

**Boulder City Council
STUDY SESSION**

**Tuesday
April 8, 2014**

**6-9 PM
Code Enforcement**

**Council Chambers
Municipal Building
1777 Broadway**

Submit Comments to City Council
Email: [council @bouldercolorado.gov](mailto:council@bouldercolorado.gov)

or

Attention: Alisa Lewis, City Clerk
PO Box 791, Boulder, CO 80306

or

Fax: 303-441-4478



CITY OF BOULDER
STUDY SESSION

TO: Members of City Council

FROM: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Tom Carr, City Attorney
Greg Testa, Interim Police Chief
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Community Planning and Sustainability/Interim Housing Director
Brian Holmes, Zoning Administrator
David Thacker, Chief Building Official
Tom Trujillo, Police Commander
Jennifer Riley, Code Enforcement Supervisor
Eric M. Ameigh, Senior Project Manager

DATE: April 8, 2014

SUBJECT: Code Enforcement

PURPOSE:

This study session will provide an opportunity for City Council to discuss the city's code enforcement efforts. This subject arose at the retreat where several council members expressed interest about how the city handles code enforcement. This study session will provide council members the opportunity to hear from our enforcement personnel directly about how these activities are currently conducted and to ask questions.

It should be noted that while code enforcement functions also include responsibilities for traffic, parking and animal control, these areas are not highlighted in this memorandum; staff will address questions about these and other areas of interest.

INTRODUCTION:

In the strictest sense, all of the city's enforcement efforts are to enforce the Boulder Revised Code. There is a unit of the Police Department called "Code Enforcement" that is responsible for enforcing specified code sections. This is, however, only part of the picture. In fact, the city's code enforcement function is a coordinated multi-disciplinary approach implemented through various departments, including Police, Community Planning and Sustainability, and Public Works. This memorandum will provide background about each of those efforts to lay the groundwork for council's discussion

BACKGROUND:

In 2011, as part of the 2012 budget process, two vacant positions and associated personnel and non-personnel expenses were reallocated from the Public Works Department to the Police Department to more efficiently and effectively carry out certain law enforcement functions. The resource shift was undertaken to leverage opportunities to improve service levels. Although the Police Department is responsible for many areas of code enforcement, Public Works along with Community Planning and Sustainability (CP&S) retained responsibility for, among other things, marijuana enforcement, nuisance abatement, rental housing inspection and licensing, and over occupancy enforcement. See attachment A for the list of enforcement activities sorted by B.R.C. title with associated lead department.

In most cases, code enforcement is based on complaints, which means city staff responds when constituents contact the city. For most issues, the city does not have the resources to proactively seek out violations although there are exceptions, described later in more detail.

In July 2013, the city introduced a constituent relationship management system (CRM) called “Inquire Boulder” to more easily allow residents to identify issues and to track the city’s response.¹ Inquire Boulder is a one stop tool for residents to report issues directly to the departments responsible for addressing them. The system allows a user to select from 85 discrete categories of issues and to describe more specifically a particular concern.

CODE ENFORCEMENT RESPONSIBILITIES IN BOULDER

Boulder Police Department

The Boulder Police Department has multiple distinct groups that enforce code-related issues. The Code Enforcement unit consists of one supervisor and two officers who address the external nuisance violations of codes that affect the health, life, and safety concerns of the city. One officer and one administrative assistant position have been approved for this unit with the recent passing of new code section 6-3-12 “Bear-Resistant Trash Containers Required,” B.R.C. 1981. These positions will be added after May 2014. The Community Services unit is staffed with commissioned police officers and is responsible for the inspection and enforcement of the recreational marijuana, medical marijuana, and legal marijuana grow operations. Patrol, including the Neighborhood Impact Team, responds to noise concerns, loud parties, and abandoned vehicles on public property.

While most code enforcement in the city is complaint based, the Police Department’s code enforcement units attempt to balance complaint based enforcement with officer initiated complaints resulting from patrolling. Last year, the unit generated approximately 54 percent of enforcement activity from direct officer observations. The unit’s principal goal is to educate the public on the requirements of the code and to gain compliance. Officers have latitude to educate and warn rather than to just issue citations. Experience shows that an educational and polite conversation with a resident can often be

¹ www.inquireboulder.com.

more effective than simply writing a ticket, as shown by the 95 percent compliance rate that the unit achieved during the period of time outlined below.

