



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda Planning Commission

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Wednesday, June 8, 2022

6:00 PM

Town Hall, 363 N.Main Street  
and via Video Conference

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### MEETING CALLED TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### ZOOM WEBINAR INVITATION

*You are invited to a Zoom webinar.  
When: Jun 8, 2022 06:00 PM Pacific Time  
Topic: Planning Commission Meeting*

*Please click the link below to join the webinar:  
<https://us06web.zoom.us/j/87956084453>  
Or Telephone: US: +1 346 248 7799 or +1 720 707 2699 (\*6 mute/unmute; \*9 raise hand)  
Webinar ID: 879 5608 4453*

*To speak during public comment portions of the agenda via Zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address.*

### **1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS**

*MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.*

*BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.*

*WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too*



**NOTICE TO THE PUBLIC**

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at [www.fortbragg.com](http://www.fortbragg.com) subject to staff's ability to post the documents before the meeting.

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



# City of Fort Bragg

416 N Franklin Street  
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## Text File

File Number: 22-255

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**Agenda Date:** 6/8/2022

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Minutes

**Agenda Number:** 4A.

Minutes of the May 25, 2022 Planning Commission Meeting



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Planning Commission

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Wednesday, May 25, 2022

6:00 PM

Town Hall, 363 N.Main Street and  
via Video Conference

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### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Chair Jeremy Logan, Vice Chair Michelle Roberts, Commissioner Stan Miklose, Commissioner Andrew Jordan, and Commissioner Sharon Davis

### 1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

- (1) Public Comments on Non-Agenda items were received from Shelley Green.
- (2) There were no Public Comments on Consent Calendar items.

### 2. STAFF COMMENTS

Assistant Director O'Neal announced that on June 7 at 5:30 PM, there will be an Environmental Scoping Meeting for the proposed Grocery Outlet Initial Study. It will be held at Town Hall and on-line via Zoom. She also stated that the selection of new City Manager John Ford was announced today and his first day will be July 5, 2022.

### 3. MATTERS FROM COMMISSIONERS

Vice Chair Roberts expressed concern about the number of trees removed for the Parents and Friends Cypress Street project, and advocated for more specificity with respect to Planning Commission findings and direction. Commissioner Miklose asked clarifying questions about plans for the trees and Assistant Director O'Neal summarized the process that occurred. Commissioner Jordan asked further clarifying questions on this issue and Assistant Director O'Neal responded. Commissioner Jordan then expressed concern about a single standing tree at the site that appears top heavy and potentially dangerous in stormy conditions. Commissioner Davis expressed her appreciation of the Planning Commission and said she is looking forward to giving back to the Community as a Commissioner.

### 4. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Chair Logan, seconded by Vice Chair Roberts, that the Consent Calendar be approved. The motion carried by the following vote:

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Miklose, Commissioner Jordan and Commissioner Davis

**4A. [22-246](#)** Resolution to Authorize Telephonic Meetings

**This Planning Resolution was adopted on the Consent Calendar.**

Enactment No: RES PC10-2022

**4B. [22-242](#)** Minutes of the May 11, 2022 Planning Commission Meeting

**These Minutes were approved on the Consent Calendar.**

**5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

Commissioner Jordan stated that he spoke with Trevor Sharp of MCE Auto and Applicant Dave Cimolino. Commissioner Miklose stated that he spoke with Dave Cimolino. Chair Logan stated he too spoke with Dave Cimolino and that Mr. Cimolino said that too much change to his plan could be a financial hardship.

Chair Logan reminded Commissioners that Ex Parte communication is for facts relevant to the meeting agenda that may not come to light during the meeting but that a Commissioner was privy to in conversations outside of the meeting.

**6. PUBLIC HEARINGS**

**6A. [22-211](#)** Receive Report, Conduct Public Hearing, and Consider Adoption of Resolution Approving Coastal Development Permit (CDP 7-21), Design Review (10-21), and Minor Use Permit (MUP 1-22) for Fort Bragg Transmission at 701 S. Franklin Street

Chair Logan opened the Public Hearing at 6:23 PM.

Associate Planner Gurewitz presented the prepared report and responded to Commissioners' clarifying questions, which included questions about screening issues, building height, parking, noise, prior permitting, landscaping, rain garden location, security lighting, design guidelines, lot coverage, and fire sprinkler requirements.

The Applicant responded to Commissioner questions about screening, trees, the possibility of fencing, and potential design improvements.

Public Comment was received from Jacob Patterson.

Chair Logan closed the Public Hearing at 6:56 PM.

Discussion: Under deliberation, Commissioners discussed economic development and the responsibilities of the Commission, design of proposed building vis-a-vis applicable Citywide Design Guidelines, equity issues, transparency, additional screening, landscaping, fencing, building height, and addition of design elements to facade to better align better with design standards.

The hearing was continued to a date certain of June 22, 2022 to give the Applicant an opportunity to come back with additional design elements more in keeping with the Design Guidelines.

**A motion was made by Vice Chair Roberts, seconded by Commissioner Miklose, that this Public Hearing be continued to a date certain of June 22, 2022. The motion carried by the following vote:**

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Miklose, Commissioner Jordan and Commissioner Davis

**6B. [22-212](#)** Receive Report, Hold Public Hearing, and Consider Adopting a Resolution to Approve Use Permit 2-22 to Change the Primary Use of 245 E. Laurel St. to Single-Family Residential

Chair Logan opened the Public Hearing at 7:32 PM.

Associate Planner Gurewitz presented the prepared report and responded to Commissioners' clarifying questions. Questions were related to occupancy plans, use as a residence, vacation rental permit status, surrounding neighborhood zoning, short-term rental code enforcement processes, historic evaluation, and the existing 93 year old cherry tree.

The Applicant addressed the Commission providing background on the project and responding to Commissioners' clarifying questions. Questions were related to Applicant's plans for use of the secondary structure on the property and whether or not there originally needed to be permitting to allow a business in that location.

Public Comment was received from Jay McMartin-Rosenquist.

Chair Logan closed the Public Hearing at 7:50 PM.

Discussion: Under deliberation, clarifying remarks were made about permitted use of the secondary structure as a vacation rental. Commissioners also discussed the building's history as a residence, compatibility with the neighborhood, and the City's need for housing.

