

W.G.E.2.
03-7-30-9

AGENDA COVER MEMO

AGENDA DATE: July 30, 2003

TO: Board of County Commissioners

DEPARTMENT: Public Works – Land Management Division

PRESENTED BY: Jeff Towery, Manager



AGENDA TITLE: ORDER/IN THE MATTER OF ADOPTING POLICY STATEMENTS FOR CODE ENFORCEMENT GUIDING PRINCIPLES AND PHILOSOPHY AND PRIORITIES FOR CODE ENFORCEMENT AS RECOMMENDED BY THE LAND MANAGEMENT TASK FORCE

I. MOTION

TO ADOPT THE ORDER IN THE MATTER OF ADOPTING POLICY STATEMENTS FOR CODE ENFORCEMENT GUIDING PRINCIPLES AND PHILOSOPHY AND PRIORITIES FOR CODE ENFORCEMENT AS RECOMMENDED BY THE LAND MANAGEMENT TASK FORCE

II. ISSUE OR PROBLEM

Shall the Board adopt policy statements for the Compliance Program?

III. DISCUSSION

A. Background / Analysis

The Land Management Task Force recommended the policy statements as tools that would strengthen and provide focus to the Compliance Program. This action will enhance the ability of staff to carry out compliance actions and will allow for a better method for prioritizing workloads, but not create additional responsibilities or require additional staffing. The Board has reviewed these proposals during meetings on April 9 and June 24.

B. Alternatives / Options

1. To approve the order.
2. Not to approve the order.

C. Recommendation

To approve number one above.

IV. IMPLEMENTATION / TIMING

The division will implement these policies upon adoption by the Board.

V. ATTACHMENTS

Board Order

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

ORDER NO.) **IN THE MATTER OF ADOPTING POLICY**
) **STATEMENTS FOR CODE ENFORCEMENT**
) **GUIDING PRINCIPLES AND PHILOSOPHY**
) **AND PRIORITIES FOR CODE ENFORCEMENT**
) **AS RECOMMENDED BY THE LAND**
) **MANAGEMENT TASK FORCE**

WHEREAS, the Board of County Commissioners appointed a Land Management Task Force charged to review the structure and operation of the Land Management Division; and

WHEREAS, the Land Management Task Force crafted policy statements intended to strengthen and focus the Compliance Program in the Land Management Division; and

WHEREAS, the Land Management Task Force recommended that the Board of County Commissioners adopt the Code Enforcement Guiding Principles and Philosophy shown in Exhibit A and the Priorities for Code Enforcement shown in Exhibit B; and

WHEREAS, the Lane County Board of Commissioners has discussed these policy statements and supports the policies as stated in Exhibit A and Exhibit B; now, therefore, it is hereby

ORDERED that the Board adopts the Code Enforcement Guiding Principles and Philosophy shown in Exhibit A and the Priorities for Code Enforcement shown in Exhibit B.

Dated this _____ day of _____, 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM


Date 7-21-2003 Lane County

OFFICE OF LEGAL COUNSEL

Exhibit A
Lane County
Code Enforcement Guiding Principles and Philosophy

Guiding Principle – Protect the health and safety of County residents by protecting the environment.

The Board of County Commissioners has put a process in place to resolve code violations that impact citizens' health, life, safety and the environment.

Guiding Principle – Administer the abatement and compliance program in an aggressive and uniform manner utilizing realistic and consistent practices to achieve compliance, such as incentive programs, not just penalties.

Investigations will be both complaint driven and self-initiated at the professional discretion of the compliance staff with the goal of achieving voluntary compliance with the Lane Code requirements rather than imposing fines on the property owner or responsible party. Penalty provisions have been designed to provide a method of enforcement that is flexible enough to accomplish the purpose of enforcement, but also constrained enough so that enforcement actions are taken responsibly. If ultimately, voluntary compliance cannot be reached, a formal enforcement process involving a hearings officer or the Court will be instituted. Typically, cases will progress to more aggressive enforcement steps when customers are not responsive to requests for voluntary correction.

Guiding Principle – Increase service by providing clear direction and information about activities that require building permits (i.e. deck heights, garage conversion).

By incorporating more information about the Compliance Program into public information such as application materials and the Lane County web site, violations will be avoided and compliance will be encouraged.

Guiding Principle – Processing of complaints should apprise complainant of progress on the issue.

The program will be administered with the care necessary to preserve the rights and interests of all citizens of Lane County. Compliance files are public records and when applicable, formal progress reports will be provided to interested parties.

Guiding Principle – Support and actively enforce regulations consistent with enforcement priorities adopted by the Board of County Commissioners.

Because of limited code enforcement resources, there may be times when all code violations cannot be given the same level of attention and when some code violations may receive no attention at all. In circumstances where not all code violations can be investigated, the most serious violations, as determined by priorities adopted by the Board, should be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received. Efforts to bring an entire property into compliance could result in actions that address complaints of varying priorities.

Exhibit B
Lane County
Priorities for Code Enforcement

The following levels were prioritized with consideration given to the most serious impact to citizens' health, life, and safety, and to the environment. Examples given are intended to illustrate typical violations rather than provide an all-inclusive list.

Level 1 Priority – Violations that present an imminent threat to public health and safety or the environment.

Building: This would include property owners or contractors failing to obtain the permits and approval for primary structures, detached structures greater than 300 square feet which involve improvements that compromise structural integrity or new buildings without permits.

Dangerous Buildings: These are buildings that consist of violations from Section 302 of the Dangerous Building Code. Examples include buildings damaged by fire, earthquake, wind or flood; those likely to partially or completely collapse due to dilapidation, deterioration or decay, faulty construction or ground instability; a building or structure that is unsafe for use.

Planning: Violations involving land use activities that impact environmental or natural resources (adverse impact has occurred or appears to be imminent such as riparian violations, illegal mining, illegal mass gatherings, illegal dump sites).

Nuisance: Methamphetamine labs or other properties that have been deemed "Unfit for Use" by the State of Oregon Department of Human Services.

Level 2 Priority – Violations that will have an adverse impact on citizens, including surrounding property owners and the environment.

Building: Failing to obtain the permits and approval for free standing structures less than 300 square feet, decks, covered and uncovered; building without permits.

Nuisance: Solid waste, inoperable vehicles.

Planning: Businesses operating without land use approval, temporary mobile home violations, residential use of RVs, floodplain/floodway violations.

Level 3 Priority - Violations will have a minimal impact on surrounding property owners and the environment.

Planning: Number of animals allowed within a zone.

Nuisance: Overgrown vegetation, noise and signs.

Exceptions – At the discretion of the compliance officer, complaints may be processed in any order that maximizes the efficiency of enforcement. There are violations of environmental standards, particularly within certain waterways, that other agencies are better suited to enforce. In those instances, a referral to the appropriate agency may occur.