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
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*** **

*See **Attachment B** for district boundaries.
** During the time period, many violations for Sign in Right-of-way were inaccurately coded to District 1. This has been addressed moving forward.
***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: 03.01.2013 - 02.28.2014				
Building Inspections	New Cases	Closed Cases (Total)	*Closed Cases (No Violation)*	Open Cases
Building Code Violations	114	101	*7*	13
Dangerous Building Abatement	8	7		1
Grading Violation	1	1	*1*	
Housing Code	19	10	*1*	9
Rental License	353	259	*135*	94
Others				
Marijuana Enforcement	91	86	*2*	5
Nuisance Abatement	3			3
Wood Roof Covering	586	538		48
Right-of-Way				
Right-of-Way	1	1		
Transportation	1	1		
Utility Code	1	1		
TOTAL	1178	1005	*146*	173

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: 03.01.2013 - 02.28.2014				
Zoning Enforcement	New Cases	Closed Cases (Total)	*Closed Cases (No Violation)*	Open Cases
Land Use Violations	**61**	**57**	***25***	**4**
Over-Occupancy Violation	**45**	**43**	***31***	**2**
Illegal Units	**44**	**33**	***17***	**11**
Sign Code Violation	**32**	**32**	***2***	**-**
Home Occupation Violation	**11**	**9**	***5***	**2**
Total:	**193**	**174**	***80***	**19**

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.

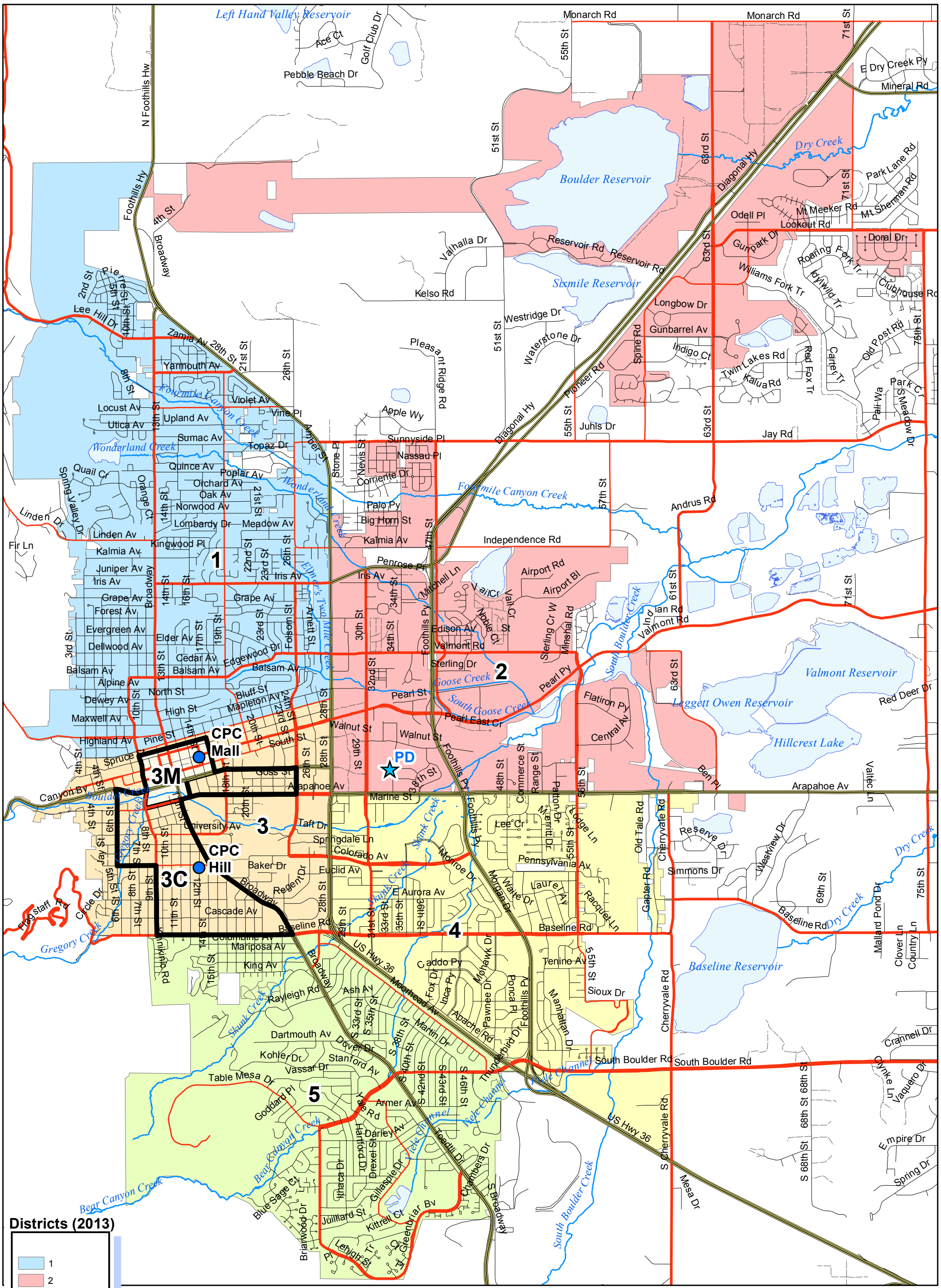
ATTACHMENTS

Attachment A: Code Enforcement Responsibilities by Department
Attachment B: Police District Boundaries

