



City Council

Overview of Code Enforcement and One Year Review of Ordinance Setting Higher Penalties for Repeat Code Violators

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Agenda Item:

Overview of Code Enforcement and One Year Review of Ordinance Setting Higher Penalties for Repeat Code Violators

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Information only

Issue:

Provide Council with a briefing and oral report on the overview of Code Enforcement and a One Year Review of the Ordinance Setting Higher Penalties for Repeat Code Violators

Staff Contact:

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Presenter(s):

Tom Hill, Building Official

Background and Analysis:

The Code Enforcement Division of the City of Olympia is responsible for enforcing various Chapters in the Olympia Municipal Code (OMC) and the International Property Maintenance Code (IPMC) that address public health, safety and welfare as it relates to use of private property in the City. Code Enforcement officers respond to a wide range of complaints ranging from abandoned vehicles to improper use of property.

Code Enforcement becomes more important to maintain the high-quality of life particularly as our community grows, densities increase, neighborhoods age and transitions occur.

Code Enforcement works in collaboration with the Police, Fire, Public Works, Building Department,

neighborhood associations, other government entities, and external partners (e.g., neighborhood associations, non-profit organizations, businesses, other governmental entities and other interested parties).

One purpose for this update is to revisit the City Council action from 12-years ago when they approved the following Code Enforcement performance outcomes as part of the City's first "Systems and Structures" initiative that involved Community Planning and Development, Police, Fire, Legal, Executive and Council members.

"Achieve 90% compliance without having to issue a citation or go to the Hearing Examiner on appeal."

This outcome was chosen over more traditional time driven compliance with the understanding that:

1. The City's goal was to achieve compliance, not to penalize;
2. The City has limited resources (officers, legal support staff, Hearing Examiner and cost for court actions);
3. Compliance was more important than time when balancing the resources and the offense; and
4. It better reflects the fit with "the Olympia Way." (That is not to say that certain violations that present immediate threats to the public health, safety or welfare do not require an immediate response.)

Enforcement Priorities The City's limited resources have required officers to prioritize their enforcement efforts. Our general guidelines for prioritizing responses to code compliance complaints are as follows:

- A. **High risk investigations** need an urgent response and include cases in which there is imminent likelihood of or actual bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or environmental damage or contamination where immediate action can prevent the violation or halt further damage.

Examples include building deterioration or hazards in rights-of-way.

Immediate site investigations usually result in an immediate stop work order and/or issuing notices of violations or citations if warranted.

- B. **Moderate risk investigations** need a prompt response and include cases in which there could be potential for risk of bodily harm, damage to public resources or facilities, damage to real or personal property, or environmental damage or contamination where action could prevent the violation or halt further damage.

Examples include minor building code violations, right-of-way hazards, solid waste or other such nuisances that, if left unresolved, could lead to a high risk.

Site investigations usually result in a courtesy notice of violation or entering into a compliance agreement, if warranted, stating the need for corrective action within a certain timeframe and citations if time lines are not achieved.

- C. **Low risk investigations** need response as time permits and include cases in which the violation is non-emergent, does not fit within the high risk or moderate risk categories and has only minor public impacts.

Examples include abandoned vehicles and zoning code violations.

Increased Civil Fine for Repeat Code Violators.

In 2012, and working with the Coalition of Neighborhoods, Council adopted Ordinance #6813 which amended Chapters 4.44 and 4.50 of the Olympia Municipal Code to allow for increased civil fines for repeat code violators.

The ordinance allows for an additional \$513.00 fine (\$250.00 base amount plus an additional 105% for public safety education assessment) to be written on a civil infraction notice for repeat violations of Titles 4, 8, 13, 16, 17 or 18, three or more times within a 24 month period. This provides another tool for Code Enforcement officers to apply toward achieving compliance.

Since adoption, the repeat offender ordinance has been infrequently used for two primary reasons:

- Our approach - compliance, without the need to issue citations.
- Staff time and focus the past year - large scale issues such as homeless encampments, general downtown code issues, medical marijuana zoning and building issues, increase in dangerous buildings due to foreclosures.

Since a majority of Code Enforcement infractions do not get paid by the violators and end up getting sent to collection by the Municipal Court, it's unclear if the additional fines have been a deterrent. Between the dates of 1/1/2010 through 09/24/13 we have issued 65 civil infractions. The number of individual citations may be higher, since some civil infractions contain 3 or more charges.

Neighborhood/Community Interests (if known):

The Coalition of Neighborhoods (CNA) brought forth the idea for the ordinance in response to concerns raised over specific properties in the City's neighborhoods that have repeated Code Enforcement complaints filed against them.

Their relationship with the City's Code Enforcement team has improved dramatically since then and together we have accomplished many things. Some of our accomplishments include:

1. MOU between CNA and the City to resolve some of our concerns.
2. Drafting a Code Enforcement Action Improvement Plan.
3. Identifying gaps in communication between customers and resolution of the case.
4. Helping research and write a new ordinance on repeat violators.
5. A new neighborhood CE brochure!

Without the help of the CNA Code Enforcement Subcommittee, these tools would not be in place today.

Work to be done on Code Enforcement issues include:

1. Finding a more efficient strategy to reduce the amount of City resources spent on enforcing abandoned cars;
2. Ensuring the completion of action items identified in the improvement plan such as implementation of the OneSolution CE tracking system;
3. Analyzing how the repeat violator ordinance is being enforced and used to eliminate problem properties in neighborhoods.

Options:

Information only

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Financial Impact:
None anticipated