

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Brian Jimenez, Code Enforcement Manager

**CC:** Cynthia Boecker, Assistant City Manager  
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**DATE:** October 30, 2009

**RE:** City Commission Goal Report - Neighborhood Quality

This report updates the City Commission on opportunities to improve the quality of life for Lawrence residents through enforcement of various property maintenance codes, a stated goal of the 2009 City Commission goal setting work session.

The Code Enforcement Division of Planning and Development Services is responsible for ensuring the quality and livability of neighborhoods throughout the City are maintained through the enforcement of several city codes pertaining to property maintenance conditions. The following four codes are primarily used to accomplish these goals.

**1) Weed Code, Section 18-301.** The purpose of this Article is the following:

- declare the excessive growth of certain vegetation within the City to be noxious and prohibit excessive growth; and
- to provide for notification of the owner, occupant or agent of property upon which a violation of this article exist; and
- to afford such person the opportunity to request a hearing before the Governing Body; and
- to charge a public office with the administration and enforcement of this Article and authorize the City to abate the excessive growth upon failure to correct the violation.

The Weed Code is often viewed as the most effective ordinance the division enforces as the state statute allows for city municipalities to abate violations 10 days after the notification has been sent vial certified mail. Additionally, the code provides language that eliminates the requirement of notification for subsequent violations at a property that occur within the calendar year. Staff typically investigates 900 to 1,100 cases per year which results in over 2,000 inspections. The Division has seen

an increase of the number of inspections performed annually and there could be several contributing factors such as:

- More vacant lots are not being developed due to the current economic conditions.
- Economic conditions have affected property owner's ability to keep properties properly maintained.
- Staff is seeing more foreclosures and the subsequent lack of ownership as a result of the economic downturn.

A significant amendment to the code recently became effective which eliminated the requirement to publish the notice of violations in the newspaper for out of town property owners. This amendment has efficiency and financial benefits for staff and tax payers, as it will reduce the costs associated with the notification process by approximately \$4,000 per year.

- 2) Property Maintenance Code, Section 5-1001.** The provisions of this code apply to all residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards.

This code became effective on January 1, 2008 and replaced the Uniform Housing Code. Staff utilizes this code when performing interior housing inspections and exterior conditions of structures. Staff investigates over 100 tenant-based substandard housing complaints per year as well as performs over 600 rental ordinance inspections. Unsafe structures are typically cited under the regulations of the Property Maintenance Code. Staff is in the process of reviewing the 2009 edition which incorporates substantial code changes.

- 3) Environmental Code, Section 9-601.** The purpose of this Article is to protect, preserve, upgrade and regulate the environmental quality of industrial, commercial and residential neighborhoods within the City by regulating conditions which are injurious to the health, safety or welfare of the neighborhoods; remove conditions which are detrimental to the structural integrity of the City's built environment including those conditions affecting adjoining property, the neighborhood or the City; and to provide for the administration and enforcement thereof.

Staff investigates over 50 structural blight cases and over 500 environmental cases per year which results in over 1,000 total inspections. The Property Maintenance Code and the Environmental Code both address property conditions but in different ways. While the Property Maintenance Code addresses mainly the structure and elements of the structure, the Environmental Code addresses exterior blight conditions such as junk, trash, and debris in yards, inoperable vehicles, unsightly exterior storage, etc.

An amendment regarding the time period allowed for the removal of trash and other items of no or little worth was implemented in 2008. The previous code compliant

time period of 15 days was reduced to 7 days. Additionally, the notice of violation now can be left at the property instead of the previous requirement to send via certified mail. Other amendments to the code have been recently completed and staff anticipates these amendments to be presented to the City Commission within the next few weeks. A few highlights of the code amendments include the following:

- Redefining definitions, specifically redefining the definition of structure as staff has determined this definition is problematic in filing a complaint through Municipal Court for prosecution of inoperable vehicles parked on driveways.
- Revising the code language regarding the enforcement standards as identified in 9-605.
- New code language in section 9-607 pertaining to the provisions of notification of a code violation.

#### **4) Rental Registration, Code Section 6-1301**

The City has regulated the licensing and inspection of single family rental units since 2002. There has been much discussion in recent years regarding the expansion of this ordinance to include rental dwelling units located within other zoning districts, specifically regulating any structure 50 years old or older. Although, the rental inspection program expansion has not implemented, mainly for budget reasons, staff believes this subject should be revisited in the future.

Other nearby cities continue to adopt ordinances that are more encompassing than the City's ordinance. An example of this is the City of Manhattan recently adopted a rental inspection ordinance that will cover all rental dwelling units. As rental properties continue to decline due to their age and lack of maintenance, it will be critical for the City to become proactive in regulating these properties rather than being reactive by inspecting as a result of a tenant complaint.

In addition to the above mentioned City Codes, staff has the investigative authority for the Development Code, Sign Code and the Fence Code. Each of these codes address the livability and quality of neighborhoods by either addressing property conditions standards or regulatory language to address other issues that could potentially have a negative impact on neighborhoods.

#### **Options to Consider in the Future**

##### **A) Abatement**

- The City should consider utilizing the abatement provisions on a more frequent basis for which the environmental code and the property maintenance code. This could mean that the city would take a more active role in repairing, cleaning or demolishing property.
- Historically, this option is utilized only in severe cases of blight and demolition by neglect.

- B) Explore the possibility of incorporating administrative fines into the environmental, property maintenance and rental ordinances in lieu of filing complaints through Municipal Court when compliance is not obtained.
- Staff is researching other jurisdictions that have implemented such fines to understand how their programs work and to determine the benefits of such a program.
  - Staff has contacted the City of Overland Park, Kansas which has recently passed an ordinance which implement such administrative fines.
  - Current process of filing complaint through Municipal Court can be cumbersome due to the length of time it takes a case to be heard.
- C) Expansion of the rental inspection ordinance to include other zoning districts within the City.
- Will provide the appropriate code to substantially address the demolition by neglect issue in neighborhoods with significant amounts of multi-family dwelling structures.
  - Will ensure the City is providing the same safeguards for those citizens who occupy these dwelling units as currently provided for tenants of single family rental units.
  - Will provide safeguards to a greater number of students, a consumer group that does not always have the understanding or experience to recognize safe living conditions.