

Agenda Report

DATE: January 27, 2003
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBJECT: AMENDMENTS TO PROPERTY MAINTENANCE CODE
CHAPTER 14.50

RECOMMENDATION

It is recommended that the City Council direct the City Attorney to prepare an Ordinance to revise subsections of PMC Chapter 14.50, the Property Maintenance Code that would eliminate the requirement that code violations must be visible from the street, alley or sidewalk; restrict vehicle repair in a residential zone to a enclosed area (garage); and eliminate administrative hearing requirements of notices to be sent to all owners within 300 feet of a property being adjudicated by the Code Enforcement Commission.

COMMISSION REVIEW

On December 5, 2002 the Code Enforcement Commission reviewed these proposed changes and recommended that the City Council approve them.

BACKGROUND

PMC Title 14.50.40 (the property maintenance and nuisance abatement ordinance) lists 35 different types of activities or conditions that are prohibited by Municipal Code, for example accumulation of litter, junk, debris, unscreened trash cans, outdoor storage, structures in a state of disrepair, illegal signs, etc.; all of which have been identified to prevent poorly maintained properties from negatively impacting surrounding neighborhoods and therefore causing blight.

The current ordinance needs minor refining to address issues that have become problematic the past few years. The proposed changes summarized below clarify the Code while also reducing the compliance time for some violations

14.50.020 Definitions.

Staff worked with the Code Enforcement Commission and developed definitions for items such as, unconcealed trashcan, standards for concealing the trashcans, overgrown vegetation, inoperative vehicles and major automotive repair.

- **Reason for the proposed change:**

The ordinance is not specific regarding the above items. As such, the adoption of these definitions will clearly define unconcealed trashcans, overgrown vegetation and inoperative vehicle.

14.50.040 Prohibited activities or conditions

Proposed changes to this section are:

- Eliminating the requirement that code violations be visible from the public right of way in order for code enforcement staff to pursue a case. The change will allow staff to pursue violations that, though not visible from the street, are impacting neighboring properties.
- Prohibiting storage of trashcans in the corner or side yard visible from a street, alley or sidewalk.
- Prohibiting outdoor placement (for more than 24 hours) of broken furniture and furniture designed for interior use
- Prohibiting residential or commercial buildings to be left in a state of incomplete construction, incomplete deconstruction, damaged by vandalism, fire, earthquake or other acts for a period of 6 months (excluding any time when work is in progress under an authorized building or other construction permit).
- Restricting all major vehicle repair to an enclosed area (garage).
- Prohibiting vehicle repair in customer parking lots serving auto parts stores.
- Eliminating the requirement to send notices by certified mail, regular mail and posting along public streets to all owners of property within 300 feet of a subject property that is being adjudicated by the Code Enforcement Commission.

- **Reason for the proposed changes:**

These changes allow staff to enforce code violations that may not be visible from the street, but may be impacting a neighbor or having a greater impact on the surrounding neighborhood. For example, junk and debris, or outdoor storage of material that is not visible from the street, is most likely a rat harborage that impacts an entire neighborhood because of the migratory nature of rats. Though it may not be readily visible from the street, the rats pose public health problems and can do tremendous damage to other surrounding properties. Though not visible from the public right of way, this becomes a community problem. The proposed revisions allow staff to better tackle this problem and the others listed.

The final proposed change is to the noticing procedure for administrative hearings. The current code requires that notices of administrative hearings be served by mail and posted 14 days prior to the time fixed for the hearing as follows: (1) by certified mail, to the property owner and the holder of any mortgage, trust deed, or similar lien or encumbrance of record; (2) by certified mail to all owners of property within 300 feet of the subject property, as shown on the latest equalized property tax assessment roll; (3) by regular mail to all occupants of property within 300 feet of the subject property by mailing such notice to "occupant"; and (4) by posting along public streets within 300 feet of the subject property.

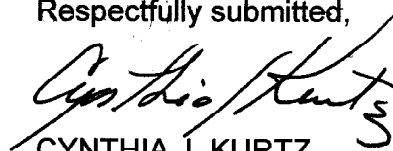
Staff currently sends notices of administrative hearings to property owners and posts hearing agendas. Staff proposes the elimination of requirements 2,3, and 4 for Code Enforcement Commission related hearings, but retain the requirement for all "nuisance" related hearings.

Requirement 2,3, and 4 mandating noticing of all property owners within 300 feet by certified mail, regular mail and posting along streets of an administrative hearing was adopted in 1995 when the nuisance section was added to the property maintenance ordinance. The intent was to keep neighbors informed of activities surrounding a nuisance property in their neighborhood. This process is time intensive and unnecessary for the cases that staff presents to the Code Enforcement Commission.

FISCAL IMPACT


There is no fiscal impact due to this action.

Respectfully submitted,



CYNTHIA J. KURTZ
City Manager

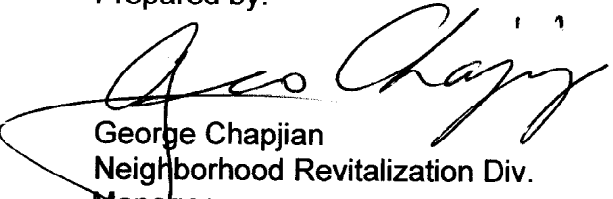
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