**A motion was made by Vice Chair Roberts, seconded by Commissioner Davis, that this Planning Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Miklose, Commissioner Jordan and Commissioner Davis

Enactment No: RES PC11-2022

**6C. [22-219](#)** Receive Report, Conduct Public Hearing, and Consider Adoption of Resolution Approving Use Permit (UP 1-22) to Allow for a Tasting Room and Wine Bar at 142 E. Laurel Street

Chair Logan opened the Public Hearing at 7:53 PM.

Associate Planner Gurewitz presented the prepared report and responded to Commissioners' clarifying questions. Questions included whether or not there will be food preparation and service, the sign permit process, maximum occupancy, and seating accommodations.

The Applicant addressed the Commission providing background on the project and responding to Commissioners' clarifying questions. Questions for Applicant included, seating accommodations, how the self-serve wine machines work, and planned days of operation.

Chair Logan closed the Public Hearing at 8:06 PM, then reopened the Public Hearing at 8:06 PM for Public Comment.

Public Comment was received from Jacob Patterson.

Chair Logan closed the Public Hearing at 8:08 PM.

Discussion: Under deliberation, Commissioners discussed the self-service wine dispensers, the project conditions, whether the wine and beer served will be local, the sign permitting process, and sign design plans.

**A motion was made by Vice Chair Roberts, seconded by Commissioner Davis, that this Planning Resolution, including Special Conditions one through five, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Miklose, Commissioner Jordan and Commissioner Davis

Enactment No: RES PC12-2022

**7. CONDUCT OF BUSINESS**

**ADJOURNMENT**

Chair Logan adjourned the meeting at 8:13 PM.

\_\_\_\_\_  
Jeremy Logan, Chair

\_\_\_\_\_  
Sarah Peters, Administrative Assistant

IMAGED (\_\_\_\_\_)





# City of Fort Bragg

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Fort Bragg, CA 95437  
Phone: (707) 961-2823  
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## Text File

File Number: 22-256

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**Agenda Date:** 6/8/2022

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Consent Calendar

**Agenda Number:** 4B.

Resolution Authorizing Continuing Remote Meetings

**RESOLUTION NO. PC \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION  
MAKING THE LEGALLY REQUIRED FINDING TO CONTINUE TO  
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS  
DURING THE STATE OF EMERGENCY**

**WHEREAS**, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency; and

**WHEREAS**, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

**WHEREAS**, AB 361 added subsection (e) to Gov. Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

**WHEREAS**, as of May 13, 2022, the COVID-19 pandemic has killed more than 90,818 Californians; and

**WHEREAS**, social distancing measures decrease the chance of spread of COVID-19; and

**WHEREAS**, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

**WHEREAS**, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein;

**NOW, THEREFORE, IT IS RESOLVED** by the Planning Commission of the City of Fort Bragg as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

**The above and foregoing Resolution was introduced by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8<sup>th</sup> day of June, 2022, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

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**Jeremy Logan, Chair**

**ATTEST:**

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**Sarah Peters, Administrative Assistant**



# City of Fort Bragg

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## Text File

File Number: 22-253

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**Agenda Date:** 6/8/2022

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Planning Staff Report

**Agenda Number:** 7A.

Receive Report and Make Recommendations on Code Enforcement Activity and Goals for the Code Enforcement Program Implementation



**CITY OF FORT BRAGG**

416 N. FRANKLIN, FORT BRAGG, CA 95437  
PHONE 707/961-2823 FAX 707/961-2802

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**PLANNING COMMISSION ITEM SUMMARY REPORT**

**MEETING DATE: WEDNESDAY, JUNE 8, 2022**  
**TO: FORT BRAGG PLANNING COMMISSION**  
**FROM: VALERIE STUMP, CODE ENFORCEMENT OFFICER**  
**TITLE: REPORT ON CODE ENFORCEMENT ACTIVITY AND GOALS FOR THE CODE ENFORCEMENT PROGRAM**

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**BACKGROUND AND OVERVIEW:**

The City of Fort Bragg was awarded a 2019-20 Community Development Block Grant (CDBG) to implement a new Code Enforcement Program. On March 22, 2021, the Fort Bragg City Council adopted Program Guidelines that meet the CDBG State and Federal requirements [See Attachment 1]. After the adoption of the Program Guidelines, an Assistant Planner in the Community Development Department shifted responsibilities to take on the code enforcement activity for the City of Fort Bragg. In September of 2021, the Assistant Planner's title was changed to Code Enforcement Officer. The Code Enforcement Officer continues to develop a CDBG Code Enforcement Program that utilizes the adopted Program Guidelines.

Over the past year, the Code Enforcement Officer increased the number of cases the City addressed by 162%. In addition to the case work, the Code Enforcement Officer assisted with the Central Business District Code Enforcement Strategy, reviewed current code enforcement code sections, policies, and practices to identify areas that should be adjusted to be more in alignment with State and Federal laws, completed trainings in a variety of Code Enforcement topics, and researched pathways toward meeting the goals of the CDBG award.

**SUMMARY OF CODE ENFORCEMENT ACTIVITY FOR THE 2021 CALENDAR YEAR**

There were 131 cases logged in the calendar year of 2021. Of those cases, 77 cases reached resolution, 34 remained at active status, and 20 were in pending status. To clarify, pending status indicates violations have been logged, but the formal investigation and correspondence with the Responsible Party has not been initiated. Of the cases logged, 72 cases were residential, 52 were commercial, and 7 were industrial. As typical in previous years, the majority of the cases for the year were related to nuisance

conditions such as visual blight, overgrown vegetation, and lack of property maintenance. The large case-load provided the Code Enforcement Officer an opportunity to become more familiar with the various department processes and informational resources. Through the investigation of a diverse list of cases, the Code Enforcement Officer determined what internal processes require streamlining and improvement.

Prior to 2021, code enforcement activity has been primarily complaint driven. However, projects like the Central Business District Code Enforcement Strategy initiated proactive exterior inspections of all the properties in the Central Business District. During the process, City Staff mailed 323 letters to the various property and business owners in the Central Business District. Each letter contained a Property Compliance Form that highlighted the compliance issues of concern for each property. This project initiated conversations with property owners and business owners, and uncovered areas in our property information databases that can be augmented.

### **SUMMARY OF ADMINISTRATIVE PROCEDURES AND INTERNAL POLICIES**

With a full-time staff member dedicated to code enforcement activity, it was imperative to review the current procedures and determine areas of improvement. Through casework, the Code Enforcement Officer worked through several key issues such as:

- Processing violations for unlicensed business activity;
- Determining who is the Responsible Party to send notices and citations;
- Reviewing the administrative penalty process and fee amounts;
- Understanding what resources are available and which resource will be the most appropriate;
- Gathering substantial case evidence to provide proper due process.

Previous code enforcement efforts were based on need and staff capacity. As the City integrated code enforcement activity into daily process, formalizing administrative procedures and policies ensures that City activity is equitable and supports the ultimate goal of compliance.

The adopted Program Guidelines utilized the existing violation type system to prioritize the goals of code enforcement activity. Violations are broken into four types with a Type 4 Violation as the highest priority level for code enforcement activity. This type system was used to establish a schedule of administrative penalties.

Through a variety of drafts, a review of the administrative penalties schedule from other jurisdictions, and consideration of the limits applied to administrative penalties through State law, the attached schedule of administrative penalties was established [See Attachment 2]. The penalties are separated by two factors: first the violation type, and then whether the violation is a first, second, or third offense.

For example, a first offense of a Type 1 Violation would amount to a \$30 citation. This amount may seem insignificant, however, after the initial citation, if the violation is not abated, then that penalty amount of \$30 can be cited every day until compliance is reached. If the violation is abated, but occurs again within one year's time, then it would be considered the second offense of a Type 1 Violation, which would result in a \$130 citation that could potentially be cited on a daily basis. Staff plans to remove the Code

Enforcement Fees from the fee schedule at the next modification and instead amend Chapter 1 of the Fort Bragg Municipal Code (FBMC) to set the schedule of Administrative Penalties.

The Code Enforcement Officer discovered the need for having a database for case tracking and documentation. A portion of CDBG funds were used to purchase a tracking system through Springbrook. At this point in time, the software has been purchased. Current efforts to establish this system include creating the templates for Advisory Notices, Notices of Violation, Citation Invoices, and Case Fact Sheets.

The Code Enforcement Officer has been working with the Police Department when specific cases require documentation generated by the Police Department. Due to the direction of code enforcement activity, the Code Enforcement Officer is currently working on establishing a schedule where 1 day of the week, the Code Enforcement Officer will work at the Police Department. This will allow the Code Enforcement Officer to utilize the knowledge and resources of the Officers to reach case resolution for long-standing code violations.

### **AWARDED GRANTS ASSOCIATED WITH CODE ENFORCEMENT**

There are two active awards associated with code enforcement. The focus of the CDBG award is to address code enforcement issues in deteriorating areas where such enforcement, along with public or private improvements, will prevent the decline of residential properties in our residential and mixed-use zones. The grant is active for three years. In the City's application for this award, some of the goals enumerated are the following:

1. Define clear guidelines for enforcement of City codes including the California Building Code, Fort Bragg City Zoning Code, Health & Safety and other applicable codes from receipt of initial complaint through resolution of a case.
2. Preserve and improve the quality, health and safety of Fort Bragg's rental housing stock by gaining compliance with applicable housing codes and optimizing positive relationships with owners, tenants and neighbors.
3. Eliminate confusion about the City code compliance policies and ensure due process rights and the appeals process are clearly defined and well respected.
4. Pursue proper compliance with City codes while protecting constitutional rights.
5. Provide resolution of most cases at the lowest possible administrative level to minimize conflict among residents, property and business owners, owners and tenants of rental properties, and the City.

These goals are important for the development of an equitable code enforcement program, and will bolster the City's efforts to improve the housing stock for low and moderate income populations. In the last year, the Code Enforcement Officer's efforts towards these goals focused on the administrative process and internal policies of code enforcement activity. These policies will be adapted as proactive code enforcement programs continue to be developed. Establishing formal processes and building relationships with other agencies will allow the City organization to support compliance for all of our property owners and tenants.

In addition to the CDBG award, the City was also awarded funds through the Regional Early Action Planning (REAP) Grant. The awarded funds are allocated to develop approaches to monitoring, maintaining, and replacing affordable housing, and creating reference material for program implementation. Many of the deadlines for this grant are in 2023, making it critical for the City to work towards program implementation.

City Staff is using some of the CDBG and REAP awards to hire consultants to work with the Code Enforcement Officer to establish proactive code enforcement programs. The consultant will assist with formalizing operating procedures for inspections, and establishing ongoing programs to improve neighborhood safety. A consultant would alleviate some of the time consuming programmatic responsibilities to allow the Code Enforcement Officer to continue investigating cases.

### **ALIGNMENT WITH THE HOUSING ELEMENT**

There are two Housing Element programs that the Code Enforcement Officer is focusing on in order to maintain alignment with the grants. The two programs are:

1. **Program H-1.8.2 Substandard Housing Program**. Participate in the Franchise Tax Board (FTB) Substandard Housing Program, which assists the state and local agencies responsible for addressing unsafe living conditions that violate health and safety codes. Property owners in violation of health and safety code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are then disbursed to the cities and counties that generated the notification of substandard housing to the FTB. The City will use funds collected from Franchise Tax Board (FTB) Substandard Housing Program for code enforcement for residential properties and to address health and safety issues in residential properties that would otherwise be red-tagged.
  - The Substandard Housing Program will be included in the scope of work for a consultant. Once established, it is one of the only opportunities for the Code Enforcement Officer to access funds specific to remedying code violations. A consultant would assist in creating a formal process for reporting serious violations to the Franchise Tax Board and establishing what documentation will be required to be a participant in the program.
2. **Program H-2.4.6 Support Effective Use of Housing Vouchers**: Work with non-profit partners to develop a program that may include one or more of the following: assist landlords to bring units up to minimum requirements for voucher program; complete a new study on the cost of living to increase the voucher payment rate; develop an education program for



landlords about the benefits of the voucher program; and/or provide case work services for voucher tenants.

- The Housing Voucher program is already being handled by the Community Development Commission of Mendocino County (CDCMC). The Code Enforcement Officer plans on connecting with the CDCMC to assist with implementing the Housing Voucher program in our community.

### **ADDITIONAL GOALS FOR THE CODE ENFORCEMENT PROGRAM**

The grants are focused on utilizing code enforcement to improve our residential properties. However, as evidenced by the Central Business District Code Enforcement Strategy, compliance issues in our commercial zones can also influence the overall quality of life in our rural coastal town. In previous years, City staff has worked diligently on enforcing compliance issues within our commercial zones when identified through the complaint process. Now, the City can be more involved in proactive code enforcement efforts that result in outreach and educational opportunities. The overarching goal of all code enforcement activity is to reach compliance, and the Code Enforcement Officer is dedicated to working with Fort Bragg citizens to identify problems and the solutions to those problems.

The Code Enforcement Officer will continue updating the City's code enforcement policies and practices by working with other departments and agencies to formalize various code enforcement processes. With assistance from the City Attorney, the Code Enforcement Officer will ensure that the City is operating in alignment with local, State, and Federal law in order to protect the Constitutional rights of the citizens of Fort Bragg. The Code Enforcement Officer will continue to complete Code Enforcement trainings including the California Association of Code Enforcement Officers' (CACEO) Academy trainings with the goal of becoming a certified Code Enforcement Officer.

### **RECOMMENDATION:**

The Code Enforcement Officer is seeking feedback on the ongoing code enforcement activity and the goals for the upcoming year.

### **ATTACHMENTS:**

1. Adopted Code Enforcement Program Guidelines
2. Schedule of Administrative Penalties



# **CITY OF FORT BRAGG**

## **CODE ENFORCEMENT PROGRAM PROGRAM GUIDELINES**

Adopted:  
March 22, 2021

## Code Enforcement Program Requirements

### Overview

Code enforcement is an allowable activity under HUD's CDBG Program as provided for in Section 570.202(c) of CDBG regulations as follows:

**570.202(c) Code enforcement.** Costs incurred for inspection for code violations and enforcement codes (e.g., salaries and related expenses of code enforcement inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.

The following outlines policies and procedures to ensure compliance with Section 570.202(c) of the CDBG regulations.

### Eligible Uses of Funds

1. CDBG funds may be used for Code Enforcement activities in primarily residential areas with deteriorating or deteriorated conditions where such enforcement, together with public or private improvements, rehabilitation, or services may be expected to arrest the decline of the area and benefit low to moderate income persons/households. (The City of Fort Bragg does not have identified public funds available for rehabilitation through this program.)
2. The Program will emphasize health and safety issues identified with buildings and structures on residential properties. Other property maintenance issues such as overgrown yards, abandoned and inappropriately parked vehicles, etc. may be addressed in conjunction with code enforcement efforts involving buildings and structures located on same property.
3. Eligible costs for code enforcement funded by CDBG are limited to activities within the Program areas only and include the following:
  - a. Salaries of staff conducting inspections and performing follow-up necessary to ensure compliance by responsible parties.

- b. Procurement of outside code enforcement inspection specialists/companies to perform code inspections.
- c. Legal costs of enforcing compliance including but not limited to City Attorney fees, litigation or mediation expenses, administrative hearings, and/or court costs as warranted.
- d. Cost of processing and issuing citations and collection and processing of fines assessed.

### **Ineligible Uses of Funds**

1. The costs associated with inspections for the purpose of processing applications for rehabilitation assistance and overseeing such rehabilitation.
2. The costs associated with correcting code violations identified during inspections.
3. Any use not expressly listed above as an eligible use of CDBG funds.

### **Program Area**

The Program area is the city limits of the City of Fort Bragg. The City of Fort Bragg qualifies as a CDBG Low-to-Moderate Income Area (LMA) with a population of more than 51% or residents being Low-to-Moderate income.

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## **I. PURPOSE OF PROGRAM <sup>1</sup>**

1. Increase the effectiveness of code enforcement efforts to preserve and improve the quality, health, and safety of living standards and visual aesthetics of the City of Fort Bragg.
2. Define clear guidelines for enforcement of City codes including the California Building Code, Fort Bragg City Zoning Codes, Health & Safety and other applicable codes from receipt of initial complaint through resolution of a case.
3. Preserve and improve the quality, health and safety of Fort Bragg's rental housing stock by:
  - a. Gaining compliance with applicable housing codes
  - b. Optimizing positive relationships with owners, tenants and neighbors
4. Define the roles and responsibilities of staff, citizens, the City Council, and the Planning Commission.
5. Prevent unnecessary duplication of effort among staff, elected, and appointed officials and citizen groups.
6. Eliminate citizen confusion about the City code compliance policies and ensure due process rights of citizens and the appeals process are clearly defined and well respected.
7. Provide resolution of most cases at the lowest possible administrative staff level to minimize conflict among residents, property and business owners, owners and tenants of rental properties, and the City.
8. Provide a fair process for obtaining compliance to housing code violations.
9. Ensure each case is handled as fairly and carefully as possible with the same standards applied equitably and consistently.
10. Create incentives for rapid compliance by violators.
11. Permit the City to recover costs of abatement through imposition of lien or special assessment if the City is forced to become directly involved in the abatement of a code violation.
12. Pursue proper compliance with City codes while protecting the constitutional rights of the citizens of Fort Bragg.

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<sup>1</sup> These Program Guidelines were designed to reflect a new Program. Where these Program Guidelines seem to conflict with City Codes, such inconsistency will be amended during the term of the Program.

## II. INITIALIZING COMPLAINTS

There are two ways for a code enforcement case to be originated; complaints received and proactive inspections. The following guidelines establish procedures for code enforcement case creation.

### A. Complaints Received

Staff receives complaints from citizens, City staff, business owners, City Council members, or other agencies. Complaints are preferred in written form via email, through the City's "report a problem" website or paper submittal City Hall, and can be received by any staff member. Alternately complaints can be taken by phone and transmitted through the same process. All complaints received will be referred to the appropriate party for investigation.

Complaints are processed on a first come first serve basis, with the priority assigned relative to the seriousness of the problems. Violations that pose an immediate threat to public health and safety take priority over lesser offenses.

The reporting party can call staff to check on the status of a complaint or request in advance that an update of progress be provided.

Staff shall not accept anonymous complaints for investigation. All valid complaints shall minimally include a first name, last name, and contact phone number and/or email address of the reporting party. Staff shall follow a policy of maintaining the confidentiality of all reporting parties' information. Additionally, staff is not required to provide information to subjects who refuse to provide their name and/or address.

NOTE: The City of Fort Bragg emphasizes a positive relationship among City staff, property owners and tenants. Tenants are encouraged to first report property maintenance problems to property owners to give them the opportunity to correct these problems. Owners are voluntarily encouraged to comply with Housing Codes. If there is no satisfactory response from an owner, the tenant is encouraged to request a City inspection to investigate unsafe or unhealthy conditions involving code violations. When necessary, the City shall enforce the codes in coordination with the owner, tenant, and agency resources.

### B. Proactive Inspections

City staff may identify code violations (from the public right-of-way) while driving through or working in the City. However, staffing priorities are to process requests for code investigations and resolution of open enforcement cases before allocating the time for arbitrary "searching" for code violations addressing unreasonable amounts of a specific type of violation throughout the City.

