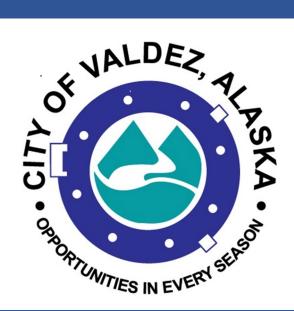
THE CODE ENFORCEMENT IMPLEMENTATION AND STRATEGY GUIDE



The Guide for Implementing, Preventing, and Enforcing Violations of the City of Valdez Municipal Code

MARCH 2019

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An introduction to the Code Enforcement Implementation and Strategy Guide

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Introduction

Purpose

The Code Enforcement Implementation and Strategy Guide was created with three primary objectives in mind:

- To ensure that all property owners are treated equally by creating a predictable path to resolution for code violations.
- To first try to prevent code violations, then resolve and only use the enforcement tools such as fines when absolutely necessary.
- To create an efficient and easily manageable database of all existing code violations within the City.

This is primarily achieved by outlining the City's expectations for resolving specific types of code enforcement cases. The Implementation and Strategy Guide also details practical strategies to prevent code violations, tools the City may use in order to achieve compliance and policies that direct day-to-day decision making by the Code Enforcement Officer(s). Overall, the Implementation and Strategy Guide aims to create a predictable path for property owners, protect neighborhoods from longstanding code violations, and to establish and ensure the efficiency of the code enforcement program.

Contents of the Implementation and Strategy Guide

The Implementation and Strategy Guide is broken into five sections: Framework Documents, Practical Strategies, Resolution Schedules, Enforcement Tools, and relevant Attachments.

Section 1: Framework Documents

The Framework documents include the case tree and the status table. The case tree is an easy to read chart, which displays the various types of Municipal Code Violations. The Status Table outlines the different stages of code enforcement cases. Both documents allow the Code Enforcement Officer(s) to sort all code cases in a manageable database.

Section 2: Practical Strategies

This section outlines several practical steps the City may take to prevent code enforcement cases and/or increase the likelihood the cases will be resolved in a timely manner. Strategies include a Community Improvement Education & Outreach, Automobile Abatement Program, Zone by Zone Program, and Property Manager Outreach Program.

Section 3: Resolution Plans

The Resolution Plans primarily focuses on Nuisance Code Violations. There is an overall timeline for resolving the code enforcement case, as well as the timeline for each step towards resolution. Property owners can avoid fines and other code enforcement tools by signing a Voluntary Compliance Agreement and working with the Code Enforcement Officer(s) and City of Valdez to comply and abide by the established timelines.

Section 4: The Enforcement Tools

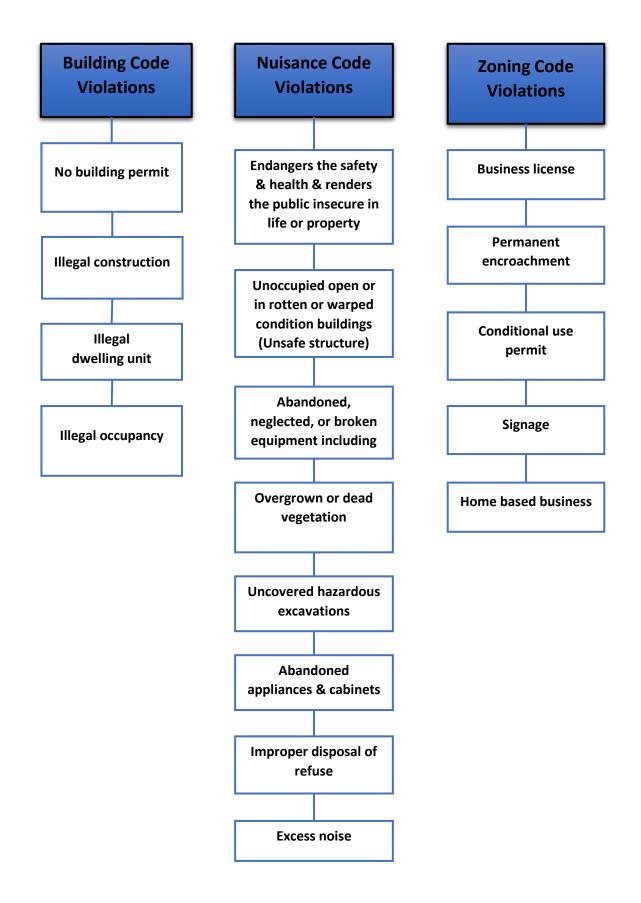
It is always the goal of the City to resolve a Municipal Code violation as quickly and simply as possible, and the quickest way to resolve code violations is immediate removal of the violation or following a resolution plan. In the event a property owner chooses not to go that route, the City must have the tools necessary to enforce the Municipal Code. This section outlines what those tools are, and what the process is to use those tools. Examples of tools are fines, notices of dangerous building, and property liens.