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

Boulder Police Department District Map (2013)


Left Hand Valley Reservoir
Boulder Reservoir
Sixmile Reservoir
Valmont Reservoir
Leggett Owen Reservoir
Hillcrest Lake
Baseline Reservoir
Dry Creek
Fourmile Canyon Creek
Wonderland Creek
Elmer's Two Mile Creek
Goose Creek
South Goose Creek
Pearl East Cr
Skunk Creek
Gregory Creek
Bear Canyon Creek
South Boulder Creek
Viele Channel
Boulder Creek
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Broadway
Reservoir Rd
Valhalla Dr
Kelso Rd
Westridge Dr
Waterstone Dr
Pleasant Ridge Rd
Pioneer Rd
Spine Rd
Longbow Dr
Gunbarrel Av
Indigo Ct
Twin Lakes Rd
Kalua Rd
Red Fox Tr
Carter Tr
Gunpark Dr
Williams Fork Tr
Roaring Fork Tr
Idylwild Tr
Clubhouse Rd
Odell Pl
Mt Meeker Rd
Lookout Rd
Mt Sherman Rd
Park Lane Rd
Doral Dr
Old Post Rd
Jay Rd
Juhls Dr
Andrus Rd
Independence Rd
Airport Rd
Airport Bl
Valmont Rd
Sterling Dr
Pearl Py
Pearl St
Flatiron Py
Central Av
Red Deer Dr
Arapahoe Av
Walnut St
South St
Pine St
Spruce St
Canyon Bv
Marine St
University Av
Taft Dr
Springdale Ln
Colorado Av
Euclid Av
E Aurora Av
Baseline Rd
Pennsylvania Av
Lee Cr
Simmons Dr
Reserve Dr
Cherryvale Rd
Old Tale Rd
Gapter Rd
Baker Dr
Regent Dr
Cascade Av
Mariposa Av
King Av
Rayleigh Rd
Ash Av
Dartmouth Av
Kohler Dr
Vassar Dr
Stanford Av
Table Mesa Dr
Goddard Pl
Dover Dr
Armer Av
Darley Av
Hartford Dr
Drexel St
Ithaca Dr
Gillespie Dr
Blue Sage Ct
Briarwood Dr
Juilliard St
Kittrell Ct
Greenbriar Bv
Lehigh St
Chambers Dr
S Broadway
US Hwy 36
Meadow Av
Caddo Py
Tenino Av
Sioux Dr
Mohawk Dr
Pawnee Dr
Ponca Pl
Apache Rd
Thunderbird Dr
Manhattan Dr
Martin Dr
South Boulder Rd
S Cherryvale Rd
Mesa Dr
Crannell Dr
Clynke Ln
Vaquero Dr
Empire Dr
Spring Dr
S 68th St
Mallard Pond Dr
Clover Ln
Country Ln
Baseline Rd
Dry Creek
Flagstaff Rd
Circle Dr
Linden Dr
Fir Ln
Spring Valley Dr
Quail Cr
Orange Ct
Lee Hill Dr
Zamia Av
Yarmouth Av
Violet Av
Locust Av
Utica Av
Upland Av
Sumac Av
