

Proposed Modifications to Removal of Trash and Undergrowth from Property

5/2/2016

CODE	EXISTING CODE	PROPOSED CODE CHANGE	ACTION PROPOSED
26-183 (1)	<p>A place upon which refuse or debris is permitted or caused to accumulate. The term "refuse or debris" shall be taken to refer to all classifications of solid waste and shall include garbage, rubbish, ashes, street refuse, dead animals, abandoned automobiles and industrial refuse. Refuse derives from such places as homes, hotels, institutions, stores, restaurants, markets, wholesalers, processing plants, factories, shops, garages, office buildings, streets, sidewalks, alleys, vacant lots, power plants and the like. Provided, however this section does not apply to:</p>	<p>A place upon which refuse or debris is permitted or caused to accumulate. The term "refuse or debris" shall be taken to refer to all classifications of solid waste and shall include garbage, rubbish, bulky waste items, yard waste, construction debris, ashes, street refuse, dead animals, abandoned automobiles and industrial refuse. Refuse derives from such places as homes, hotels, institutions, stores, restaurants, markets, wholesalers, processing plants, factories, shops, garages, office buildings, streets, sidewalks, alleys, vacant lots, power plants and the like. Provided, however this section does not apply to:</p>	Clarification, strengthen code standards
26-183 (2)	<p>Where found to constitute a public nuisance under the provisions of this article, a place of dense growth of weeds, grass, vines, or briars over 12 inches in height, and within either 100 feet of an abutting public street or 50 feet of a house or other residential, commercial or industrial building; provided, however, the term building shall not include detached structures which are accessory to a dwelling unit or other residential, commercial or industrial building. The weeds, grass, vines or briars constituting a prohibited condition described by this subsection shall be cleared and cut to not more than six inches in height.</p>	<p>Where found to constitute a public nuisance under the provisions of this article, a place of dense growth of weeds, grass, vines, or briars, or an area reasonably considered as a lawn, over 10 inches in height, and within either 100 feet of an abutting public street or 50 feet on all sides of a house or other residential, commercial or industrial building; provided, however, the term building shall not include detached structures which are accessory to a dwelling unit or other residential, commercial or industrial building. The weeds, grass, vines or briars constituting a prohibited condition described by this subsection shall be cleared and cut to not more than four inches in height.</p>	Strengthen code standards, response to community concerns (resident survey), clarification

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26-183 (2) b. - f.	New proposed code	<p>b. Areas of vegetation including natural areas; and flower, vegetable or other gardens; shall be kept free of trash, debris, and weeds kept to a height not to exceed 10 inches.</p> <p>c. The public sidewalk, curb and gutter that abut the owner's property consist of an accumulation of dirt, grass, weeds, mud, trash, debris and vegetation of any kind.</p> <p>d. Any vegetation protruding onto or over the public sidewalk, curb and gutter that abuts the owner's property shall be removed, cut or trimmed so as not to require a pedestrian or vehicle to take evasive action to avoid physical contact with the same or otherwise hinder safe passage.</p> <p>e. The area, between the sidewalk that abuts the owner's property and the curb, or between owner's property line and the curb, becomes a place of dense growth of weeds, grass, vines, briars, over 12 10 inches in height.</p> <p>f. Any portion of any alley that abuts owner's property and is bounded by the property lines of the adjoining properties and the mid-point of such alley is not maintained in a clean and sanitary condition, free of garbage, rubbish, bulk trash, or other offensive material. Any vegetation protruding onto or over the alley shall be trimmed to allow the free passage of vehicles.</p>	Strengthen code standards, enforcement practicality and efficiency (Public works and General Services have related ordinances that are not efficiently enforceable), related section deleted from Housing Code and added here for consistency of enforcement timeframe, also is responsive to community concerns (resident survey), and clarifies/addresses cross departmental issues.
26-183 (6)	No person shall place or allow to remain exposed to the elements, whether outdoors or within an enclosed porch or similar area, any chair, sofa, bed, table or similar furniture, which is not designed and intended for outdoor use and which is thereby readily susceptible to deterioration. This section shall not apply to furniture which is placed outside as refuse for collection and disposal.	No person shall place or allow to remain exposed to the elements, whether outdoors or within an enclosed on a porch or similar area any; upholstered chair, sofa, bed, table or similar furniture, which is not designed and intended for outdoor use and which is thereby readily susceptible to deterioration. This section shall not apply to furniture which is placed outside as refuse for collection and disposal.	Clarification