Section 5: Attachments

Relevant documents are attached, including the Nuisance Code Violation Workflow, Voluntary Compliance Agreement, Notice and Order of Abatement, and Code Enforcement Zone Maps.

The Framework Documents

The Framework documents include the case tree and the status table. The case tree is an easy to read chart which displays the various types of Municipal Code Violations. The Status Table outlines the different stages of code enforcement cases. Both documents allow the Code Enforcement Officer(s) to sort all codes in a manageable database.



Status Type	Description
Complaint	When the Department receives a complaint the case will be entered into database tracking system.
Voluntary Compliance Agreement (VCA)	The voluntary compliance agreement is a written, signed commitment by the person responsible for a code violation in which such person agrees to abate the violation, remediate the site, mitigate the impacts of the violation and/or remedy a code violation to achieve code compliance by a certain date.
Notice and Order of Abatement (NOA)	If responsible party is unwilling to enter into a Voluntary Compliance Agreement a Notice and Order of Abatement will be issued.
Citation	When a property owner does not respond to the NOA, or does not comply with the VCA, or has a repeat violation a citation may be issued.
Abatement	If the responsible party continues to be non-compliant, begin the process to have the City abate the nuisance.

Status Type	Description
Appeals	The responsible party may appeal the abatement. The appeal shall follow provisions set in VMC 8.20.200.
Building/Planning Division	Some nuisance code enforcement cases require the property owner to obtain a building permit in order to achieve compliance. Please note the code enforcement case will not be closed until the building permit has received final approval and all other aspects of the case are resolved.
Notice Filed	The City may file notices against property with the Recording Office responsible for the Valdez District. This will allow lenders or potential buyers of the property to be aware of the violation. For some less serious violations, no further action may be taken once a notice is recorded. However, the property owner must correct the violation in order for the notice to be rescinded.
Case Closed – No Merit	For cases where the City receives a complaint and the Code Enforcement Officer(s) cannot verify the violation or finds the violations does not exist.
Case Closed – Resolved	For cases where the property owner or responsible party has taken all the necessary steps and the violation no longer exists onsite.

Practical Strategies

This section outlines several practical steps the City may take to prevent code violations from occurring and/or increase the likelihood the cases will be resolved in a timely manner.

Practical Strategies

Community Improvement Education & Outreach

Nationwide, a significant amount of code enforcement cases begin because a property owner does not understand the City's expectations for property maintenance. Code Enforcement would team up with the Planning department and the City PIO to create a series of Public Service Announcements which would cover specific topics related to property maintenance and existing (or recently revised) Municipal Codes. The City can also use the GIS system to identify the areas of the City that have a disproportionate amount of violations and focus neighborhood outreach in those areas (direct mailers, door hangers, town hall meetings, etc).

It is anticipated that the Code Enforcement Officer(s) work in concert with the City PIO for outreach and public education.

<u>Automobile Abatement Program</u>

One of the more apparent nuisance violations in Valdez is the presence of abandoned, or junk, vehicles that litter City/State land or are located on private property. There are likely a number of factors contributing to the number of junk vehicles in the City. For instance, a lack of an established and operating wrecking yard, or the expense to lawfully dispose of a vehicle.