The following tables summarize the work of the police department code enforcement unit in the twelve months between March 1, 2013 and Feb. 28, 2014:

Code Enforcement District Status Report
Enforcement – Proactive 46% vs. Reactive 54%

District	New Cases	Cases Closed
1	435	411
2	32	24
3	282	256
3H	515	460
4	189	163
5	377	370
All	1830	1684

Cases are individual case files for properties inspected for violations. New cases are opened during time frame and closed cases are closed during the timeframe.

Code Enforcement Violation Count / District Report
Compliance Rate of 95%

Violation Counts								
Violation Description	District 1	District 2	District 3	District 3H	District 4	District 5	Total Violations	Summons
Trash	169	23	142	379	91	176	980	103
Sign in Right-of-way	508	5	10	2	122	5	652	
Snow on Sidewalk	200	12	103	212	77	179	783	4
Tall Growth	46	8	21	16	46	79	216	1
Overhanging Sidewalk/Street	53	3	30	4	16	18	124	
Outdoor Furniture Restriction	X	X	X	32	X	X	32	2
Graffiti	4	2	2	7		5	20	
Noxious Weed Control	6	2	1	1	1	6	17	
Rodent Control	1			1	1	3	6	
Smoking in an Entryway	1		2				3	
Pesticides					1		1	
Total All	988	55	311	654	355	471	2834	112*

*Two summons were served for Discharge into Storm Water System

Public Works

When the code enforcement activities described above were transferred from Public Works to the Police Department, Public Works retained enforcement responsibility for building-related violations. There is one Public Works employee dedicated to code enforcement. In some areas, Public Works has joint responsibility with the Police Department. For example, both Public Works and Police are part of the marijuana enforcement team. The police are responsible for compliance with the marijuana code provisions, while Public Works enforces the building code. This allows each department to enforce code within the area of its expertise.

Within the Public Works Department there are several subunits, each with enforcement responsibilities. Duties include right-of-way enforcement and the enforcement of rental housing inspection and licensing. The Public Works Department is also responsible for the enforcement of the International Property Maintenance Code (IPMC), which serves as the city's Housing Code. The purpose of the IPMC is to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The code requires existing structures and premises that are not in compliance with the code to be altered or repaired to meet the code. The code requirements are intended to represent the minimum acceptable level of public health and safety. Four specific areas addressed by the code are:

- Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.
- Fixing responsibility among owners, operators and occupants for following the code.
- Regulating the use of existing structures and premises.
- Providing for administration, enforcement and penalties.

All residential rental properties not occupied by a family member of a property owner must maintain a current rental license. In 2011, Public Works established a Rental License Compliance Specialist (RLCS) position. This position was created to be exclusively focused on rental license enforcement.

The RLCS began investigating a backload of more than 500 noncompliant rental license enforcement cases on June 1, 2011. These cases were primarily created based on resident complaints about properties that allegedly did not have a valid rental license. From June 2011 through December 2013, the RLCS investigated 1070 cases. Of those cases, 539 were closed because no rental license was required; and 531 rental licenses were obtained. Currently 138 rental license cases are under investigation.

The following table summarizes the code enforcement work of the Public Works Department in the twelve months between March 1, 2013 and Feb. 28, 2014:

Public Works Code Enforcement		
Building Inspections	New Cases	Closed Cases
<i>Building Code Violations</i>	114	114
<i>Dangerous building abatement</i>	8	8
<i>Grading violation</i>	2	2
<i>Housing code violation</i>	19	19
<i>Rental license violation</i>	354	354
Others		
<i>Medical Marijuana</i>	90	90
<i>Nuisance Abatement</i>	3	3
<i>Recreational Marijuana</i>	1	1
<i>Wood Roof Covering</i>	19	19
Right-of-Way		
<i>Right-of-Way Violation</i>	1	1
<i>Transportation Code Violation</i>	1	1
<i>Utility Code Violation</i>	1	1

Community Planning and Sustainability

Similar to Public Works, when the code enforcement activities described above were transferred from CP&S to the Police Department, CP&S retained enforcement responsibility for zoning, historic preservation, and other planning related code violations. There is one CP&S employee assigned to zoning code enforcement. CP&S works closely with the building department to address issues where their respective areas of expertise are necessary.

