

City of Alameda

Inter-department Memorandum

TO: Honorable Mayor
and Councilmembers

FROM: Jim Flint
City Manager

DATE: February 17, 1999

RE: Accept and Ratify Guidelines for Municipal Code Priorities for Code Enforcement Program

BACKGROUND

In 1995, the Council approved the creation of a comprehensive Code Enforcement program consisting of one full-time Code Enforcement Officer and one full-time clerical support position to actively enforce provisions of the Alameda Municipal Code. It was projected that enforcement, fines and penalty fees would generate approximately \$30,000 in revenue, including those fees for monitoring and enforcing the Vacant Building Ordinance. The City also adopted the Uniform Housing Code at that time, along with several other ordinances, recognizing that two part-time code enforcement positions had been eliminated from Building Services and Planning.

DISCUSSION/ANALYSIS

A comprehensive code enforcement program typically is involved with building, housing, zoning and neighborhood preservation issues. A review of the numerous code complaints shows that the complaints received in Alameda are almost exclusively based on these issues. An efficient and cost-effective code enforcement program should have specific areas of responsibilities and priority guidelines attached to the complaints that come to the City's attention.

For approximately the last five months, the areas of responsibility of the Code Enforcement program, the structure of the program, the specific duties of the Code Enforcement staff and the most efficient use of these scarce staff resources have been under review and the subject of interdepartmental meetings.

It is clear that the number of complaints far exceeds the limited staff resources available to investigate, monitor and abate violations. In order to better serve the community, specific codes and priority guidelines have been developed by staff, as well as standardized code enforcement procedures and on-going training programs. The proposed areas of responsibility and priority rankings are based on the history of the implementation of the Code Enforcement Program, each affected department's suggested priority list, and the present utilization and

capabilities of the two code enforcement positions. Health, safety and welfare issues were assigned the top ranking with less serious complaints having a lower priority. In addition to ranking each municipal code section as either high, medium or low priority, specific areas are also assigned as either primary and secondary responsibilities. A complaint tracking system has been created to provide better accountability and consistent and uniform enforcement procedures, and to provide statistical data for the Code Enforcement Program.

The attached proposed guidelines were developed with the City Attorney's Office, as well as other departments and takes into consideration Council's earlier request for a Property Maintenance Ordinance that addresses such neighborhood blight issues as junked or inoperable vehicles on residential property, unenclosed storage, use of trailers and various recreational vehicles for habitation in residential districts, accumulation of trash, rubbish and debris and major vehicle repair in residential districts.

The proposed plan recognizes that these are guidelines only and the specific facts and history of a complaint will determine its priority ranking. Flexibility for the supervisor of the code enforcement program is anticipated and required as the various municipal codes are amended, repealed or added and the workload fluctuates.

BUDGET CONSIDERATION

No additional fiscal impact.

RECOMMENDATION

It is recommended that the City Council accept and ratify the attached guidelines for specific areas of responsibilities and priority rankings for the code enforcement program.

cc: Assistant City Manager
Deputy City Manager
Special Counsel
Chief of Police
Building Official
Planning Director

Specific Municipal Codes and Priorities for Enforcement by Code Compliance Officer

The following are the specific codes for which the Code Compliance staff has primary responsibility to investigate and enforce, as well as those codes for which the Code Compliance staff may provide secondary or backup enforcement on a limited basis.

If a municipal code section has not been designated here as primary or secondary, the Code Compliance Officer will not be responsible for its enforcement unless specifically directed by the department supervisor. This direction is necessary due to the limited code enforcement resources available at the present time and to maximize the efficient use of the current program.

The priority listing is a guideline, since the facts of each case may cause the priority rating to increase or decrease. Even those codes given a low priority are expected to be addressed as soon as possible, especially if there are no outstanding high or medium priority complaints. The listing includes anticipated new ordinances and excludes those municipal codes which, as currently written, are unenforceable.

Primary

High Priority

Substandard/Unsanitary Housing - Alameda Housing Code (Chapter 13);
Dangerous Buildings- Alameda Code for Abatement of Dangerous Buildings
(Chapter 13);
Illegal Units- Alameda Housing Code (Chapter 13)

Medium Priority

Vacant Building Monitoring and Fee Assessment (Chapter 13)
Graffiti (Chapter 4)
Construct/Alter/Convert/Occupy structures without required permits- Alameda
Administrative Code (Chapter 13)
Abandoned/Inoperable Vehicles-referred to Vehicle Abatement Officers after
verification of violation.
Property Maintenance Ordinance- when adopted (Chapter 4) (proposed ordinance
covers unenclosed storage, park/store inoperable/disassembled vehicles on
private property, major vehicle repair in residential district, recreation vehicles
used for living purposes, and other neighborhood blight issues)

Low Priority

Litter (Chapter 4)
Prohibited Freestanding Signs (Chapter 30)
Front Yard Parking (Chapter 30)
Front Yard Paving (Chapter 30 after necessary language amendment adopted)
Prohibited Commercial Wind-blown/Inflatable Devices (Chapter 30)
Fence Materials violations (Chapter 30)

Note: If the proposed Garage Sales Ordinance is subsequently adopted, it would become a primary responsibility of Code Compliance and be a low priority.

Secondary

The following code complaints have a low priority when referred to Code Compliance, since they are secondary or back-up duties and should be referred to Code Compliance on a special need basis only. The enforcement workload, based on current resources, is too great to permit routine investigations and enforcement of these codes by the Code Compliance Officer:

Fence Height violations
Noise violations
Other construction without permits (fences, decks, etc.)
Weeds
Newsracks

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Under discussion, Councilmember Johnson stated it is appropriate to handle the matter as proposed; Council should not overstep its jurisdiction; the School Board deals with education and school issues.

On the call for the question, the motion carried by unanimous voice vote - 5.

CONSENT CALENDAR

Mayor Appezatto announced that the priorities for Code enforcement [paragraph no. 99-127]; the Ferry Service matter [paragraph no. 99-130]; and the Resolution regarding Express II Ferry Vessel [paragraph no. 99-131] were withdrawn from the Consent Calendar for discussion.

Councilmember Kerr moved approval of the remainder of the Consent Calendar.

Councilmember DeWitt seconded the motion, which carried by unanimous voice vote - 5.

(*99-126) Minutes of the Special Joint City Council/Social Service Human Relations Board Meeting [Work Session] held on February 23, 1999, and the Special and Regular City Council Meetings held on March 2, 1999. Approved.

(99-127) Recommendation to ratify guidelines for Municipal Code Priorities for Code Enforcement.

Councilmember Kerr stated the staff report indicates the number of complaints exceeds available staff resources; inquired whether low priority complaints, e.g. fence height/materials, noise, weeds and newsracks, would be enforced.

The City Manager responded there is one Code Enforcement Officer and one support staff member; stated staffing levels are not adequate to address everything on a uniform basis; staff tried to identify the most egregious and common violations as top priority; violations which were not given top priority will be enforced as time permits; if Council is not comfortable with priorities, modifications can be made accordingly.

Councilmember Kerr stated if violations are low priority, such as front yard parking, people will have to be persistent to get results; sworn Police Officers do not need to handle enforcement; in 1995, two Police Technician positions were eliminated.

The Assistant City Manager stated the part-time positions were Community Service Officers, not sworn Police Officers; and the current Code Enforcement Officer is not a sworn Police Officer.

Vice Mayor Daysog stated changes could be made if a low priority matter needs to be handled as a high priority.

Mayor Appezzato stated a sentence [in the staff report] answers everything: "The priority listing is a guideline, since the facts of each case may cause the priority rating to increase or decrease"; the Police Department must have some degree of responsibility; if a lower priority issue becomes critical, staff can respond.

The City Manager stated if Council receives a number of complaints about a particular violation, the priority list can be amended.

Councilmember Kerr stated if people have a complaint regarding a noise or front yard parking violation, the route they would have to take would be to go through Council.

Vice Mayor Daysog stated the sentence Mayor Appezzato referred to makes priorities flexible while addressing how to use limited resources.

Councilmember Johnson stated the guidelines are not inflexible and only provide written guidance to staff; health and safety issues are listed as high priorities because they should be high priority.

Councilmember Kerr stated that she raised the issue because the guidelines need to be watched; if citizens find complaints are not enforced, Council might have to review staffing priorities.

Mayor Appezzato stated if changes are needed, staff can bring the matter back to Council.

Vice Mayor Daysog moved acceptance of the staff recommendation.

Councilmember DeWitt seconded the motion, which carried by unanimous voice vote - 5.

(*99-128) Recommendation to adopt Plans and Specifications and authorize calling for Bids for Utility Upgrades of Building 7, Alameda Point, 851 N. Midway, No. P.W. 10-98-26. Accepted.

(*99-129) Recommendation to authorize purchase of seven pool vehicles, and lease of four electric vehicles using the State of California, Department of General Services, Procurement Division, Competitive Bid Award. Accepted.