During 2018 an Abandoned Vehicle Abatement Program was conducted within Valdez. Specifically, those vehicles abandoned on City land. The City employed two certified tow operators to remove abandoned vehicles that were identified and vetted by the Police Department. All told, more than 60 vehicles were removed from public lands within Valdez.

For 2019, the Automobile Abatement Program would be expanded to private property and allow those citizens currently in violation to come into compliance by notifying the City of junk vehicles on private property that they wish to remove. Similar to the Abandoned Vehicle Abatement Program, the City would contract with a company to retrieve the vehicle and lawfully dispose of it (outside of Valdez). The company would get paid only upon proof of disposal at a certified scrap yard, etc.

The Automobile Abatement Program would be advertised and run for a set timeframe. Those still in violation at the end of the program would be subject to additional enforcement tools, beginning with a Voluntary Compliance Agreement.

Zone by Zone Program

Certain areas within the City suffer from higher rates or more visible forms of nuisance violations. As the broken window theory stipulates, as nuisance conditions become the norm for an area, nuisance conditions will become even more widespread. Conversely, when property owners have a high standard for property upkeep, property values rise, and these high standards become the area norm. With that in mind, code enforcement will utilize resources to identify zones that suffer from high rates of, or highly visible, nuisance violations.

In addition to public outreach and education, staff will also focus on cleaning up these areas, one zone at a time. This will be accomplished by Code Enforcement Officer(s) entering into Voluntary Compliance Agreements, issuing notices of violations, and potentially utilizing the other code enforcement tools noted as necessary.

Code enforcement would start in the downtown area initially, to include everything south of Pioneer St., as well as responding to complaints and life and safety issues in other zones. When that zone (labeled as Zone 4) is clear of violations, the remaining zones would be evaluated and prioritized as to which would be concentrated on next.

Property Manager Outreach Program

Professional property managers manage a number of the rental properties in Valdez. This is especially true for properties whose owners live out of Valdez or out of State. We anticipate some code enforcement violations may involve rental properties. While most cases will likely get resolved, resolution may lag because the tenant is unable or unwilling to enter into a Voluntary Compliance Agreement, or the rightful property owner is difficult to contact. While the violation may eventually be sent to the property manager to resolve, they may be the last to know, even though they are the most capable of quickly resolving the case.

The property manager outreach program allows property managers to be the first point of contact for code enforcement violations. This will be accomplished by contacting all the local property managers, informing them of this program and requesting a list of the properties they manage. We will also provide them with a consent form for the property owners to sign, which allows the property manager to act on the owner's behalf.

When a Code Enforcement Officer observes a violation, a call will be placed to the property manager. Any Voluntary Compliance Agreement or Notice and Order of Abatement will also be mailed to the property manager. If a property manager fails to respond to the notice, or does not resolve the violation within an agreed upon timeframe, the property owner will then be notified that there continues to be a violation. The property owner will then be the primary point of contact from that point on.

Resolution Plans

The Resolution Plans primarily focuses on Nuisance Code Violations. There is an overall timeline for resolving the code enforcement case, as well as the timeline for each step towards resolution. Property owners can avoid fines and other code enforcement tools by signing a Voluntary Compliance Agreement and working with the Code Enforcement Officer(s) and City of Valdez to comply and abide by the established timelines.

Resolutions Plans

Unsafe Structure – Resolution Plan

Estimate Time Frame: 12 months

Overall Note: Unsafe structures by nature creates an unsafe condition due to lack of inspections. No person shall occupy the subject area during the resolution plan process. Unsafe structures may include buildings which were original permitted, but are now dilapidated to the point that they are unsafe.

Timeline	Task
Within 10 days of receiving Notice and Order of Abatement	Contact Code Enforcement Officer(s) to enter into a Resolution Plan. If people are occupying the unsafe structure, they must leave immediately. The Code Enforcement Officer will inform the property owner whether the unsafe structure must be: 1. Demolished 2. Legalized Please note permits will be required in both cases.