The following table summarizes CP&S code enforcement work in the twelve months between March 1, 2013 and Feb. 28, 2014:

CP&S Code Enforcement		
Zoning Enforcement	New Cases	Closed Cases
<i>Home Occupation Violation</i>	11	
<i>Illegal Units</i>	44	
<i>Land Use Violation</i>	61	
<i>Occupancy Violation</i>	45	
<i>Sign Code Violation</i>	33	

Over Occupancy

CP&S is also responsible for responding to complaints of over-occupancy. One enforcement officer has responsibility for enforcing this land use regulation. Boulder's land use code limits occupancy in low-density residential areas to a family plus two roomers or three unrelated individuals. In medium- to high-density areas, the code allows up to four unrelated individuals. However, there are hundreds of units that are legal non-conforming uses, allowing for a greater occupancy. In some neighborhoods, especially near the University of Colorado there are circumstances where one property must conform to the current code while the property next-door could have a legal occupancy of more than what is currently permitted. As a result, over-occupancy is investigated on a complaint basis and the complaints require extensive records research to rule out legal non-conforming status.

Zoning Enforcement investigates all complaints of over occupancy. The goal is to achieve compliance with the occupancy limits. Zoning enforcement attempts to resolve all complaints with education of code requirements, and a warning of the consequences of not complying. Because of the permitted variations in occupancy, the enforcement strategy is to focus on the harmful behaviors that result from over-occupancy, such as parking violations, noise enforcement, and trash violations.

ATTACHMENTS

Attachment A: Code Enforcement Responsibilities by Department

Enforcement Categories Summary - Sorted by B.R.C. Title - March 31, 2014

Category	B.R.C. Title/Section	Police	Public Works	CP&S (Zoning)	Parking	Notes
Special Event Noise Monitoring	5 - 9-3	X				Contracted OT - Building/Staff as Needed
HVAC Noise	5 - 9-3	X	X			Building-Subject Matter Expert/PD-Night Support
Illegal Use of Dumpster	5 - 4-12	X				
Noise	5 - 9	X				
Signs in ROW	5 - 4-15	X				
Sofa Ordinance	5 - 4-16	X				
Graffiti	5 - 4-14	X	X			PD-Enforcement/PW-Public Property
Six Day Review	6 - 3-9	X				
Cut Tree Branches in ROW	6 - 3-3	X				
RMJ/MMJ - Other Summonses	6 - 14	X				
Pesticides	6 - 10	X				
Smoking	6 - 4	X				
Trash	6 - 3	X				
Weeds/State Weed List	6 - 2	X				
Woodburning	6 - 9	X				
RMJ/MMJ - Building Code	6 - 14		X			
Inoperable Vehicles	7 - 7-4	X				
Vehicular Noise	7 - 3-4	X				
Visible Emissions	7 - 3-5	X				
Parking in Setback	7 - 6-23			X	X	Overlapping Provisions in Title 7 & 9
Blocking ROW	8 - 6-3	X				
Plowing Snow into ROW	8 - 2-10	X				
Sidewalk Snow Removal	8 - 2-13	X				
Sidewalk Obstructions - 18"	8 - 6-3		X			Sidewalk Program-Investigate/PW Officer Enforce
Construction Materials in ROW	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
ROW Encroachments	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
PODS	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
Revocable Permit Enforcement	8 - 6-7		X			ROW Inspection-Investigate/PW Officer-Enforce
Tree Branches over ROW	8 - 6-3	X				ROW Inspection-Investigate/PW Officer-Enforce
Illegal Units	9 - 1-3		X	X		With Coordination between Zoning and PW Officers
OAU/ADU	9 - 6-3			X		
Site Triangles	9 - 9-7		X			ROW Inspection-Investigate/PW Officer-Enforce
Fences	9 - 9-15		X			
Setbacks	9 - 7		X	X		
Banners	9 - 9-21			X		
Historic Preservation	9 - 11			X		
Home Occupation	9 - 6-3			X		
Illegal Uses	9 - 6			X		
Lighting	9 - 9-16			X		
Occupancy	9 - 8-5			X		
Parking in Setback	9 - 9-6			X	X	Overlapping Provisions in Title 7 & 9
Sandwich Boards (Not in ROW)	9 - 9-21			X		
Selling from Movable Structure	9 - 6-5			X		
Sign Code (Not in ROW)	9 - 9-21			X		
Nuisance Abatement	10 - 2.5		X			PD/PW Coordinate
Building	10 - 5		X			
Fences	10 - 5		X			
Property Maintenance Code	10 - 2		X			Housing Code
Rental Licensing	10 - 3		X			
Stop Work Order	10 - 5		X			
Work without Permits	10 - 5		X			
Sanitary Sewer Discharge	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Stormwater Discharge	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Tracking Mud	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Utility Violations	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce