

# Lompoc City Council Agenda Item



**City Council Meeting Date:** August 20, 2013

**TO:** Laurel M. Barcelona, City Administrator

**FROM:** Steve Boggs, Senior Code Enforcement Officer  
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**SUBJECT:** City of Lompoc Code Enforcement Update

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## **Recommendation:**

Staff recommends the City Council:

- 1) Review the City of Lompoc Code Enforcement update;
- 2) Discuss the City's current Code Enforcement Program for Lompoc Municipal Code violations that are clearly visible from the public right-of-way and brought to the attention of or discovered by City staff; and
- 3) Provide direction to staff.

## **Background:**

At the May 1, 2012, Lompoc City Council Meeting, Nuisance Code Enforcement and Administrative Citation Tools were presented. City Administrator Laurel Barcelona explained with the introduction and eventual adoption of the Ordinance No. 1584(12), a nuisance Code Enforcement Program would be established and updates on the effectiveness of the program would be brought back to Council at the Council's request.

Council passed Ordinance No. 1584(12) with a 4-1 vote, allowing for an administrative citation to be issued in instances where voluntary compliance with the Lompoc Municipal Code nuisance provisions could not be achieved. Code Enforcement staff is also to work in concert with the City Attorney and paralegal to obtain eventual resolution. The Ordinance went into effect on June 14, 2012, and was codified as Chapter 1.36 of the Lompoc Municipal Code (the "LMC").

The City of Lompoc Code Enforcement Program now consists of complaint-based Code Enforcement, as well as a comprehensive component for violations of section 17.140.010 Maintenance of Property - Nuisances.

### Complaint-based Code Enforcement

The complaint-based process addresses violations that are **not** clearly visible from the public right-of-way. Violations such as substandard housing conditions and construction performed without permits are addressed through the complaint-based process.

The City of Lompoc complaint form is available on the City of Lompoc website or the City of Lompoc Planning and Building Division's counter at City Hall. If the complainant does not have internet access or is unable to come to City Hall, then the form is mailed to the complainant along with a self-addressed, postage paid envelope; or Code Enforcement staff hand delivers the form and noted envelope. The complainant's identity is confidential and only revealed if the matter proceeds to court.

### Property Nuisance Code Enforcement

Property nuisances, defined in LMC Code section 17.140.010, and visible from the public right-of-way can be reported using a complaint form, or by phone. City staff can also initiate Code Enforcement action when a violation is clearly visible from the public right-of-way.

### Reporting Nuisances

Violations that are clearly visible from the public right-of-way are photographed. An attempt is made to speak with the property owner or tenant, and a courtesy door hanger listing the violation and corrective action is provided. Additionally, a letter, digitally signed by the Mayor, is mailed to the property owner or tenant requesting they correct the violation or contact Code Enforcement for assistance.

Tenants or property owners who contact Code Enforcement, after receiving notice of the violations on their property, are requested to correct their violations, usually within two weeks. If they cannot correct their violations within that time period, then they are asked to provide a written request for additional time with a reasonable timeframe to correct their property nuisance violation(s). Failure to contact Code Enforcement, make progress correcting the violation or to comply within the time requested may result in a warning administrative citation with a set date to correct the violation(s). Failure to correct the violation(s) can result in a fine for each Nuisance Code violation remaining after the date on the warning citation. LMC subsection 1.36.050(A) establishes the following citation amounts: \$25.00, \$100.00 and \$500.00 for first, second and third offenses, respectively, of the same code provision within twelve months.

### Discussion:

To date, the current Code Enforcement program has resulted in correction of violations that are clearly visible from the public right-of-way. Previously, staff was only allowed to begin enforcement of property nuisances after receiving a written complaint signed by

the complainant. City of Lompoc Code Enforcement diligently attempts to achieve voluntary compliance with the provisions of the LMC.

