



AGENDA
CITY COUNCIL STUDY SESSION
TUESDAY, JULY 23, 2013, 5:45 P. M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVENUE

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

1. CALL TO ORDER

2. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

3. Discussion and direction regarding goals and objectives of the city's Code Enforcement Program.

4. **ADJOURNMENT** to 7:00 pm Regular City Council Meeting July 23, 2013

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:

<http://www.cityofsandimas.com/minutes.cfm>

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON JULY 19, 2013, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.



Agenda Item Staff Report

Study Session

TO: Honorable Mayor and Members of City Council
For the Meeting of July 23, 2013

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: Background for the Study Session regarding Code Enforcement

Staff has prepared some background to assist with the Study Session discussion – we have outlined staff’s understanding of the goals and purpose of Code Enforcement and have summarized other information that may be of help with the discussion.

Staff’s understanding of how code enforcement is to be conducted ...

Overall goal and objective of Code Enforcement (from the city’s web site):
The goal of the City's Code Enforcement program is to promote and maintain a quality living environment for residents. City Codes are developed to promote the health, safety, and welfare of the public. Compliance with City Codes helps to maintain healthy neighborhoods and creates an improved quality of life in our city. In every case, the City's goal is voluntary compliance. In some cases, this does not occur, so the City contracts with an area legal firm to provide prosecution services.

Most common code violations (not in any particular order):

1. Overnight Street Parking without a permit (Parking Code Compliance)
2. RV’s Parking in Front Yard (Parking Code Compliance)
3. Property Maintenance; dead lawn, weeds, lack of landscaping (Code Enforcement)
4. Refuse cans out too early or left out too late (Code Enforcement)
5. Inoperative Vehicles (Both)
6. Abandoned Vehicles (Both)
7. Vehicle parked on unpaved surface (Parking Code Compliance)
8. Illegal signs (Code Enforcement)
9. Building or demolition without a permit (Code Enforcement)
10. Tree removal without a permit (Code Enforcement)

Code violations are accepted and processed from the following two sources:

1. Reactive Compliance - Complaints from the public – by phone, e-mail, letter, written request or in person. The complainant information shall be

kept confidential. If requested by the complainant general follow-up information about the status of the case will be given.

2. Proactive Compliance - Investigations and abatement will be initiated by the Officers if there are issues of public safety such as significant fire danger, potential danger to the public (private tree limb, fence falling into a public path of travel, obstruction of a public right of way, signs, property maintenance, etc.), improper storage or use of a hazardous material and so forth. Officers will also initiate cases when observing violations on properties near reported complaints when determining them to be similar or very noticeable.

Procedure once a complaint is received:

- The objective is always to encourage and facilitate voluntary code compliance within a reasonable time frame in a courteous manner.
- An initial investigation is conducted to determine if a violation(s) exists.
- Courtesy notices (Friendly Reminders) are mailed for trash cans left out, litter cleanup, needed landscape and/or property maintenance, etc. (copy of the notice attached). Follow up after 7 to 14 days depending on the violation to determine if the matter has been remedied. -For more complex violations (i.e. unpermitted construction) a first notice will be sent to the property owner.
- If not, a First Notice of Violation letter is sent (copy attached). Depending on the type of violation Staff will either request an onsite inspection to confirm the violation (i.e. unpermitted construction, garage conversion, etc.) or request the violation to be abated (i.e. property maintenance, inoperable vehicles, etc.). If the resident does not make contact with Staff or progress in abating the violation within the allotted time frame 14 to 30 days, the Officer will send out a Second/Final Notice of Violation Letter.
- The Second/Final Notice of Violation Letter outlines the need to address the code compliance matter within 14 -30 days and explains the further compliance steps if the matter is not abated. A citation (\$100 fee) is issued if there is no compliance after the Second/Final Notice of Violation Letter. A second (\$200) and third (\$500) citation may be issued if there is not progress on the violation.
- Staff has the authority and prerogative to extend compliance schedules if good faith efforts and progress are being made by the owner/resident.
- If there is no progress or insufficient progress after the third Citation – Prosecution is considered which involves the city prosecutor taking the case to court. Prosecution is called off if compliance is achieved; otherwise the Officers move the case into court.

Supervision:

The day to day Code Compliance program is supervised by the Senior Planner. The reason for this arrangement is the vast majority of enforcement cases are routine and common violations – such as landscape maintenance, refuse containers, inoperable or abandoned vehicles, tree removal without a permit,

graffiti, illegal signs, etc. The more complex cases involve multiple departments or city functions. These types of cases tend to be construction or demolition without permits, properties with multiple code violations, multiple or external factors (owner's lack of resources, uncertain ownership, bank ownership, out of town owners, multiple properties, HOA involvement etc.), involves other agencies (such as Animal Control, County Health, Sheriff's Department, etc.), violations committed a long time ago require extensive research, resistant residents, and potential litigation. These cases require coordination and in some cases administrative direction. The supervision for these cases is coordinated by the Senior Planner with consultation from the ACM for Development Services and Senior City Staff as needed.

Misc.