### C. Directive Enforcement

Managerial staff may provide directive enforcement of a particular type of violation based upon



specific requests of the City Council.

### **III. PRIORITY RATING OF COMPLAINTS AND DESCRIPTIONS**

Complaints are separated into four classifications based on seriousness of conditions registered within the complaint.

Type 4 - Complaints of serious life and safety issues in structures, nuisance conditions such as abandoned buildings that provide setting for illegal activities, environmental crimes requiring intervention by FBFD and other interdepartmental requests for cooperation. Cases will be assigned and inspection performed within 24 hours of receipt of complaint.

Type 3- Complaints of illegal second unit, construction without permits, change of use without permit, establishment of an un-permitted use substandard housing conditions that are not life/safety in nature, and other similar code enforcement activities. Cases will be assigned within 15 working days of receipt of complaint.

Type 2- Complaints of building maintenance, unsafe dangerous building, nuisance conditions, condition of approval violation, illegal home occupation, blight, and other similar code enforcement activities. Cases will be assigned within 15 working days of receipt of complaint.

Type 1- Complaints of issues such as illegal signage permit, fence & retaining wall issues, expired permit, overgrown vegetation, lawn parking, inoperable vehicle, broken windows, and other similar code enforcement activities. Cases will be assigned within 20 working days of receipt of complaint.

### **V. IDENTIFYING VIOLATIONS**

There are two ways to specifically identify code violations: those violations that can be inspected from the public right-of way, and those that require access onto private property for an inspection.

#### **A. Violations in Public View**

In response to a complaint or on an "as seen" basis, staff may be able to identify code violations from the street, sidewalk, other public right-of-way or adjacent property. If possible, staff will contact the property owner and/or the responsible party of the alleged violation for notification of the violation and the remedial actions that are required for compliance.

#### **B. Violations Not in Public View**

City staff shall exhaust all efforts to gain consent by owner or tenant for an inspection prior to obtaining a warrant.

## V. NOTIFICATION OF COMPLAINTS/VIOLATIONS

**All notifications to be mailed by First class and Certified mail, at the request of case officer or supervisor.**

### A. First Contact - Courtesy Notice

Upon initial identification of a code violation, staff shall issue a Courtesy Notice of Violation, either through personal contact and/or by 1st class mail, to the responsible party. This notice will explain any substantiated violation(s) and corrective action(s) required within a designated period of time.

For complaints not readily visible from public-right-of-way, a written request shall go out to responsible parties requesting a site inspection.

For low priority violations staff may inform the owner or responsible party of the complaint received and identify the City Code potentially being violated. A request for voluntary compliance without further action may be noted. Additional complaints received will require additional staff time to substantiate the violation and verify compliance.

### B. Second Contact - Failure to Abate

If noted violation(s) are not corrected by the compliance date, a second notice or Failure to Abate will be issued shortly after the designated time period has passed, either through personal contact and/or by first class mail to the responsible party after the designated time period has passed. This second notice will contain stronger language, specifying potential recourse, legal actions and costs to be incurred. If no measurable progress has been made by the latest compliance date, or the responsible party has not entered into a contractual agreement with the City specifying a reasonable timeframe for compliance, staff may pursue other options for gaining compliance, as discussed in detail in Section VI GAINING COMPLIANCE.

### C. Compliance Timeline

The exact number of days for correction will depend upon the required action for compliance, the severity of the violation and/or potential immediate hazard to the community. It may also vary on a case-by-case basis at the discretion of the enforcement officer.

### D. Nature/Tone of Notices

The nature of all notices will be straight forward, identifying the specific code violation and the abatement action requested unless noted otherwise.

### E. Continuing Attempts to Gain Compliance

When two notices have been issued and voluntary compliance is not achieved, staff will continue to work toward compliance by issuing a code enforcement fee and taking necessary steps to legally abate any violation(s). Citizens shall receive all due process and notices, as well as copies of documentation as required by ordinance and upon receipt of written request.

## **VI. GAINING COMPLIANCE**

After inspection and determination that a code violation exists, if voluntary compliance cannot be obtained, the following enforcement policies shall be implemented:

### **A. Code Enforcement Fee**

Section I. Fort Bragg City Code allows for the issuance of a Code Enforcement Fee. Fees may be issued in lieu of misdemeanor citations and for violations of either the Fort Bragg City Municipal Code and or the Fort Bragg Zoning Code. A Code Enforcement Fee shall be mailed via First Class mail with a copy of the issued citation advising of a final compliance date for corrections of an existing violation. Failure to comply by this date may result in the immediate issuance of an additional citation with a double fee.

### **B. Misdemeanors**

If a violation occurs, issuance of a misdemeanor citation may be utilized as an avenue for enforcement purposes unless expressly provided otherwise by the code.

### **C. Nuisance Abatement**

When a code violation has been identified, the presence of the violation may qualify a structure as a "substandard building" under the State of California Health and Safety Code and be pursued as such. The City may embark on its own due process procedure to determine whether a nuisance exists through a Nuisance Abatement Hearing. If it is determined that a nuisance exists, the City may abate the nuisance through its own forces if compliance cannot be voluntarily gained, and recover any costs by placing a lien, or special assessment lien, on the subject property.

### **D. Reasonable Compliance**

In a municipal environment of limited staffing and resources, the intent of the governing ordinance may be taken into account over its literal wording. Reasonable compliance determination may be left to the discretion of the enforcement officer.

### **E. Notice of Noncompliance**

If a violation of the Fort Bragg municipal Code exists on a property and the responsible party has failed to adequately address the issue within the prescribed time frame listed for compliance, the City may file a Notice of Non-compliance with the Mendocino County Recorder's office against the property title as an indication that building code violations exist on the property.

For low priority enforcement cases, no additional staff time shall be allocated to resolution of the enforcement case until the property owner or responsible party requests assistance. The Notice of Non-Compliance shall not be removed until the enforcement case has been fully resolved and the fee to remove the Notice has been received.

## **VII. ABATEMENT PROCEDURES**

Any City abatement of nuisances on private property requires court ordered judicial authorization in the form of an abatement warrant. The courts have viewed abatement as a type of seizure, and the fourth amendment of the U.S. Constitution requires a warrant for search or seizure. While it may seem invasive to allow the City to enter private property to abate a nuisance, a judge would only permit this action if there is evidence of a health and safety hazard which violates the California Building Code or other City ordinances.