Topaz Dr
Quince Av
Poplar Av
Orchard Av
Oak Av
Norwood Av
Lombardy Dr
Meadow Av
Linden Av
Kingwood Pl
Kalmia Av
Juniper Av
Iris Av
Grape Av
Forest Av
Evergreen Av
Dellwood Av
Elder Av
Cedar Av
Balsam Av
Alpine Av
Dewey Av
Maxwell Av
Highland Av
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High St
Bluff St
Mapleton Av
Edgewood Dr
Folsom St
Arnett St
Amherst St
Nevis St
Stone Pl
Sunnyside Pl
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Corriente Dr
Palo Py
Big Horn St
Penrose Pl
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Edison Av
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Minshal Rd
Indian Rd
Valmont Rd
Ben Pl
Valtec Ln
Lodge Ln
Monroe Dr
Morgan Dr
Waite Dr
Laurel Av
Racquet Ln
Merritt Dr
Commerce St
Range St
Foothills Py
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Mesa Dr
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Pierre St
Sunset St
Jay St
Circle Dr
Flagstaff Rd
Baker Dr
Regent Dr
Cascade Av
Goss St
Arapahoe Av
Marine St
Walnut St
Pine St
South St
Spruce St
Canyon Bv
Pearl St
Sterling Dr
Valmont Rd
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Iris Av
Grape Av
Penrose Pl
Kalmia Av
Juniper Av
Linden Av
Kingwood Pl
Lombardy Dr
Meadow Av
Norwood Av
Oak Av
Orchard Av
Poplar Av
Quince Av
Topaz Dr
Sumac Av
Upland Av
Violet Av
Vine Pl
Locust Av
Utica Av
Yarmouth Av
Zamia Av
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Spring Valley Dr
Quail Cr
Orange Ct
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Fir Ln
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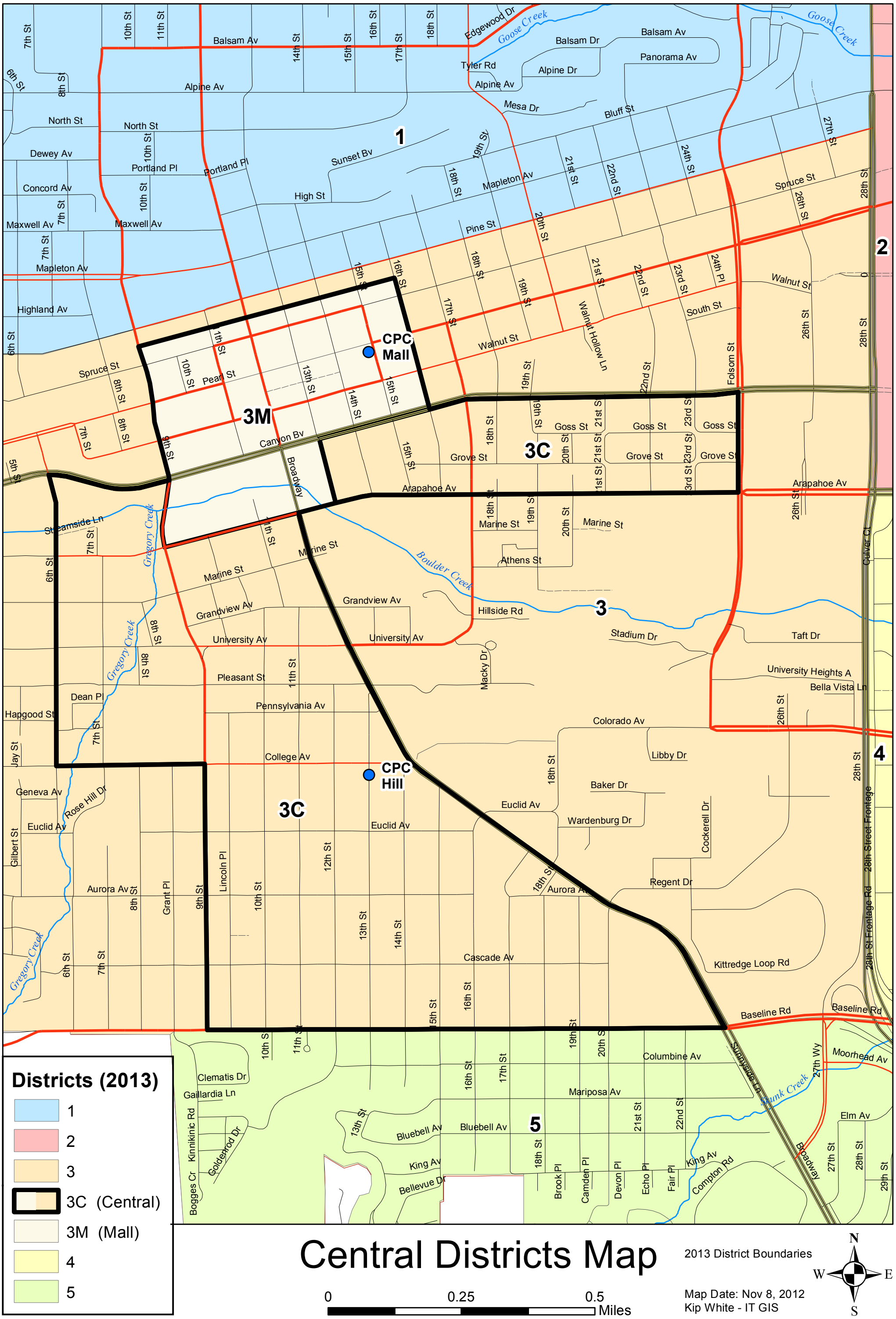
Gregory Creek
Bear Canyon Creek
Table Mesa Dr
Goddard Pl
Dartmouth Av
Kohler Dr
Vassar Dr
Stanford Av
Dover Dr
Rayleigh Rd
Ash Av
King Av
Mariposa Av
Baker Dr
Regent Dr
Cascade Av
Euclid Av
Colorado Av
Springdale Ln
Taft Dr
University Av
Marine St
Arapahoe Av

Boulder Police Department District Map (2013)



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