

RESOLUTION NO. 903

A RESOLUTION ADOPTING  
GUIDING PRINCIPLES AND POLICIES  
FOR CODE ENFORCEMENT

WHEREAS, the city conducted a performance audit of environmental and zoning code enforcement; and

WHEREAS, the City Council has determined that a strategic framework for code enforcement is warranted; and

WHEREAS, the City Council desires to provide direction by adopting a set of guiding principles and policies in support of a strategic framework for code enforcement; and

WHEREAS, this resolution is intended to provide guiding principles, but not establish any legal duty or defense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THAT: the City Council has determined the following:

Section 1. The overall approach to Boulder's code enforcement is based upon a strategic framework. This strategic framework includes the following guiding principles:

1. Code enforcement requires balancing the public good with individual rights.
2. The language of the codes to be enforced should clarify not impede code enforcement.
3. Punishment is not an independent objective of code enforcement. Punishment is a means of achieving a higher level of compliance with city codes.
4. It is not generally desirable to impose punishment after a violation has been abated, except as a means of obtaining efficient code enforcement.
5. An objective of Code enforcement is that it should strive to be prompt, consistent, predictable, and firm.
6. Enforcement response and its effectiveness needs to be continually assessed, and new strategies considered and implemented as warranted, in order to improve the quality of life in neighborhoods.

Section 2. A policy for code enforcement is intended to establish the basic goals and standards for enforcing Boulder's environmental and land use regulation as follows:

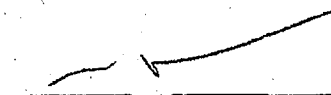
1. City Council believes that each citizen of Boulder desires to live in a safe, peaceful, and attractive neighborhood.
2. City Council recognizes that rational people can have different opinions regarding the definition of neighborhood safety, peacefulness, and attractiveness.
3. City Council has determined that the enforcement of environmental and land use codes is a major element in ensuring neighborhood safety, peacefulness, attractiveness and stability.
4. City Council recognizes that the maintenance of the city's neighborhoods has an economic value, as well as the obvious values of having citizens feel safe and satisfied with their surroundings.
5. City Council recognizes that the city should attempt to balance the public good and the rights of individuals when utilizing various approaches to the enforcement of environmental and land use codes.
6. City Council believes that the goal of code enforcement, in supporting neighborhood safety, peacefulness, and attractiveness, is to achieve compliance with all applicable codes and the implied standards attributable to each code.
7. The City through its existing ordinances has set specific policies on a number of code-related issues; it is the responsibility of City Council and the city administration to support compliance with ordinances or change them.
8. City Council supports the City Manager in his role of determining specific enforcement protocols for implementing environmental and land use code regulations, as established in city codes.
9. City Council has determined, based upon input from the City Manager and his staff as well as from the citizens of Boulder, that the University Hill Neighborhood and other neighborhoods, such as Goss-Grove, Martin Acres and East Aurora, may have special enforcement needs, based upon the significant problems with code compliance in these neighborhoods.
10. Because City Council recognizes these neighborhood-specific enforcement needs, there is the need to have neighborhood-specific enforcement strategies.
11. City Council has determined that past approaches to enforcement of environmental and land use codes have not been as effective as desired in mitigating specific problems in neighborhoods with a high percentage of code violations.
12. City Council has determined that, until significant improvements have been made in compliance with environmental and land use codes in these neighborhoods, code enforcement efforts should concentrate on these neighborhoods.
13. Because the provision of rental housing in the community is a business practice that merits active and regular monitoring of housing conditions, the City Council has determined that there are significant benefits to greater involvement of landlords and property managers in developing code enforcement approaches.
14. City Council has determined that tenants, property owners and property managers all have responsibilities and may all be involved in code compliance efforts.
15. City Council has determined that current relationships with the University of Colorado need to be strengthened in order to successfully develop short and long-term alternatives to the problems with bringing the neighborhoods adjacent to the University into compliance with environmental and land use codes.

16. City Council has determined that the lack of housing adds to the problems in neighborhoods near the campus and that the city and university should work jointly to identify options for mitigating this lack of housing.
17. City Council is open to considering creative enforcement and funding alternatives.

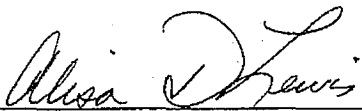
Section 3. While the City Manager has responsibility for determining the specific operational approaches to be used in code enforcement, the City Council is providing the following additional policy guidance to support operational planning and day-to-day management, particularly in enforcement efforts undertaken in neighborhoods adjacent to the University.

1. City Council supports a proactive enforcement stance.
2. Occupancy shall be enforced on a complaint basis and as a follow-up to other enforcement efforts.
3. City Council recommends that the City Manager conduct the analysis needed to support focused proactive enforcement and conduct that focused proactive enforcement through 2003.
4. City Council anticipates that information gleaned from such focused proactive enforcement can be used to assist us in developing a more comprehensive strategy for achieving compliance with environmental and land use codes in neighborhoods adjacent to the University.
5. City Council recommends that the City Manager and his staff monitor the impact of code enforcement performance so that it can be determined whether or not greater compliance is being achieved.
6. City Council recommends that the City Manager and his staff use a consistent definition of neighborhood boundaries in developing neighborhood specific measures.
7. City Council recommends that the City Manager establish a set of enforcement protocols clearly stating the general approaches to code enforcement to serve as guidance for code enforcement officers. These protocols will be shared with the City Council.
8. City Council recommends that the City Manager and the City Attorney determine the long-term operational impacts of proactive enforcement and bring forth recommendations on staffing requirements, ordinance changes, and associated funding strategies.
9. City Council will take responsibility for contacting the University to discuss its policy toward enrollment and how housing problems associated with this policy can be addressed.

INTRODUCED, READ, PASSED AND ADOPTED this 2nd day of April, 2002.

  
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Mayor

Attest:

  
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City Clerk