



## City Council Agenda Item

**City Council Meeting Date:** July 18, 2017

**TO:** Patrick Wiemiller, City Manager

**FROM:** Lucille T. Breese, AICP, Planning Manager  
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**SUBJECT:** City Council Consideration of and Possible Action on Current Complaint-Based Code Enforcement Policy

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### **Recommendation:**

The City Council:

- 1) Consider the material presented in the staff report;
- 2) Direct staff to continue with the current complaint-based Code Enforcement Policy; or
- 3) Provide alternate direction.

### **Background/Discussion:**

Implementation of the Lompoc Municipal Code (LMC) is enforced by many departments and divisions within the City of Lompoc (City). Police, Fire, Solid Waste, Water Conservation, Streets, Urban Forestry, Recreation, and Parks each have separate methods of taking information from citizens to implement the LMC sections under their jurisdictions.

Based upon past City Council direction, the current Code Enforcement Policy is complaint based. It is implemented by the Senior Code Enforcement Officer in the Economic & Community Development Department / Planning Division who requests a signed complaint when accepting Code Enforcement requests. This is an important safeguard for the community to avoid the appearance staff is singling out specific individuals or properties.

### **Zoning Violations**

When a signed complaint form is received, the Senior Code Enforcement Officer will perform a site visit to verify a violation is present. In addition, while the Senior Code Enforcement Officer is in the field responding to a citizen's complaint, if he sees from

the public right-of-way other violations of the sections of the municipal code he enforces, then he will institute enforcement for that matter. Other City employees will also report violations they may see.

The violations typically consist of overgrown weeds, illegal construction, cars and RVs illegally parked and other property nuisances, violations of LMC 17.140.010 and 17.112.060. The approach described below was also established by a previous City Council.

- Letter No. 1 – When a violation is confirmed, an initial letter, signed by the Mayor, is sent to the property owner and resident. The intent is to inform and educate the citizen of the violations and invite them to either contact staff to discuss compliance or correct the violation within a specific timeline. If no response is received, staff will conduct a follow-up drive by to see if the violation has been addressed. If the violation is cleared, then the case is closed.
- Letter No. 2 – If the violation remains on the second site visit, then a second letter will be sent with another request for response. The second letter is signed by the Planning Manager. If no response is received, then another site visit will occur and, again, if the violation is cleared, then the case will be closed. If there is a response, then staff will work with the applicant to allow time for the violation to be cured.
- Letter No. 3 – If required, then a third letter will be sent signed by the Planning Manager indicating if no response is received and staff is unable to reach a resolution with the citizen, the case may be turned over to the City Attorney for further action.
- Letter No. 4 – The City's Paralegal will then reach out to the citizen and advise they are expected to comply with City regulations, providing them with another deadline.
- If there is no response or resolution, then the City Prosecutor will determine how to proceed based upon the type and severity of the violation.
- The Senior Code Enforcement Officer also has authority to issue administrative citations if violations are not corrected after notice. The first citation is \$25, the second for a similar violation is \$100 and the third and more for similar violations are \$500. Since 2012 only 146 administrative citations have been issued.

#### Health & Safety/Building-Fire Code Violations

If a citizen observes or is knowledgeable about a Health & Safety, Building or Fire Code violation and is willing to sign a complaint form, then the Senior Code Enforcement Officer will attempt to make contact with the owner and resident to gain entry to the building. That type of violation is often not visible from the public right-of-way requiring

entrance to the property. Generally, complaints in this category deal with substandard living conditions and/or work performed without a building permit.

- Notice of Violation (NOV) – When the City becomes aware of a Health & Safety Code violation, the Senior Code Enforcement Officer will verify the complaint in the field and the prepare a NOV to be signed by the Building Official. The owner is given a specific timeline to rectify the situation or the matter is referred to the City Prosecutor's office for resolution.
- Notice and Order for Abatement (NOA) – When the City becomes aware of a Fire or Building Code violation, an NOA is issued and signed by the Building Official. If necessary, then the property is posted with a stop work order. Those matters are also referred to the City Prosecutor if the violation is not cured within a reasonable timeframe.

Having a signed complaint form has been staff's standard practice for the past several years. In the event there is additional information necessary from the complainant, there is a point of contact available. In the event the case goes forward through the legal process, there is a valid basis for the City involvement in the issue. The name of the complainant is confidential and not disclosed, unless disclosure is ordered by a court. If a public records request is received, identifying information of the complainant is redacted prior to the documents being released. When a complaint is staff reported, a complaint form is generated with the required information completed and the violation clearly identified.

**Fiscal Impact:**

If the City Council directs staff continue the complaint-based policy, then there should be no additional fiscal impact on existing staff time. If the Council directs staff to accept anonymous complaints, then it is anticipated there will be an increase in the number of cases filed. This would increase work load on a limited staff resource.

**Conclusion:**

Requiring a signed complaint to initiate a code enforcement action requires the complainant to consider their actions. It reduces the number of retaliatory complaints and limits the feeling in the community that staff is singling people or properties out.

Respectfully submitted,

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Lucille T. Breese, AICP, Planning Manager

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

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Teresa Gallavan, Economic Development Director/Assistant City Manager

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

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Patrick Wiemiller, City Manager