The city is generally not proactive with violations which cannot be seen from the public-right-of-way (i.e. street and alley); unless there are complaints about unpermitted structures or zoning code violations in the back yard or hazardous situations.

Additional information for the Study Session:

1. Listing of the number of code violation cases by category to show the extent of the violations and what we are working on.

Currently Permits Plus does not allow for Staff to query by violation type but this can be possible with modification to the system. In 2012 Code Enforcement handled 886 cases of those cases 38 are still active. So far this year Staff has opened 359 cases of those 79 are still active. In general the cases that tend to be active and take longer to abate are unpermitted construction (i.e. room addition, garage conversion, etc.).

2. Description of our computer software used to administer Code Enforcement. How do our Officers use the system? What management and monitoring information does it produce? Are there some additional applications or tools that would be helpful?

The software used by Code Enforcement is Permits Plus which is an Access based program that is also used by the Building Department. The program allows for the officer to log-in and monitor the cases. The officer enters the subject address, type of violation, owner information, status information, and open and close dates. It also allows for other staff members to view the status of the case when needed. Some alterations to allow better tracking by violation type and to link the violations to CityGIS should be added to the existing software.

Anticipated discussion topics for the Study Session:

1. Confirmation regarding the goals, priority, and objectives of our code enforcement efforts. What is enforced and what process do we use to enforce – our approach with communications, notices, letters, interactions, and prosecution.

The goal of Code Enforcement is to promote and maintain a quality living environment for residents that the City has established. Code Enforcement's main priority will be to achieve volunteer compliance through personal and formal contact. The objective will be to achieve the compliance in a timely manner which will satisfy the community objective and allow for Staff to perform their duties in an effective manner.

2. Supervision of Code Enforcement – what is the most effective way to supervise the program? Who oversees the program and how do they supervise the work and how are the issues resolved? What tools do we use – software to assist with the operations of the code enforcement function; monitoring of the officer's work; and management of the program?

The most effective way to facilitate Code Enforcement is to have daily supervision by the Senior Planner. The supervisor will be able to oversee the daily activities of the officers and direct as needed. Since many of the violations involve zoning violations this allows for the Senior Planner to help address complaints in an effective and efficient manner. Currently all cases are logged and maintained under Permits Plus. Permits Plus allows for Staff to understand, categorize and list the different violations. This program allows Staff to understand how many cases are open and abated with a given time period.

3. The wording regarding the consequences of criminal prosecution, civil injunction, etc. that we have been outlining in our enforcement letters – Are we required to use it? If not, what should it say? and when should it be used?

The wording of consequences of criminal prosecution, civil injunction, etc. must be noted on the notices because it is an action that may be taken by the city. Ord. No. 1210 which was adopted by the City Council in 2012, calls out under Section 1.14.050.H Notice of Violation Procedure that a list of the potential consequences for failure to comply with the notice be listed which includes criminal prosecution, civil injunction, etc.

1.14.050 Notice of violation procedures.

Whenever it is determined that a violation of this code or applicable state codes exists, the director of development services or code enforcement officer may issue a written notice of violation to the responsible person(s). The notice of violation shall include the following information:

- A. *The name of the responsible party;*
- B. *The name of the owner, if different from the responsible person;*

- C. *Street address;*
- D. *The code sections in violation;*
- E. *A description of the conditions which violate the applicable codes;*
- F. *A list of necessary corrections to bring the property into compliance;*
- G. *A deadline or specific date to correct the violations listed in the notice of violations;*
- H. *A list of the potential consequences for failure to comply with the notice including, but not limited to, criminal prosecution, civil injunction, administrative abatement, administrative citations, civil penalties, revocation of permits, recordation of the notice of violation and withholding of future municipal permits. (Ord. 1210 § 1, 2012)*

Staff discussed the possibility of omitting certain words from the letter, the City Prosecutor advised Staff that would not be advisable and all possible actions should be listed. This Section does not specify when the consequences need be listed so Staff is suggesting the following:

1. Rework the initial contact letter to be similar to the Courtesy Notice/Friendly Reminder whether it is a request for site inspection or simply the first contact on a reported violation without the list of consequences
2. Use the current First Notice (now a Second Notice) with the potential consequences only if there is no response to the first contact or if there is a failure to perform in a timely manner after responding to the initial contact.
3. Change the current Second/Final Notice to third/Final Notice.

Attachment: Courtesy Notice/Friendly Reminder form
First Notice of Violation letter
Final Notice of Violation letter



Date: _____

Address: _____

A FRIENDLY REMINDER FROM THE CITY OF SAN OF DIMAS

Our goal is to maintain the high standards for community appearance that the community expects.

We are asking for your assistance with the following issues on your property (only checked items apply):

- Please remove trash cans by 7:00 p.m. on the day of collection. Trash cans must be stored inside garage or behind a fence where they are not visible from street or alley.
- Please remove weeds from property visible from street or alley.
- Please mow grass visible from street or alley.
- Please remove trash or debris from property visible from street or alley.
- Please remove graffiti visible from street or alley.

Thank you in advance for your assistance!

Working together we are able to keep San Dimas attractive.

