



AGENCY:	City Council
MEETING DATE:	Sept 9, 2024
DEPARTMENT:	Community Development
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AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND PROVIDE DIRECTION REGARDING PROPOSED UPDATE TO FORT BRAGG MUNICIPAL CODE CHAPTER 6.12 TO ESTABLISH AND AUTHORIZE CODE ENFORCEMENT COST RECOVERY FEES

ISSUE:

Code Enforcement investigations, activities, and abatement enforcement often require repetitive contacts, inspections, hearings, property monitoring, document preparation and recording, and other activities, when efforts to gain voluntary compliance are unsuccessful. Municipalities can recover these costs for staff time and abatement costs when authorized by ordinance. This update to Fort Bragg Municipal Code Chapter 6.12 will establish the city's authority to recover these costs. Code Enforcement is requesting the City Council's consideration and seeking direction regarding the implementation of the updated ordinance.

BACKGROUND:

Prior to the early 2010s, the City did not charge a code enforcement fee and as a consequence a significant amount of staff time was spent cajoling and working with residents and businesses engaged in code violations. Many people with code violations will quickly address issues when notified, however others resist compliance with nuisance, land use and building codes. Consequently, the Community Development Department established a code enforcement fee structure in 2011 to encourage these less responsive members of the community to comply with our ordinances and to ensure that the City recovered the significant costs associated with multiple contacts and progressive actions against the more serious and stubborn violators. However, in 2022, the City replaced the fee structure (which is based on cost recovery) with a civil fine structure as follows:

1.12.070 ADMINISTRATIVE PENALTY – AMOUNTS

E. Unless otherwise provided for in this chapter or elsewhere in the code, the amount of the fine for each violation shall be:

- 1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;*
- 2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same code provision within one (1) year from the date of the first violation;*
- 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same code provision within one (1) year from the date of the first violation.*

F. Unless otherwise provided for in this chapter or elsewhere in the code, the amount of the fine for each violation of any local building or safety code shall be:

- 1. A fine not exceeding one hundred thirty dollars (\$130.00) for a first violation;*
- 2. A fine not exceeding seven hundred dollars (\$700.00) for a second violation of the same code provision within one (1) year from the date of the first violation;*
- 3. A fine not exceeding one thousand three hundred dollars (\$1,300) for each subsequent violation of the same code provision within one (1) year from the date of the first violation.*

Unfortunately, the elimination of the Code Enforcement Fee does not allow the City to recover costs for larger more complex and intransigent code violation.

On March 26, 2024 code enforcement staff brought this issue to city's Community Development Committee for review and direction. The committee recommended that staff bring this item forward to City Council for discussion. The attached draft ordinance update was prepared by City Attorney staff to re-establish a cost recovery mechanism for code enforcement.

ANALYSIS:

Numerous municipalities and counties have adopted cost recovery ordinances to offset staff time for the direct expenses for code enforcement investigations and violations. Additional staff hours can be extensive and necessary due to enforcement actions that include ongoing field inspections and monitoring, repeated contacts with property owners, the cost of direct abatements, document preparation and recording, and conducting Administrative Hearings and small claim court cases where warranted. Code enforcement cost recovery is similar to fees charged by the Police Department for services and time spent in excessive responses to false alarms.

over the past 18 months, code enforcement staff activities has mostly resulted in voluntary compliance by property owners. However, when code enforcement staff is unable to obtain compliance by the property owner, additional more costly enforcement actions are necessary and cost recovery would be allowed by the attached ordinance.

Property owners will be advised by written notice of the deadline for compliance, and the fee associated with additional enforcement steps, if voluntary compliance is not achieved. Then if a property owner does not comply within the timeframe they will first be fined through the Civil penalty process afforded by Municipal code section **1.12.070** and then if those do not work, successive letters and perhaps small claims court and other actions as needed, coupled with cost recovery to the City, to ensure compliance with the City's laws.

Additionally, Code Enforcement will continue to work with property owners to locate helpful resources and provide additional time if needed once a violator starts to actively bring their property into compliance. Furthermore, property owners are entitled to request an

Administrative Hearing within fifteen days of any civil fine or fee assessment and may appeal the assessment to City Council.

FISCAL IMPACT:

There will be no initial administrative costs for implementation. Code Enforcement does not foresee this updated ordinance generating significant revenue, but it will allow recovery of costs when an enforcement case becomes significantly difficult. Property owners, knowing this additional monetary cost could become a consequence, may view it as a motivational factor to voluntarily bring their property in compliance.

This updated ordinance will not affect or change how Administrative Citations and Administrative Penalties are issued.

CONSISTENCY:

The proposed updated ordinance does not present any new issues that would conflict with the City General Plan.

RECOMMENDED ACTION:

Receive report and provide direction regarding proposed changes to ordinance.

ALTERNATIVE ACTION(S):

None

ATTACHMENTS:

1. Draft Ordinance Update
2. Suggested Code Enforcement Activity List Subject to Fee