



City of Stevenson

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Memo

To: Stevenson City Council
From: Anders Sorestad, Deputy Clerk/Treasurer, City of Stevenson
Meeting Date: February 15th, 2024
Subject: Current Code Enforcement Procedures

In response to the request of the Council, this memo is intended to (a) provide an overview for current Code Enforcement procedures for the City of Stevenson, and (b) request guidance from City Council for changes they recommend.

Nuisance Complaints: Complaints for violations of Stevenson Municipal Code are submitted to the City as a “Nuisance Complaint” This is terminology that has continued to be used through the years for consistency, even though not all complaints are necessarily a nuisance (i.e. reporting someone who is building without a permit, is not a nuisance, but is submitted to the City via a Nuisance complaint form)

Assigned Staff: For the past couple years, most Nuisance Complaints are initially assigned to the Deputy Clerk/Treasurer, with a small but increasing number being assigned to the Planning and Public Works Assistant. Department Heads may assist throughout the process of a Nuisance Complaint, depending on its complexity.

Investigation: Nuisances are investigated when reported by a citizen, or when they become apparent to City Staff within the performance of normal duties, such as observing intrusions onto City Right of Way when servicing a water meter. The purpose when investigating a Nuisance Complaint is to determine if evidence can be found to corroborate the original complaint, while also respecting the 4th Amendment rights of the property owner or its residents.

Review of Evidence: When evidence is found that appears to corroborate a Nuisance Complaint, it is reviewed to determine whether a Code Violation is present. Reviews usually include examination of the Stevenson Municipal Code and consultation with the Department Heads about any applicable codes.

Contacting the Property Owner: When a review confirms a Code Violation is present, the property owner is contacted. Direct contact where a live conversation can happen, usually over the phone is attempted whenever possible. If the property owner cannot be reached directly, email is the next resort, in coordination with a physical letter. If no email address is available, a physical letter will be sent alone. In many Code Violation matters, the owner is unaware that their property is non-compliant with City Code, so the two goals when contacting the property owner are to educate them about the Code(s) being violated, and acquire a commitment from the property owner to resolve the violation within a set period of time. Conversations over the phone are followed by a letter summarizing the key points of the

conversation, what resolution of the violation looks like, and the date of completion. In cases where initial completion dates are not met, City Staff will follow up with the property owner reminding them of the violation and need to resolve it.

Contacting the Complainant: Once the Code Violation has been resolved, the complainant is informed. In cases where either no evidence of a Code Violation could be found, the complainant is contacted and informed why Stevenson Municipal Code was not able to be applied to their complaint.

Closing the Complaint: Complaints are closed when all violations have been resolved.

Road Block: The main road block for City Staff in these procedures is when property owners are unwilling to resolve the violations on their property. Advisement from past Legal Counsel is that issuing fines and potential liens against the property are costly, take up staff time, and may cost more than it is worth. Also, the current system of using an excel spreadsheet to track all complaints, the actions taken for them, and status of their completion is inadequate and inefficient. Following up on delayed tasks is often missed due to this archaic style of project management. A new online system is in the process of being implemented that may help with this issue and allow more efficient status notification.

There are currently 14 properties with open violations of building code, land use or general nuisance which are unresolved dating back to 2018. Most have reached a status of non-compliance with voluntary correction and a need to go to court to pursue further.

Potential Instruction from Council: City Staff requests instruction from Council on which of three potential directions they would like direct Code Enforcement to be enforced.

A) Stay the Course: Continue enforcing Nuisance Complaints as primarily educational opportunities for property owners who are unaware that they are violating City code, and to not pursue fines or legal action against property owners who do not resolve their violation voluntarily.

Time to Implement: none

B) Pursue Litigation using Current Codes: Begin using the current Code Enforcement procedures and Stevenson Municipal Codes to fine and make liens against properties in order to gain compliance.

Time to Implement: 2 months

C) Complete Overhaul: Staff recommends this start with input from the City residents to determine what level of Code Enforcement they would like to see within City limits. If City residents and City Council determine they would like to see a relatively low level of Code Enforcement, staff would recommend removing violations that City residents and Council do not want enforced. If it is determined a higher level of Code Enforcement is desired, Nuisance Codes would need to be brought up to date, adding the ability for base fines for violations that can legally be issued under current State laws. Procedures would need to be updated to dedicate more staff time to responding to complaints, as well as systems developed to ensure that all complaints executed, tracked, and followed up on with equal attention.

Time to Implement: 6-12 months