For more information please call Code Enforcement Division at (909) 394-6250.



Date: _____

Address: _____

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City Council

CURTIS W. MORRIS, Mayor
DENIS BERTONE, Mayor Pro Tem
EMMETT BADAR
JOHN EBINER
JEFF TEMPLEMAN

City Manager

BLAINE M. MICHAELIS

Assistant City Manager

Treasurer/City Clerk

KENNETH J. DURAN



**Assistant City Manager of
Community Development**
LAWRENCE STEVENS

Director of Public Works
KRISHNA PATEL

**Director of Parks
and Recreation**
THERESA BRUNS

City Attorney
J. KENNETH BROWN

Date

Name

Address

FIRST NOTICE

Subject: (violation)
Re: (property address)
Case No.: CE12-

Since incorporation in 1960, the City of San Dimas has worked hard to promote and maintain a quality living environment for residents and businesses. The San Dimas Municipal Code was adopted to promote the health, safety, and welfare of the public. We realize that many homeowners and business owners may not be aware of the City's ordinances affecting their property or business.

Recently, we noticed neglected property maintenance that does not comply with City ordinance. Your timely attention is needed to correct the following issue or issues:

1. Exterior peeling paint [or broken windows, roofs in disrepair, damaged porch, broken steps], visible from public right-of-way, in violation of San Dimas Municipal Code Section 8.14.020.E.

Please follow these conditions for compliance immediately upon receipt of this notice:

1. Repair, or remove and replace, the exterior peeling paint [or broken windows, roofs in disrepair, damaged porch, broken steps] within 14 days [for roofs use 30 days]. Contact the Building & Safety Division for permit requirements prior to work.

If the violation is not corrected, then it may result in the following consequences, including, but not limited to, criminal prosecution, civil injunction, administrative abatement, administrative citations, civil penalties, revocation of permits, recordation of a notice of violation and withholding of future municipal permits. There is a fine/penalty for each day the violation exists.

If you have any questions regarding this matter, please contact me at (909) 394-6201, Office hours: 8:00-10:00 a.m.

Thank you,

City Council
CURTIS W. MORRIS, Mayor
EMMETT BADAR, Mayor Pro Tem
DENIS BERTONE
JOHN EBINER
JEFF TEMPLEMAN

City Manager
BLAINE M. MICHAELIS

**Assistant City Manager
Treasurer/City Clerk**
KENNETH J. DURAN



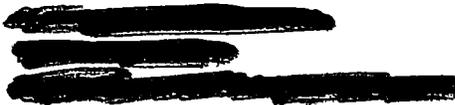
**Assistant City Manager of
Community Development**
LAWRENCE STEVENS

Director of Public Works
KRISHNA PATEL

**Director of Parks
and Recreation**
THERESA BRUNS

City Attorney
J. KENNETH BROWN

March 1, 2013



FINAL NOTICE

Subject: Trash Cans Stored in Public View (Case No. CE13-3162)
Trash Stored in Public View (Case No. CE13-3163)
Overgrown Vegetation in Front Yard Set-Back (Case No. CE13-3164)

Re: [Redacted] San Dimas, CA 91773

Since incorporation in 1960, the City of San Dimas has worked hard to promote and maintain a quality living environment for residents and businesses. The San Dimas Municipal Code was adopted to promote the health, safety, and welfare of the public. We realize that many homeowners and business owners may not be aware of the City's ordinances affecting their property or business.

On September 10, 2012, we had sent you a First Notice for some property maintenance issues that does not comply with our City ordinances. Your timely attention is needed to correct the following issue or issues:

1. Trash containers in public view in violation of San Dimas Municipal Code Section 8.12.130.C. (Case No. CE13-3162)
2. Trash and debris in the front yard set-back visible from public right-of-way in violation of San Dimas Municipal Code Section 8.14.020.G. (Case No. CE13-3163)
3. Overgrown vegetation (weeds) in the front yard set-back in violation of San Dimas Municipal Code Section 8.14.020.L. (Case No. CE13-3164)

The attached photos are representative of conditions observed on your property and may not include all areas that need attention.

Please follow these conditions for compliance immediately upon receipt of this notice:

1. Remove all existing trash containers out of public view, which is not visible from the street, **within 24 hours. (Case No. CE13-3162)**
2. Remove the existing trash and debris from the front yard set-back at the subject property within **7 days or no later than Friday, March 8, 2013. (Case No. CE13-3163)**
3. Cut-down and remove the existing overgrown vegetation (tall grass & weeds) in the front yard set-back at the property within **14 days or no later than Friday, March 15, 2013. (Case No. CE13-3164)**

If the violation is not corrected, then it may result in the following consequences, including, but not limited to, criminal prosecution, civil injunction, administrative abatement, administrative citations, civil penalties, revocation of permits, recordation of a notice of violation and withholding of future municipal permits. There is a fine/penalty for each day the violation exists.

If you have any questions regarding this matter, please contact me at (909) 394-6257, Office hours: 3:30 – 5:30 p.m.

Thank you,

David K. Shono
Code Compliance Officer
City of San Dimas