



STAFF REPORT

Approval of Direction Provided by Council for Code Enforcement in the City of Belmont

Honorable Mayor and Council Members:

Summary

On February 10, 2004, Council directed staff to update the "Statement of Code Enforcement Principles in Belmont". Staff has made the changes as directed and seeks final approval of the policy changes.

Background and Discussion

During the February 10, 2004 Council meeting, staff was directed to update the "Statement of Code Enforcement Principles" which established the priorities of code enforcement in Belmont. The trash/debris category was divided and placed into two separate categories, Level One pro-active enforcement and Level Three re-active enforcement. This will allow code enforcement staff to take immediate action on situations where there is an abundance of trash/debris that could create a health & safety concern (Level One enforcement). If the trash/debris is determined not to create a health & safety concern, it will continue to be handled as a Level Three enforcement priority.

Council also directed Staff to begin a six-month trial period and begin accepting anonymous complaints from citizens who report violations that are visible from the public right-of-way (Policy #3). This trial period, if approved, will begin on March 1, 2004. Staff will compile the data that is collected after the trial period ends and report back to Council with the findings in October 2004.

Staff will continue working with the Chamber of Commerce to assist in the development of the "Rise & Shine" committee.

Fiscal Impact

There should be no fiscal impact with the changes to the priority list or beginning the six-month trial period for accepting anonymous complaints.

Recommendations

Staff recommends Council approve the changes to the priority list and directs staff to begin the six-month trial period for accepting anonymous complaints to report code enforcement violations.

Respectfully submitted,

Kirk Buckman
Code Enforcement
Officer

Craig Ewing
Community Development
Director

Jere Kersnar
City Manager

Attachments

1. Resolution adopting updated Statement of Code Enforcement Policies.
2. Updated Statement of Code Enforcement Policies

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCL OF THE CITY OF BELMONT ADOPTING
THE UPDATED STATEMENT OF CODE ENFORCEMENT POLICIES AND
ESTABLISHING A SIX MONTH TRIAL PERIOD FOR ACCEPTING ANONYMOUS
COMPLAINTS**

WHEREAS, on November 13, 2001, The City of Belmont adopted Resolution 9113, which established the Statement of Code Enforcement Policies and directed staff to follow the Statement in the identification and abatement of code violations, and in the general enforcement of The Belmont City Code and The Belmont Zoning Ordinance; and

WHEREAS, on February 24, 2004, The City Council directed staff to update the Statement of Code Enforcement Policies to begin a six-month trial period to begin accepting anonymous complaints when the violation can be witnessed from the public right of way; and

WHEREAS, trash, debris, and rubbish that can be considered a threat to the health and safety of citizens will be immediately acted upon when observed by staff, and situations where the trash, debris, and rubbish is not a threat to the health and safety of citizens will require a complaint to be filed prior to any action by staff.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont does hereby adopt the attached updated Statement of Code Enforcement Policies and directs staff to follow this Statement in the identification and abatement of code violations, and in the general enforcement of The Belmont City Code and The Belmont Zoning Ordinance, and begin a six-month trial period accepting anonymous complaints for violations that can be observed from the public right of way.

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I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on *February 24, 2004* by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

ATTEST:

MAYOR of the City of Belmont

City of Belmont
Statement of Code Enforcement Policies

Adopted by Resolution of the City Council on November 13, 2001
Updated February 24, 2004

The City Council of the City of Belmont sets forth the following policies for the enforcement of its laws and regulations, as contained in the City Code and Zoning Ordinance. These policies are provided to guide staff in the identification and abatement of code violations, and to educate the public about the City's code enforcement procedures.

The City respects the desire of all residents and business owners to enjoy their property. The City also believes that responsible use of private property includes respect for community values, as contained in the City Code and Zoning Ordinance. In order to assure that these values are upheld, the City Code and Zoning Ordinance will be enforced according to the following principles.

1. The City will enforce its ordinances based on the violation, not the violator. The focus of our code enforcement is on the nuisance activity or structure, without regard to the source of the complaint or the nature or character of the violator.
2. The City will maintain the confidentiality of the source of any complaint. The City will enforce confirmed violations based on the idea that they are violations against the City, not against a neighbor or other individual parties.
3. The City will accept anonymous reports of violations when the violation can be observed from the public right-of-way. Reports concerning violations inside a building or not visible from the public right-of-way will require a written complaint with the reporting party's name and phone number included.
4. The City seeks compliance first and foremost. Enforcement efforts are directed at providing opportunities for solving problems and eliminating violations, not punishing people.
5. When sufficient opportunity for eliminating the nuisance has been provided, but no significant results obtained, the City will aggressively pursue relief in the courts, including civil and criminal remedies.
6. The City is aware that old age or infirmity may hamper the violator's ability to effect corrections according to a rigid schedule. A flexible approach to obtaining compliance will be considered when these conditions are present.
7. Health & safety violations are given the highest priority so that human life and property are protected without delay. Violations of 'general welfare' rules such as zoning will be addressed at a second level of attention, allowing reasonable solutions to be implemented in reasonable time. The attached chart will be used as a guide.

Type of Enforcement *	Priority	Tone	Pace
1. Health & Safety			
Unsafe Structures	First	Very Aggressive	Fast
Grading violation, egregious	First	Very Aggressive	Fast
Illegal wiring	First	Very Aggressive	Fast
Sewer spills	First	Very Aggressive	Fast
Unauthorized discharge into storm drain	First	Very Aggressive	Fast
Excess animals (cats, etc.)	First	Aggressive	Fast
Vector control (mosquitoes, rats)	First	Aggressive	Fast
Declared emergencies	First	Aggressive	Fast
Trash/Debris on property creating life safety issues	First	Aggressive	Fast
2. On-going Enforcement			
Fire protection/weed abatement	Second	Procedural	Slow
Graffiti	Second	Procedural	Moderate
Seasonal Activities (Christmas tree lots)	Second	Procedural	Slow
3. General Welfare			
Illegal use of structure	Third	Mediative	Slow to Moderate
Structure (temporary) in setback	Third	Mediative	Slow to Moderate
Construction without permits	Third	Mediative	Slow to Moderate
Hours of Construction	Third	Mediative	Slow to Moderate
Illegal tree trimming	Third	Mediative	Slow to Moderate
Over-height fence	Third	Mediative	Slow to Moderate
Abandoned vehicle	Third	Mediative	Slow to Moderate
Trash cans in front yard/street	Third	Mediative	Slow to Moderate
Signs	Third	Mediative	Slow to Moderate
Trash/Debris on property not creating life safety issues	Third	Mediative	Slow to Moderate