1. Demolition Schedule **Days Since Previous Action Property Owner Task Payment** Within 10 days of meeting with Submit plans to the Planning Outstanding Code Enforcement fees, and building permit fees Code Enforcement and Planning Department to obtain a demolition permit. are due at the time of issuance. Department Within 30 days of issuance of Applicant shall complete work Code Enforcement may issue an demolition permit associated with demolition extension if necessary. permit and receive final approval from the Planning Department. Please note: Property owner is responsible for scheduling all necessary inspections in order to receive

final approval.

2. Legalization Schedule			
Days Since Previous Action	Property Owner Task	Payment	
Within 30 days of meeting with Code Enforcement and Planning Division	Submit professional quality, to- scale building plans to legalize the unsafe structure. City shall review plans and provide plan check comments to applicant within 15 days.	Outstanding Code Enforcement Fees due at the time of building permit submittal.	
Within 15 days of receiving comments	Applicant shall resubmit plans addressing all comments. Please note that 2 resubmittals (a total of 3 submittals) will be allowed.		
5 days	Once all comments are addressed obtain a Building Permit.	Building permit fees are due at the time of issuance.	
Within 60 days of permit issuance	Applicant shall complete work associated with permit and receive final approval from the Planning Department. The applicant shall also provide status updates to the Code Enforcement Officer(s) every 30 days. Please note: Property owner is responsible for scheduling all necessary inspections in order to receive final approval.		

Nuisance - Resolution Plan

Estimated Time allotted 15 – 30 days

Overall Note: These are violations of Chapter 8.2 of the Municipal Code, which regulate a number of different nuisances, including - but not limited to: drainage, dumping, dilapidated fences, graffiti, inoperable vehicles, junk, outdoor storage, recycling bins/trash cans.

Timeline	Task
Within 15 or 30 days as provided in Section 8.20.100(A)(5)(a) and (b)	Remove or repair violation. Contact Code Enforcement Officer(s) to schedule an inspection when work is complete.

The Enforcement Tools

It is always the goal of the City to resolve a Municipal Code violation as quickly and simply as possible, and the quickest way to resolve code violations is immediate removal of the violation or following a resolution plan. In the event a property owner chooses not to go that route, the City must have the tools necessary to enforce the Municipal Code. This section outlines what those tools are, and what the process is to use those tools. Examples of tools are fines, notices of dangerous building and property liens.

Enforcement Tools

Voluntary Compliance Agreement

Almost all code enforcement cases begin when either the Planning Department or the Police Department receives a complaint about a property. Typically this complaint comes from a neighbor who is concerned that the subject property owner is doing work without a building permit, is involved in prohibited activity, or has failed to maintain the property in accordance with the established Municipal Codes.

If the complaint is without merit, the case will be closed immediately. When a Code Enforcement Officer confirms that a violation exists on a property, they shall determine whether the violation is a repeat violation, or the first of its' kind. When applicable, the Code Enforcement Officer(s) shall attempt to engage in a Voluntary Compliance Agreement with the owner or responsible party.

The voluntary compliance agreement is a written, signed commitment by the person responsible for a code violation in which such person agrees to abate the violation, remediate the site, mitigate the impacts of the violation and/or remedy a code violation to achieve code compliance.

Notice and Order of Abatement

When a Code Enforcement Officer confirms that a violation exists on a property, and the property owner declines to engage in a Voluntary Compliance Agreement, a Notice and Order of Abatement (NOA) may be issued. The NOA will be posted onsite and mailed to the property owner and/or property manager. The notice will include the subject property's address, type of violation and Municipal Code reference, appeal rights, code enforcement officer contact information, the initial timeframe to contact or resolve the case and other related information.

Citations (Fines)

The goal of the code enforcement program is to resolve code violations, not to collect fines. However, there are times when a property owner chooses not to participate in a Voluntary Compliance Agreement, not to comply with a Notice and Order of Abatement, or whose property has been the subject of past code enforcement actions, and fining the property owner is another way to achieve compliance. Per the Valdez Municipal Code, property owners can be fined on a daily basis for non-compliance with the code, with applicable fines varied depending on the severity of the offense. If a property owner does not pay the full amount, further action will be taken to collect the debt, including withholding annual energy assistance, using a collections agency or through a lien process or special assessment.

