

# Council Agenda Summary

August 16, 2022

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## Title

Introduction and first reading of an Ordinance Amending Title 1, Chapter 10, Chapter 11 and Chapter 12; Title 2, Chapter 12, Chapter 8; and Title 16, Chapter 2 of the Greeley Municipal Code related to Code Compliance

## Summary

Earlier this year staff presented Council with several options to improve the consistent enforcement and compliance of the City's property management codes, particularly as it relates to chronic nuisance situations. These code provisions are non-criminal so are handled through an Administrative Hearing Officer and process. Council endorsed the proposed code modifications which have now been drafted and integrated into the City Code for formal adoption.

Overall, the proposed language was simplified and reordered for easier reference, application, and consistency with other portions of the municipal code and to improve enforcement response to violations. Adopting these provisions independently from the previous recodification action in which many of these provisions were provided also adheres to the regulatory standards for clearly identifying proposed changes to the municipal code by the title of the ordinance. The changes noted herein refer to the provisions of the current recodified version of the municipal code. Key amendments include:

Chapter 10: Administrative Sanctions: this section greatly simplifies, reorders, and streamlines the description of penalties and the provisions for minimum fines. It also slightly reduces the fine for a second violation for a more logical fine escalation with repeat violators. These fines are applied in addition to payment of any costs the City incurred to abate the violation due to inaction by the respondent. While the administrative hearing officer may fine up to \$1000 for each violation, the minimum fines continue as follows:

1<sup>st</sup> violation: not less than \$100

2<sup>nd</sup> violation within 24 months, not less than \$250

3<sup>rd</sup> or subsequent violation within 24 months: not less than \$500

The amendments also allow the administrative hearing officer to add community or useful public service, participate in a restorative justice program, or participate in other relevant classes to the penalty imposed.

*Notes: This is consistent with the manner in which similar violations are managed in other jurisdictions; financial indigency considerations are unchanged and may be considered by the Administrative Hearing Officer; a violation (depending on severity of case or if it is a repeat offense) is typically preceded by a Courtesy Warning and/or notice with sufficient time and opportunity extended to show progress in addressing the violation.*

Chapter 11, Parking Infractions: changes to this section reduced the number of unaddressed citations to a total of 5 at which time the vehicle may be immobilized. Upon immobilization the owner of the vehicle would be provided notice within 72 hours if the citations are not addressed satisfactorily before the vehicle is impounded.

*Notes: These changes are proposed to address persistent violators with progressive levels of enforcement when multiple parking citations alone do not result in compliance.*

Chapter 12, Public Nuisance Violations: the amended language in this section lowers the number of convictions or finding of liability or property to a level standard in other similar communities, making problem properties more likely to get focused attention timely:

Two violations within a 12-month period or

Three violations within an 18-month period

*(multiple violations occurring on the same day are counted as one violation; if there are multiple units within a complex and the violations are distinctly isolated from one another, they may be counted separately).*

*Notes: the designation of a property as a Chronic public nuisance is not an automatic action but one which the Administrative Hearing Officer may determine after consideration of all the evidence. This amended standard allows for more substantial penalties for persistent violation occur on a property when not corrected with standard tickets or citations. For neighborhoods that experience a chronic violator, this offers a timelier period within which progressive penalties may occur. The violations that contribute to such a designation include both administrative and criminal citations that are issued by Code Compliance and the Police, respectively, the latter which progress more slowly through the municipal court process.*

Chapter 12, Administrative Hearing Officers: at present parking tickets can be appealed to the administrative parking office and, thereafter, to a parking referee. This amendment specifically adds parking referees to the section which describes the qualifications and appointment process for such officers and referees

*Note: This structure adds important definition to the parties that can consider an appeal of a citation, adding consistency to the process and more independent review of appeals, similar to code compliance procedures.*

Chapter 8, Removal of Inoperable Vehicles: this amendment shifts the notice to an owner of an inoperable or unlicensed vehicle from the issuance of a summons (a Municipal Court process) to a notice of violation (administrative hearing process).

*Note: this offers a more expedient manner in which to process such violations consistent with other similar nuisance violations*

Chapter 7, (formally Junk and Abandoned Vehicles) replaced as Vacant and Abandoned Buildings: This section establishes that vacant and abandoned buildings are not properly boarded, secured and maintained with basic property maintenance can create unsafe and unsanitary conditions, including fire hazard, and can, if not so maintained, be declared a public nuisance. The definition of a vacant or abandoned building is provided along with minimum property maintenance requirements, and consequences for violations of those requirements.

*Note: vacant and abandoned buildings are a magnet for nuisance and criminal activity ranging from graffiti and vandalism to breaking and entering and arson. Such properties impact adjacent lots and diminish the overall appearance and safety of an area. This provision requires minimum property maintenance to lessen the impacts of vacancy.*

Chapter 2 Parking Infractions: this section simply adds 'trailer' to the definition motor vehicle for the purpose of enforcing parking violations.

*Note: this will help close a loophole that limited enforcement of parking violations of trailers located on street for extended periods.*

As noted in earlier worksessions at which these recommended code changes were discussed, these amendments are intended to provide consistent, clear, reasonable and responsive code compliance that help maintain the community in a healthy, safe and attractive manner. As with other municipal codes these measures will focus on a minority of the community's landowners and individuals who are resistant and persistent in the care of property conditions.

#### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No

If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

### Legal Issues

The City Attorney's office drafted the code amendments relative to Council direction and to assure an integrated and cohesive integration with other municipal code standards

### Other Issues and Considerations

None.

### Applicable Council Goal or Objective

*Safety:* Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

### Decision Options

1. Introduce the ordinance as presented; or
2. Amend the ordinance and introduce as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

### Council's Recommended Action

A motion to introduce the ordinance and schedule the public hearing and second reading for September 6, 2022.

### Attachments

Ordinance