The current approach to enforcement has, on occasion, rendered unintended circumstances. During investigation of property nuisance conditions, it has been discovered some property owners have mistakenly violated City of Lompoc Zoning Laws or encroachment into the public right-of-way or required setbacks with construction of structures or fencing. If discovered, then those violations are reported to City Departments responsible for enforcing the violation. Enforcement staff does not have authority to grant exceptions to Zoning, Planning or Encroachment requirements of the LMC. In instances where property owners have encroached into the public right-of-way, a Covenant to Encroach, issued by the Engineering Division and recorded with the County Clerk is required. California Building Code violations may require a demolition permit, building, plumbing, electrical or mechanical permit to meet the requirements of the adopted codes. Overlooking Zoning Law can lead to multiple violations throughout the community and make it difficult to enforce those laws in other locations. In instances where existing violations have not been enforced or corrected, they may be duplicated on surrounding properties by residents who are unaware of LMC requirements.

**Fiscal Impact:**

LMC Code section 17.140.110 provides for the assessment of costs incurred to abate a public nuisance against a property as a lien. Subsection 1.36.050(A) provides for the imposition of administrative fines in the amounts of \$25 for the first violation, \$100 for the second violation and \$500 for the third violation, respectively, of the same code provision within twelve months. Property assessments to recover costs incurred to abate a public nuisance and administrative fines minimize the costs to the City Code Enforcement Program. The Code Enforcement program is funded from a combination of General Fund and CDBG sources. The use of multiple funding sources allows the program to target violations throughout the community, whether within CDBG eligible census tracts or not. Prior to the dissolution of the Lompoc Redevelopment Agency, tax increment funding was also available to fund program costs.

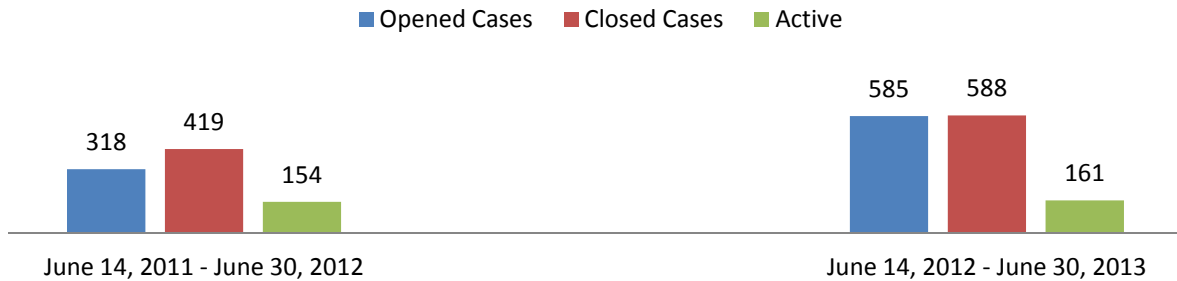
**Conclusion:**

Adoption of LMC Chapter 1.36 has improved the ability of City staff to enforce LMC section 17.140.010 Maintenance of Property – Nuisances. From June 14, 2012, through June 30, 2013, 585 Code Enforcement cases were opened and 588 cases were closed. At that time 161 remained active.

During the period of June 14, 2011, through June 30, 2012, 318 Code Enforcement cases were opened and 419 cases were closed. 154 cases remained active.

## Code Enforcement Activity

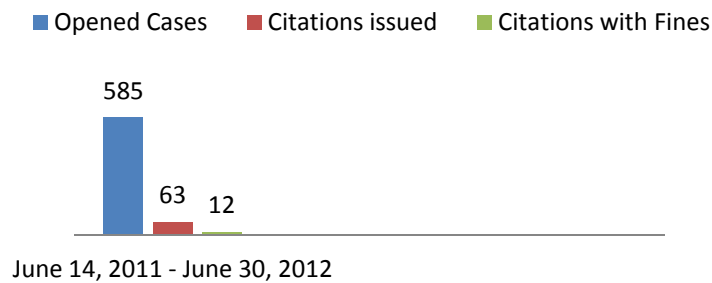
12 month period before and after adoption of LMC Chapter 1.36



Between June 14, 2012, and June 30, 2013, 63 administrative citations were issued; of those, 12 citations have included fines.

## Administrative Citations Issued

12 month period after adoption of LMC Chapter 1.36



Respectfully submitted,

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Steve Boggs, Sr. Code Enforcement Officer

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Joseph W. Pannone, City Attorney

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Laurel M. Barcelona, City Administrator

Attachment: [Code Enforcement Before and After Photos](#)