Letter from City Attorney

Although most property owners will likely respond after receiving a fine, there are some property owners that still choose to not to respond or correct the violation. In those cases, a letter from the City Attorney will then be sent to the property owner outlining possible legal action against the property owner. In all cases, the goal is to resolve the code enforcement case, not to spend City resources on legal action. However, when a property owners chooses to ignore a code enforcement action, they must be made aware of all legal recourse.

Recording Notices

In certain situations, where a dangerous or substandard building exists, or when a property owner chooses not to remove a violation or enter into a resolution plan, a notice may be recorded against the property with the Recording Office responsible for the Valdez District. Examples of notices are "Notice of Code Enforcement Violation, Notice of Substandard Building" or "Notice of Dangerous Building". This will ensure that future property owners understand the risks involved in purchasing the home and will further encourage the current property owner to resolve the code enforcement action. Once the action is fully resolved, the notice will be removed from the property. The property owner will be responsible for the costs associated with recording and removing the notice.

<u>Civil Mandatory Injunction</u>

If at any time in the code enforcement process, a violation of the Code is determined by the Code Enforcement Officer(s) to be a health, safety, or welfare matter that should be remedied by obtaining a civil mandatory injunction, the matter may then be referred by the Officer to the City Attorney to take the necessary civil legal action to enforce the Code. In any legal action filed by the City to enforce the Code through civil litigation, the City shall seek to recover its reasonable attorney's fees and court cost incurred in the action or proceeding.

Abatement

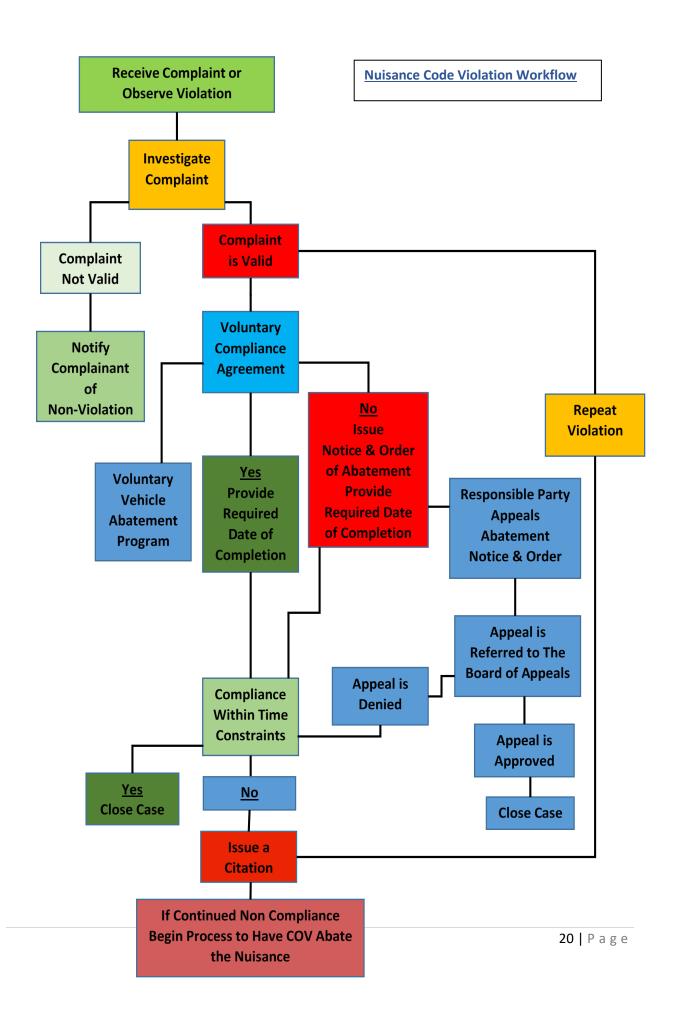
When a property owner ignores notices and fines, and opts not to clean up their property or obtain the necessary permits, the City has the option to abate the nuisance. Due to the time and cost associated with abatement, the City will only utilize this process for the most serious violations. The abatement process will usually be used for visual nuisance violations and lifesafety hazards. The property owner will be responsible for all city costs incurred during the abatement process. Abatement costs may be collected through a lien or special assessment process.