### **A. Neighborhood Nuisance Abatement Ordinance**

City Council Resolution 4193-2019 authorizes the City of Fort Bragg to enforce its ordinances through criminal prosecution to abate any nuisance which poses a health and safety hazard to the community. City of Fort Bragg has appointed a City Attorney.

### **B. Authorization to Abate Nuisances**

Staff will proceed with court ordered abatement actions only as a last resort, when all other attempts to have the nuisance removed and all administrative remedies have been exhausted. Responsible staff shall be authorized to file requests for abatement warrants, with prior written approval of the City Manager.

The City Attorney is authorized to file these requests with the appropriate court. Staff and the City Attorney shall notify the responsible party of the City's intention to file a court action to give the responsible party a final opportunity to comply. The City Council shall be informed, in closed session or by confidential memorandum, of any requests the City Attorney makes for abatement warrants from the court.

### **C. Procedures for Abatement of Nuisances**

Specific procedures for abatement are outlined in the Administrative Review of Ordinance Violations. After obtaining an abatement warrant, staff is authorized to proceed with soliciting contractor bids to complete the abatement. The property owner, or responsible party of the alleged violation, may have the opportunity to provide a bid within a reasonable timeframe from a licensed and insured contractor which is lower than the bids received by the City. However, the contractor will be required to meet all City contract qualifications and will contract directly with the City for the abatement work.

After completion of the work and final inspection by staff, the cost of abatement, including administrative time, shall be billed to the property owner, or perpetrator of the alleged violation, and, if not collected within 30 days, shall become a special assessment against the real property upon which the nuisance was abated.

## **VIII. COST RECOVERY**

Substantial staff costs can be incurred in administrative time to handle cases including work by

code enforcement personnel, review by senior staff, and administrative support. In addition, City Attorney time for court preparation, code enforcement training, computer-related expenses, court costs and abatement expenses increase the City's investment when the City must abate a nuisance by use of a contractor. Imposing costs on the violators in addition to potential citations fees constitute a very powerful tool for encouraging early voluntary compliance. The City shall recover its costs of abatement under the following guidelines:

A. Administrative Fees

Administrative Fees for staff time shall be established to be assessed when any enforcement case has been scheduled for administrative hearing due to lack of voluntary compliance. Upon refusal of the property owner to comply with the City Municipal Code, hours shall begin to be charged to a case and a record of costs maintained in the case tracking system. The cost for administrative fees shall be included in the recommended penalty to be determined by the Administrative Hearing Officer.

Administrative Fees for staff time shall be established to be assessed for any staff time spent to gain compliance with city codes including facilitating issuance of building permits and billed at time of issuance of the building permit.

B. Investigation Fee for Building permits

The City shall charge an investigation fee for any code violation that requires a building permit to resolve the enforcement case. The investigation fee shall be equal to the building permit fee required for the project.

C. Abatement Costs

Costs required to abate a nuisance shall be billed to and collected from the property owner and the City shall place a special assessment lien against the real property for any amounts not paid by the property owner, or responsible party, of the alleged violation within 30 days of abatement. These costs shall include contractor and administrative costs incurred in abating the nuisance..

D. Penalty Fees Assessed by Administrative Hearing Officer

A penalty fee may be charged for all enforcement cases that are upheld by the Administrative Hearing Officer during an Administrative Hearing. The fee shall be assessed as identified in the Administrative Hearing Ordinance. Failure to pay penalty fees may be cause to establish liens on property tax.

**IX. CLOSING A CASE**

Cases are created to abate specific violation(s) of the City of Fort Bragg Municipal code and Land Use codes. Once these violations are resolved, abated or found invalid, the case will be determined to be closed and recorded as such in the enforcement computer files. In some cases, charges may be brought up again for the same code violation, if the condition which was

previously abated develops again within a 12-month period.

A. Appeal of a Nuisance Determination

The appeal of an Administrative Civil Citation issued by staff regarding a violation of the City Code shall be to the Administrative Hearing Officer. The hearing officer shall be the City Manager or any person or persons appointed by the City Manager to conduct hearings pursuant to this chapter.

The decision of the Administrative Hearing Officer may be appealed to the Mendocino County Superior Court.

B. Timeliness of Appeals

Appellants must file appeals within the applicable time limits set forth under the Fort Bragg Municipal Code Chapter 1.06.

**X. ADMINISTRATIVE REVIEW OF CODE VIOLATIONS**

The purpose of an Administrative Review of Ordinance Violations is to maintain the appearance and condition of real property, enhance property values in the City, ensure rental housing health and safety and to avoid deterioration of neighborhoods and commercial centers. Chapter 6.12 of the Fort Bragg Municipal code defines public nuisances which create visual blight and hazardous conditions which may be detrimental to the public's health and safety.

**XI. OTHER PROGRAM COMPONENTS**

A. Staff Conduct and Customer Service

Good customer service is of primary importance for the Code Enforcement Program in working with property owners, especially with tenants and owners. Code Enforcement staff and support staff are expected to always be businesslike and professional in their public interactions. As a public servant, Code Enforcement staff are instructed to:

1. Introduce him/herself and handout business cards in performing on-site inspections.
2. Provide complete but brief reason for being on the property.
3. Be polite and helpful and not officious.
4. Avoid confrontation and leave premises if the situation warrants departure.
5. Not allow personal biases to affect professional demeanor and decisions.

B. Interdepartmental Coordination

Upon self-initiated interdepartmental coordination, the Code Enforcement Officer shall serve as the primary code enforcement officer and maintain case tracking on the City's computer system. Other Departments may establish a procedure for notifying the code enforcement officer of actions soon to be taken (excluding Police matters deemed confidential), such as weed abatement, abandoned vehicles abatement, conformance to grading requirements as they relate

to a specific parcel of privately held land.

### C. Staff Training

It is the responsibility of the supervisory staff to ensure that field and office staff are properly trained to perform their job successfully. In addition to training in the technical aspects of their job, staff is trained: to use and apply these Program Guidelines; to learn the fee schedule; to understand the role other agencies and programs may contribute to assist tenants and owners with their housing related needs; and to provide the level of customer services that is acceptable to and consistent with the program.

### D. Departmental Responsibilities

Department responsibilities for code enforcement are assigned as follows:

#### Administrative Assistant (Community Development)

- Takes reports/complaints from the public and other City departments.
- Initiates investigations, including researching relevant code sections, taking photos of violations, creating a file for violation.
- Maintains code enforcement files and database

#### Assistant Planner (Community Development)

- Conducts field inspections and investigations of planning projects to assure compliance with applicable codes, laws, and specifications.
- Enforces zoning rules and regulations; activities include phone contact with code complaint lodgers, phone contact with code violators, preparation of letters to enforce the code, follow up with additional letters and fines for code enforcement.
- Prepares code enforcement letters, updating and maintain files in coordination with Administrative Assistant, tracks violations, follows up on correspondence, and communicates with appropriate departments.

