

# 5/14/24 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) STUDY SESSION

At the March 12<sup>th</sup> 2024 Council study session, Council requested follow up on the following topics:

- Inoperable Vehicles
- Anonymity of Complaints
- Pest Control/Enforcement
- Scoping of Complaints
- Tire Disposal

# INOPERABLE VEHICLES:

COUNCIL DIRECTION: EXPLORE REMOVING “UNLICENSED” FROM INOPERABLE VEHICLE CRITERIA

Two extremes:

1. A solitary unlicensed operable vehicle is currently a violation
2. Addressing multiple unlicensed, but operable vehicles on residential lots

Options:

- Amend the code to remove “unlicensed” from inoperable criteria, and
- Explore a future ordinance to address storing multiple operable vehicles on residential lots

# ANONYMITY OF COMPLAINTS

## COUNCIL DIRECTION: REQUIRE COMPLAINANTS TO PROVIDE NAME AND CONTACT INFORMATION

- Complainants would fill out a form detailing name/contact info
- Complainants may have the option to not have their names released as part of a public disclosure request process
- This could reduce complaints by 75%
  - In 2023, the City received 2026 complaints
  - Of those, 1469 were anonymous
- Officers may be proactive for blatant public nuisance violations
  - Life safety, blight/dangerous/sanitary issues, etc.
- This is an administrative policy decision

# PEST ELIMINATION/CONTROL

## COUNCIL DIRECTION: ELIMINATE PEST CONTROL FROM THE IPMC

- Removing pest control originated from staff during the 3/12/24 Study Session
- In lieu of removing pest control, add to IPMC 103.4 a provision allowing staff to prioritize cases depending on level of public nuisance and/or staff resources
- Pest control provisions may be utilized only after other insanitary condition measures have played out

# SCOPING OF COMPLAINTS

## COUNCIL INQUIRY: ARE WE ABLE TO ADDRESS COMPLAINANT ITEMIZED VIOLATIONS ONLY?

- People often complain that we didn't address all violations
- Once a property is “abated”, people get confused if we return for further enforcement
- YMC 11.40 is for the benefit of the general public, not individuals
- Individual complainants would need to be contacted to find out their specific concerns
- Individual complainants may claim harm if they are not satisfied with results
  - The “special relationship doctrine” (a special relationship between the City and an individual may be implied if enforcing the code on an individual's behalf)
  - Public-duty doctrine (Black's Law Dictionary): “The rule that a governmental entity cannot be held liable for an individual plaintiff's injury resulting from a governmental officer's or employee's breach of duty owed to the general public rather than to the individual plaintiff”

# TIRE DISPOSAL/ORDINANCE

## COUNCIL DIRECTION: EXPLORE WAYS TO CURB THE ILLEGAL DUMPING OF TIRES

- Tire regulatory license designed to address the disposal of waste tires
  - Tire dealers would obtain a waste tire regulatory license
  - Said license would require tire dealers to:
    - Maintain a log of waste tire products
    - Record haul dates, hauler information, number of tires and verifiable tire destination information
    - Provide a copy of the log at the time of license renewal
    - Allow officers to make scheduled site visits to verify log information
- Intent is to reduce illegal tire dumping on public streets

# IN SUMMARY

Addition to YMC 11.40.103.4 Liability: “Nothing provided in this chapter shall create any duty on the city to enforce any specific law or code section or abate any specific condition or circumstance which may exist. The code official shall exercise sound discretion and shall maintain enforcement actions as resources permit”

This addition provides an umbrella under which enforcement may reside

Examples:

- Inoperable vehicles
  - Even if “unlicensed” is not removed, staff may use discretion for minor cases
- Pest control
  - Staff may address insanitary conditions and utilize Section 309 pest control provision as a last resort
- Frivolous complaints
  - Use of discretion/efficient use of City resources