC the public hearing will be conducted by the Council; and
- 4) Work with the Community and Government Relations team to create public information pieces to educate the public about adopted changes. This may include

targeted education if a particular group is likely to be affected i.e. merchants associations if the enforcement of signs is enhanced.

RECOMMENDATION

No action is required. Staff is requesting Council to:

- Confirm that the correct issues have been identified as the focus for enhancement of the code enforcement program;
- Confirm which solution(s) staff should pursue for each issue identified; and
- Confirm that the proposed public process meets the Council's expectations.