#### Community Service Officer/Peace Officer (Police Department)

- Takes reports/complaints from the public and forwards to Community Development.
- Prepares code enforcement letters, follows up on correspondence, and communicates with responsible parties and other departments.
- Assist with home inspections, preparation and service of abatement warrants.
- Facilitates resolution of Type 4 violations and responds to other situations requiring police intervention as needed.
- Pursues Misdemeanor charges in accordance with VI above when necessitated.

### E. Miscellaneous Code Revisions and Additions

Staff shall make recommendations for revisions to the City's Fee Schedule and/or other

resolutions which may need clarification or strengthening in order to be effectively enforced in conjunction with these guidelines and the City's Municipal Code. These revisions shall be drafted for City Council approval. These recommendations will come under a separate staff report.

Preserving and improving the rental housing stock in the City of Fort Bragg is a priority, and developing processing and guidelines to increase the relationship between code enforcement and healthy housing will be implemented into the Code Enforcement Program over time.

#### F. Record Keeping

All code enforcement cases shall be recorded into a City code enforcement computer database or file, as a permanent record of all actions taken, of compliance achieved or of other status of the cases. Access to the code enforcement computer files shall be permitted for appropriate City staff only. Status reports of the number, type and location of cases may be prepared upon request for City Council review, without releasing the names of the reporting party.

#### G. Public Education

- 1) Informational brochure(s) describing the City of Fort Bragg Code Enforcement Program and/or code enforcement guidelines and expectations may be created and amended as appropriate for public education.
- 2) Information brochure(s) and community workshops informing tenants and owners of rental housing safety standards.
- 3) Written articles addressing code enforcement changes, updates and/or revisions may be included within the City of Fort Bragg public newsletter in order to better inform the community of possible future action.
- 4) A "user-friendly" City of Fort Bragg Code Enforcement Program webpage may be created and maintained as up-to-date as possible for public awareness and more effective customer service.
- 5) Informational kiosks advocating knowledge of enforced codes may be set up/manned at community functions (i.e.; Farmer's Markets, etc.) or commercial establishments with property owner permission in order to raise public awareness.
- 6) A "Press Release" may be created and forwarded to local newspaper agencies upon the start or completion of a notable code enforcement event or abatement which may impact the community.

#### H. Rental Housing Protection

To ensure the health and safety of the City's rental housing market the Community Development Department staff will work with the Housing and Economic Development Coordinator and other community organizations to develop practices, programs and guidelines which may include the following elements:



- 1) Rental housing inspections and permitting procedures
- 2) Annual Owner Self-Certification Rental Unit Safety Checklist
- 3) Rental Housing Preservation Plan
- 4) Fair Housing Certification Plan

#### I. Fiscal Management

1. The Community Development Department is responsible for the oversight of the use of CDBG funds for code enforcement activities.
2. All costs must be in compliance with the Office of Management and Budget Circular (OMB) A-87 and with the principles set forth below:
  - a. Be necessary and reasonable for the proper and efficient performance of the Program. The Community Development Director or designee shall have final authority to determine in good faith whether an expenditure is “necessary and reasonable.”
  - b. Conform to the limitations within these Program Guidelines and to any governing statutes, regulations and ordinances.
  - c. Be fully documented and determined in accordance with approved accounting procedures.
  - d. Not be included as a cost or used to meet cost sharing or matching requirements of any other funding source in either the current or a prior period.
  - e. Document all costs by maintaining complete and accurate records of all transactions, including but not limited to: citations, timecards, and/or other official documentation evidencing in proper detail the nature and propriety of all charges.
  - f. Submit to HUD or City at such times and in such forms as HUD, or City, may require, statements, records, reports, data, and information pertaining to the Program.
3. Combined eligible code enforcement staff and legal costs may be charged to the Program up to but not exceeding the amount of CDBG awarded to the code enforcement activity.
  - a. Staff costs shall be based on hourly data reported in the City’s timekeeping system.
  - b. Detailed Program activities shall be documented on a case by case basis in the

City's system.

- c. Requests for reimbursement for eligible expenses and documentation demonstrating that these costs are eligible CDBG code enforcement expenses shall be submitted in writing by the Code Enforcement Division to CDBG staff for review and approval.
- d. Eligible charges exceeding the CDBG grant will be paid from other City funds such as the General Fund.
- e. Unused CDBG code enforcement funds at the end of the grant term shall be returned to the Grantor.

### **Revenue from Code Enforcement Inspections and Enforcement of Codes**

Fees resulting from codes violations are not considered Program Income. Revenue from code enforcement fees should be treated either as applicable credits against expenditures or general revenues.

Code Enforcement fees should be treated as general revenue if:

- 1) The purpose of the fee is not to recover the cost of the code inspections and enforcement;
- 2) The costs of carrying out the code inspections and enforcement were not paid with CDBG funds; or
- 3) The amount of the fee exceeds the costs paid with CDBG funds.



## SCHEDULE OF ADMINISTRATIVE PENALTIES

Violation Type	First Offense	Second Offense	Third Offense or More
<b>Type 1 Violations</b> Including, but not limited to: Illegal signage permit, fence & retaining wall issues, expired permit, overgrown vegetation, lawn parking, inoperable vehicle, broken windows, and other similar code enforcement activities.	\$30	\$130	\$430
<b>Type 2 Violations</b> Including, but not limited to: Building maintenance, unsafe dangerous building, nuisance conditions, condition of approval violation, illegal home occupation, blight, and other similar code enforcement activities.	\$50	\$150	\$450
<b>Type 3 Violations</b> Including, but not limited to: Illegal second unit, construction without permits, change of use without permit, establishment of an un-permitted use, substandard housing conditions that are not life/safety in nature, and other similar code enforcement activities.	\$70	\$170	\$470
<b>Type 4 Violations</b> Including, but not limited to: Illegal marijuana cultivation, serious life and safety issues in structures, nuisance conditions such as abandoned buildings that provide setting for illegal activities, environmental crimes requiring intervention by FBFD and other interdepartmental requests for cooperation.	\$90	\$190	\$490
<b>If the violation is deemed egregious, add \$10 to the total.</b>	+\$10	+\$10	+\$10