Special Assessments and Liens

When a property owner chooses not to resolve a code enforcement violation, nor to pay the associated fines and fees, the City has the ability to record a lien or special assessment against a property. This authority is already granted in the City's Municipal Code and is standard practice within the code enforcement field.

Attachments

Relevant documents are attached, including the Nuisance Code Violation workflow, Voluntary Compliance Agreement, Notice and Order of Abatement, and Code Enforcement Zone Maps.





VOLUNTARY COMPLIANCE AGREEMENT

	and ("Responsible Party") (together referred to as "Parties" and individually y") as of the day of, 20
he Par	ties hereby agree for and in consideration of the mutual promises hereinafter stated as follows:
The	Parties agree that the Responsible Party either own, control or occupy real property located at ("Property") legally described as follows:
Agr	condition(s) constituting nuisance and/or code violation(s) existing on the Property subject to this reement consist(s) of the following:
The follo	Parties agree that the condition(s) described in Paragraph 2 of this Agreement must be corrected as ows and agree the Responsible Party to fully perform such corrective actions prior to expiration of this reement:
d.	

- 6. The Responsible Party freely acknowledge that the condition(s) identified in Paragraph 2 of this Agreement presently exist and constitute (a) nuisance(s) and/or violation(s) of the City Code.
- 7. In consideration for the City granting the extended period for correction of the violations in accordance with Paragraph 3 of this Agreement, the Responsible Party agrees to waive the right to appeal and hearing related to any subsequent violation proceeding and consent to the entry of a Court judgment or administrative decision in favor of the City and against the Responsible Party and agree to the imposition of penalties, costs, injunction, and/or such other remedies as ordered.
- 8. The Responsible Party agrees the City shall have the right to enter upon the Property during daylight hours at reasonable intervals during the term of this Agreement to determine compliance with this Agreement.
- 9. The Responsible Party understands and agrees the City is the sole authority to determine whether or not the Responsible Party has complied with the terms of this Agreement.
- 10. The Responsible Party shall indemnify, defend, release and hold harmless the City and its departments, agents, employees and representatives from and against any claims, lawsuits demands, or liabilities, whether brought by the Responsible Party or any third party, in any way arising from or related to the violations identified in Paragraph 2 of this Agreement or the conditions that created such violations.
- 11. The Parties agree that if any term or provision of this Agreement is declared by a Court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.
- 12. The City's delay in exercising, or failure to exercise any right, power, or privilege under this Agreement shall not operate as a waiver thereof. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.
- 13. This Agreement constitutes the entire agreement between the parties on the subject matter hereof.
- 14. This Agreement may not be waived, altered, modified, supplemented, or amended in any manner except by written instrument signed by both parties.
- 15. The City may unilaterally terminate this Agreement, at any time and without prejudice to the City's rights if the Responsible Party commits or allows additional violations of the City Code to occur on the Property during the term of this Agreement.

IN WITNESS WHEREOF, the parties to this presence have executed this AGREEMENT which shall be deemed an original, in the year and day first mentioned above.

CITY OF VALDEZ
IGNATURE:
[AME:
OATE:
I

VOLUNTARY COMPLIANCE AGREEMENT SUPPLEMENT

Violation	Code Section Violated	Violation D	escription
e	VMC		
f	VMC		
g	VMC		
Violation	Code Section Violated	Violation D	escription
h	VMC		
i	VMC		
j	VMC	ORRECTIVE ACTION REQUIRED	
j	VMC		
The followi	CC ng actions are required	ORRECTIVE ACTION REQUIRED to correct these violations within	n the specified periods:
he followi	CC ng actions are required		n the specified periods: Compliance Deadline
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The following Violation e f	og actions are required A	d to correct these violations within batement Action	Compliance Deadline



NOTICE OF VIOLATION AND ORDER TO ABATE

Dear Responsible Party,

You own, occupy, or otherwise are responsible for a nuisance existing on the property described herein ("Property"). A nuisance exists on your property in violation of the Valdez Municipal Code ("VMC") that must be abated in accordance with this Notice and Order.