(99-130) Recommendation to approve Alameda/Oakland Ferry Contract extension, East End Ferry Service Contract extension and the Alameda/Oakland Ferry Service Contract Negotiations Schedule and Evaluation Guidelines.

Owner has 30 days to clean up 'nuisance' house

by Susan Fuller
Staff Writer

The City Council voted unanimously on March 16 to declare the dilapidated Victorian at 1310 Pacific Ave. a public nuisance. Not yielding to the pleas of the property owner — 80-plus-year-old Harold Leroy Haun — granted 30 days, rather than the usual 10, to clean up the place.

"I have made progress in my place," Haun said. "I am no longer using extension cords. I have been covering the receptacles. I have cleaned the porch and torn down the shack in back. I am a good citizen. I can make progress and I intend to do so."

When city inspectors visited the property last October, they found debris on the front porch and throughout the three-story residence, with only narrow paths leading from room to room. Extension cords snaked through the accumulation. Electrical receptacles were removed, leaving exposed wiring.

The backyard shack was leaning at a dangerous angle, and the yard was filled with dead, decayed and drying vines, a fire hazard.

"Mr. Haun is correct," said building official Steve Davis. "We went out about 11:30 a.m. today (March 16). I have to admit he's made progress on the exterior. He cut the brush and demolished the shed. But all the materials (from the shed and vines) are still on the lot."

"He hasn't made significant progress in the interior," Davis said.

Last October, the inspectors

were overwhelmed by a powerful stench inside the house, which they attributed to a "general lack of sanitation and to the presence of spoiled and decomposing food."

There didn't appear to be an operating stove, although one was installed when the city corrected similar building code violations a year ago. The bathroom had extensive dry rot, attributed to moisture from toilet overflows.

"Is there any hope?" asked Mayor Ralph Appenzato with a sigh of frustration over the long-standing habitability and safety issue. "The neighbors can't put up with this."

"Since August, we've been communicating with Mr. Haun," Davis said. "We set deadlines. I don't believe he'll be able to handle it on his own."

Charitable organizations, including the Red Cross, and relatives have stepped forward with offers of free labor. Haun has been doing much of the cleanup himself, but has had help from his grandson.

"I'm going to get some help," Haun said. "I'd like to get the (inside) cleaned out. When I get that done, I'll have to hire electricians."

Haun's residence was before the council just a year ago. The council took what was considered to be the "humane" course of action and approved a lien on the house to recover the \$120,000 spent to repair and clean his house.

If not repaid through taxes, the county would take three to five years to foreclose on the property, according to Acting City Attorney *see COUNCIL, page A6*

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Teresa Highsmith. As a senior citizen, Highsmith said, Haun is eligible to apply for a deferral of payment until his death or sale of the house.

If the city contracted for repair and cleanup, as was done a year ago, estimated cost to abate the current violations is \$30,000.

In other business, the council:

- Unanimously approved guidelines to prioritize enforcement of building, housing and zoning codes, needed because the city doesn't have enough code compliance staff to respond to all complaints. Substandard/unsanitary housing, dangerous buildings and illegal units top the proposed list. The lowest categories include litter, front yard parking, fence materials and height violations, noise, weeds and newsracks.

"The only logical conclusion is that the low priority will never be handled," said Councilwoman Barbara Kerr, who pulled the item from the consent calendar.

"I wanted to publicize it because it's something that has to be watched. If citizens find something not enforced, we may need to look at staffing levels," Kerr said.

"We could hire more (compliance officers) if we're willing to pay the taxes," said Appenzato.

- Adopted plans and specifications and a call for bids for utility upgrades of Building 7 at the former base. The building is leased to the Alameda Center for Environ-

mental Technologies. A new water meter, plus improvements to the incoming electrical service, heating ducting, and fire sprinkler supply main are required to obtain a final certificate of occupancy.

A grant from the federal Economic Development Administration will cover 75 percent of the cost, with the remainder coming from lease revenues.

- Approved the purchase of seven pool vehicles and the lease of four inspector vehicles.

- Removed two items from the agenda, thus postponing any action: the proposed lease of advertising space on the Encinal ferry, and a proposed amendment to the municipal code related to parking in front and side yards.

- Proclaimed March 16 as "Youth in Government Day." Valerie Warrick of Alameda Recreation and Park Department described the day's activities for 18 students from all four island high schools.

In the morning, the students held a mock City Council meeting. Some students assumed the role of government leaders while others were members of the audience — an irate citizen and a concerned parent. After lunch, courtesy of the Soroptimists, the students followed a mentor for an hour.

- Answered questions about women in government from members of Girl Scout Troop 650.