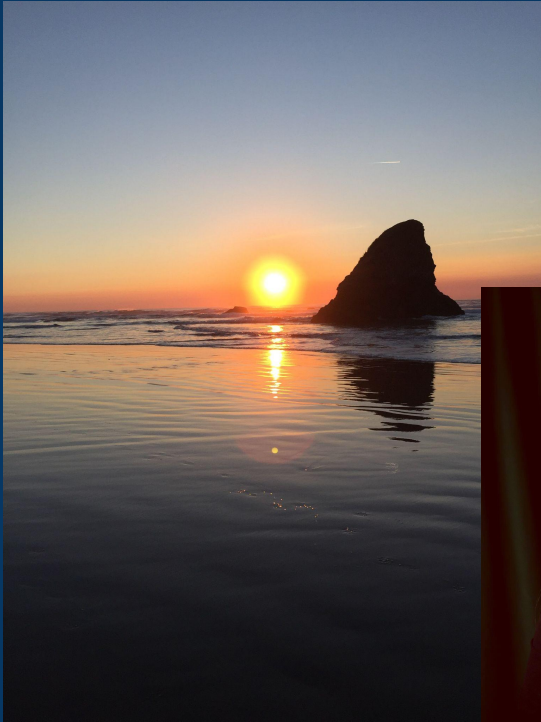


# Update on Code Enforcement Activity

June 8, 2022

Presenter: Valerie Stump, Code Enforcement Officer

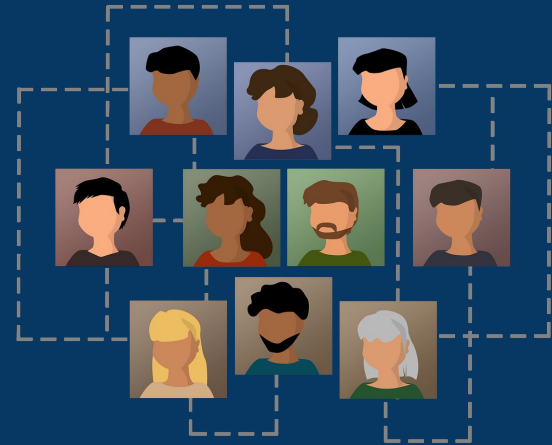
# Valerie Stump



- Grew up in Mendocino County
- BA (English) & BA (Anthropology) from Sacramento State University
- Master's (Library and Information Science) from San Jose State University
- Began working for City of Fort Bragg in Feb. 2021
- Title changed to Code Enforcement Officer in Sept. 2021
- Completed over 90 hours in code enforcement trainings, including academy classes through California Association of Code Enforcement Officers

# Objectives

- Summarize code enforcement activity for 2021 - present
- Provide description of code enforcement administrative process
- Detail focus of grant awards involving code enforcement
- Outline goals for Code Enforcement Program going forward



# Background

- Community Development Block Grant (CDBG) in effect 2021-22 fiscal year
- Program Guidelines adopted March 22, 2021
  - Reso No. 4367-2021
- Code Enforcement Officer position established Sept. 2021
- Number of cases addressed increased by 162% in 2021
- Majority of activity is complaint-driven
- Goal moving forward is to establish proactive code enforcement programs



# Activity Summary

- 131 cases logged
  - 77 resolved
  - 34 active
  - 20 pending
- Majority of cases were related to nuisance conditions
- Learning internal processes of other departments
- Central Business District Code Enforcement Strategy
- Springbrook Software
- ½ day per week at FB Police Dept.





# Administrative Process

- Intake Complaint
  - Anonymous complaints accepted
- Evidence Gathering
  - Evidence must be gathered by City Staff
- Advisory Notice
  - Either before or after site inspection
- Notice of Violation
  - Certified mailing, in-person service, or posting on-site
- Administrative Citation
  - Previously utilized fees
  - Now utilize penalties
  - Schedule of Administrative Penalties



## SCHEDULE OF ADMINISTRATIVE PENALTIES

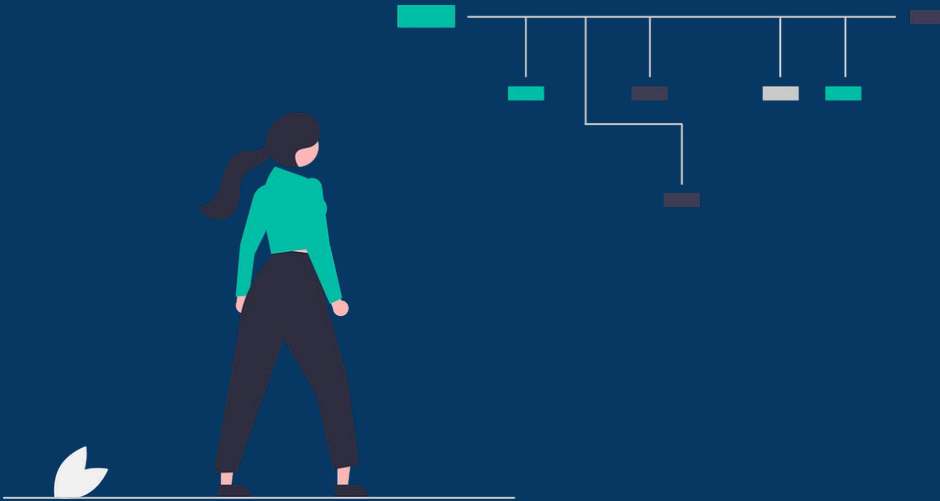
Violation Type	First Offense	Second Offense	Third Offense or More
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<p><b>If the violation is deemed egregious, add \$10 to the total.</b></p>	+\$10	+\$10	+\$10

# Grants Summary

- CDBG Award
  - Code enforcement action to prevent decline of residential neighborhoods
    - Inspections/Staff Time/Educational Workshop
  - Defining guidelines for enforcing City Codes, Zoning Codes, California Building Code, and Health & Safety Codes
- REAP (Regional Early Action Planning)
  - Develop approaches to monitoring, maintaining, and replacing affordable housing
  - Deadline is in 2023
- Alignment with the Housing Element
  - Program H-1.8.2 Substandard Housing Program
  - Program H-2.4.6 Support Effective Use of Housing Vouchers



# Code Enforcement Goals



- Meeting established goals of grant awards
- Move towards hiring expert code enforcement consultants
- Continuing to update code enforcement policies and practices by working with other departments and agencies
- Create proactive programs for both residential and commercial neighborhoods
- Continue training and complete certification

Questions?