Location of	Violation:		
Lot:	Block:	Subdivision:	
Case No		Date Issued:	
Notice has	been distributed to the fol	NOTICE lowing responsible parties:	
	roperty Owner	Occupant or Operator	Other
Name:	,	Name:	Name:
Address:		Address:	Address:
		DESCRIPTION OF PUBLIC NUISANCE r has determined that the following s	section of the VMC have been violated
Violation	Code Section Violated	Violation	Description
1	VMC		
2	VMC		
3	VMC		
	<u> </u>	1	

Notice of Violation and Order to Abate

1 of 2

CORRECTIVE ACTION REQUIRED

The following actions are required to correct these violations within the specified periods:

Violation	Abatement Action	Compliance Deadline
1		
2		
3		

OPPORTUNITY TO APPEAL

Any person having record title or legal interests in the property may appeal from the notice and order by filing with the city clerk within fifteen days from the date of service of this Notice and Order. An appeal must be in writing and in accordance with the appeal procedure as provided in VMC 8.20.200. Failure to appeal will constitute a waiver of all right to administrative hearing and determination of the order; and will result in the abatement official proceeding with available remedies. After appeal, the responsible party shall commence work to abate the nuisance within fifteen days from the date of a decision upholding the abatement action (unless such abatement will materially affect a building or structure permanently attached to real property, in which case thirty days shall be allowed).

THE CITY'S GOAL IS VOLUNTARY COMPLIANCE AND MAY AT ITS DISCRETION EXECUTE VOLUNTARY COMPLIANCE AGREEMENTS. THIS NOTICE WILL SERVE AS FINAL NOTICE AND ORDER OF ABATEMENT. IF CORRECTIVE ACTION (AS OUTLINED IN THE FOLLOWING STATEMENT OF ACTION) IS NOT COMPLETED BY THE DATES SET FORTH HEREIN THE CITY OF VALDEZ WILL CAUSE THE ABATEMENT WORK TO BE DONE AND CHARGE THE COST THEREOF AGAINST YOU AND/OR OBTAIN AN INJUNCTION COMPELLING YOU TO ABATE THE PUBLIC NUISANCE. ADDITIONALLY, AS PROVIDED BY THE VMC THE CITY OF VALDEZ WILL BEGIN ASSESSING ALLOWABLE FINES. PLEASE BE ADVISED, THE CITY MAY IMPOSE A SEPARATE FINE UP TO \$500 FOR EACH DAY A VIOLATION OCCURS. ALL COSTS, INCLUDING FINES, COURT FEES AND LEGAL EXPENSES, ASSOCIATED WITH THIS ABATEMENT WILL BE PLACED AS A LIEN ON THE PROPERTY OR WILL BE MADE A PERSONAL OBLIGATION TO YOU.

10 100.
Questions, comments, and inquiries regarding voluntary compliance may be directed to
Dan Plaster Code Enforcement Officer Valdez Police Department
Phone- 907-835-4560 email- dplaster@pd.valdezak.gov
Sincerely,

Notice of Violation and Order to Abate

2 of 2

NOTICE OF VIOLATION AND ORDER TO ABATE SUPPLEMENT

DESCRIPTION OF PUBLIC NUISANCE

The Abatement Official for this matter has determined that the following section of the VMC have been violated and constitute a nuisance:

Violation	Code Section Violated	Violation Description
4	VMC	
5	VMC	
6	VMC	

Violation	Code Section Violated	Violation Description
7	VMC	
8	VMC	
9	VMC	

CORRECTIVE ACTION REQUIRED

The following actions are required to correct these violations within the specified periods:

Violation	Abatement Action	Compliance Deadline
4		
5		
6		

Violation	Abatement Action	Compliance Deadline
7		
8		
9		