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26-183 (7)	Addition	No person shall place or allow to remain exposed to the elements appliances or other electro-domestic items not intended for outdoor use.	Strengthen code standards, response to community concerns (resident survey and direct requests), clarification
26-183 (8)	Addition	No person shall place or allow to remain exposed to the elements laundry, clothing, rags, or other cloth items hung or stored on a front porch, front or other street yard of a dwelling.	Strengthen code standards, response to community concerns (resident survey and direct requests), clarification
26-184 (a)	When any condition prohibited by this article is found to exist, the housing code administrator shall send to the owner of the property a notice of the violation by first class mail. In addition, on the same date of mailing, notice shall be posted in a conspicuous place on the property. The housing code administrator shall develop a policy for posting the notice. The notice shall include the following:	When any condition prohibited by this article is found to exist, the housing code administrator shall notify the owner of the property by posting a notice of violation in a conspicuous place on the property. The notice shall include the following:	Process practicality and efficiency
26-184 (a)(2)	An order that the owner correct the conditions within ten days from mailing and posting of the notice; provided, however, the housing code administrator may extend the time for correcting said conditions for a period not to exceed ten additional days, where he or she finds such extension to be necessary and reasonable.	An order that the owner correct the conditions within ten days from mailing and posting of the notice of violation ; provided, however, the housing code administrator may extend the time for correcting said conditions for a period not to exceed ten additional days , where he or she finds such extension to be necessary and reasonable.	Process practicality and efficiency
26-184 (a)(3)	... If the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then a summary of the notice shall be published one time in a newspaper of general distribution in the city. In addition, the notice shall be posted on the property in question.	Service of a notice of violation shall be complete upon posting of the notice. In addition, the City shall mail a copy of the notice of violation to the owner of the property as shown on the county tax listing of the subject property on the date of posting, or within a reasonable time after posting the property. The housing code administrator shall adopt a policy for mailing and posting a notice of violation.	Process practicality and efficiency

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26-184 (b)	The term "property owner" or "owner of property" when used in this article, means the holder of the title in fee simple, every mortgagee of record, all individuals, associations and corporations who have an interest of record in the property, and any individual, association or corporation in possession of the property. The phrase "any individual, association or corporation in possession of the property" is intended to include persons who occupy real property under any recognized form of tenancy."	The term " owner ", or "property owner" when used in this article, means the holder of the title in fee simple, every mortgagee of record, all individuals, associations and corporations who have an interest of record in the property, and any individual, association or corporation in possession of the property. The phrase "any individual, association or corporation in possession of the property" is intended to include persons who occupy real property under any recognized form of tenancy."	Clarification
26-190	Any owner who fails to comply with any of the provisions of this article shall be subject to a civil penalty in the amount of \$100.00 for the first day of noncompliance and \$10.00 for each day thereafter. This penalty may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the same within 30 days after the initial day of noncompliance.	Any owner who fails to comply with any of the provisions of this article shall be subject to an initial civil penalty in the amount of \$50.00 for the first day of noncompliance and an additional civil penalty of \$50.00 shall be imposed each month. for each day thereafter. The penalty shall be imposed until the property is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$1,000.00. This penalty may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the same within 30 days after the initial day of noncompliance.	Process practicality and efficiency - modify to align similarly with current housing code penalty assessment and to include a maximum
26-192	New proposed code	<u><i>Cancellation or reduction of cost of abatement liens in limited circumstances.</i></u>	Process practicality and efficiency - modify to align similarly with current housing code provision for reduction or cancellation of demolition liens

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26-192 (1)	New proposed code	<p>(1) The city manager may authorize the reduction or cancellation of the cost of abatement to correct conditions prohibited by this article which is a lien against the real property upon which the cost was incurred in the following circumstances:</p> <p>a. When the owner of the property completes construction of a dwelling on the property to be used for affordable housing. The owner must also obtain and provide a certificate of compliance from the city/county inspections department.</p> <p>b. When the owner of the property conveys the property subject to the lien to a person who completes construction of a dwelling on the property to be used for affordable housing. Completion of construction shall be evidenced by a certificate of compliance issued by the city/county inspections department.</p>	<p>Process practicality and efficiency - modify to align similarly with current housing code provision for cancellation of demolition liens when property converts to affordable housing.</p>
26-192 (2) (3)	New proposed code	<p>(2) The city council may, in its discretion, reduce or cancel the cost described in this section, when the cost is past due, the owner offers to convey the property to the city and the city council agrees to accept the deed to the property in payment of the cost.</p> <p>(3) The city manager shall establish a policy to implement this section. For each instance of exercising the authority to reduce or cancel a lien under this section, the city manager shall make a record of the reasons why such action is appropriate. “</p>	<p>Process practicality and efficiency - modify to align similarly with current housing code provision for cancellation of demolition liens.</p>