



**AGENDA
YAKIMA CITY COUNCIL
STUDY SESSION
March 12, 2024**

City Hall -- Council Chambers - 129 N 2nd Street, Yakima, WA

5:00 p.m. Study Session --- This meeting will be conducted in person, live streamed at www.yakimawa.gov/council/live-stream/ and telecast live on Y-PAC, Spectrum Cable

Channel 194. You may also participate via Zoom:

<https://cityofyakima.zoom.us/j/95021319829> or call in by dialing 1-253-215-8782 | Webinar

ID: 950 2131 9829 | Passcode: 652488 ----- Individuals who wish to provide public comment remotely are encouraged to submit a Public Comment Request Form online at: www.yakimawa.gov/council/public-comment no later than 3:00 p.m. on the day of the meeting. If you wish to provide public comment in-person, please fill out a "Request for Appearance" form and hand it to the City Clerk before you address City Council.

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1. Roll Call
 2. Public comment (allow 15 minutes)
 3. Downtown Parking Presentation
 4. Review of Property Maintenance Code Enforcement
 5. Adjournment

The next meeting is a City Council regular meeting on March 19, 2024, at 5:30 p.m. in the City Hall Council Chambers

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk's Office and on-line at www.yakimawa.gov. The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk's office at (509) 575-6037 at least two business days prior to the meeting. All meetings are live streamed on the City of Yakima website at www.yakimawa.gov and telecast live on Y-PAC, Spectrum Cable Channel 194.



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 3.
For Meeting of: March 12, 2024

ITEM TITLE: Downtown Parking Presentation
SUBMITTED BY: Dave Zabell, Interim City Manager

SUMMARY EXPLANATION:

The Council extended the moratorium on the enforcement downtown of parking time limits at their February 6, 2024 meeting. City staff has since been evaluating the information received prior, during, and since the January 23rd special Council meeting on this topic, meeting with business owners within the downtown core, and developing alternatives to the plan adopted by the Council in summer 2023. The policy alternatives developed and presented this evening are the result of these efforts and can be found within the attached PPT presentation.

There has been significant and ongoing input on this topic. The presentation will include a brief history on the development and regulation of the public parking lots, a revised needs assessment, and outline the major policy issues and alternatives for the public's feedback and ultimately Council's consideration.

Following the March 12th study session, staff is proposing a community meeting, tentatively scheduled for March 21, 2024, to share the information presented with community members for their further input. Input and feedback received from the March 12th Council study session and the March 21 community meeting will be factored into a revised recommendation, which will be presented to the Council in late March. The Council will be asked to consider formal action in the form of an ordinance in early April.

ITEM BUDGETED: NA
STRATEGIC PRIORITY: NA


APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

Receive the presentation and provide preliminary feedback.

No other action is required by the Council at this time.

ATTACHMENTS:

Description	Upload Date	Type
 Downtown Parking Presentation PPT	3/8/2024	Presentation

Parking in Downtown Yakima

**Yakima City Council
Study Session
March 12th, 2024**

Today's Presentation

- Introduction**
- History of City-owned lots**
- Scope – What it is and what it isn't**
- Condition, rehab, ongoing maintenance of lots**
- Policy options related to regulations**
- Related issues**
- Proposed next steps and timeline**

History

- **Late 1960s-early 1970s, need for downtown parking grows**
- **1974 – Local Improvement District (LID) formed**
 - **Business owners assessed**
 - **Acquisition of property for three lots**
 - **Paving, lighting, landscaping, etc.**
 - **60% of costs paid by LID assessments, 40% by City funding sources**
- **Original LID retired in early-to-mid-1990s**

History

- **1996 – Parking and Business Improvement District (PBIA) formed**
 - **Business owners assessed**
 - **Construction, maintenance, etc. of lots**
 - **Event promotion, decorations, maintenance of public areas, etc.**
- **PBIA had a six-year term**

History

- **2002 – Second Parking and Business Improvement District (PBIA) formed**
 - **Business owners assessed**
 - **Construction, maintenance, etc. of lots**
 - **Event promotion, decorations, maintenance of public areas, etc.**
- **PBIA had a six-year term**

History

- **2008 – Downtown Yakima Business Improvement District (DYBID) formed**
 - **Business owners assessed**
 - **Economic development**
 - **Graffiti removal**
 - **Beautification projects**
 - **Maintenance and improvement of lots**

History

- **2011 – DYBID reformed**
- **North Front Street area added**
 - **Business owners assessed**
 - **Economic development**
 - **Graffiti removal**
 - **Beautification projects**
 - **Maintenance and improvement of lots**

History

- **2012 – DYBID boundaries, services, and Assessment area modified to current**
- **COVID Pandemic**
 - **Parking enforcement suspended**
- **2022 Parking Study**
 - **City-owned lots heavily used**
 - **Recommended charging for parking to generate revenue for lot maintenance and improvement**
 - **Projected revenue of \$1.3 million per year**

History

- October 2022 – Council approves plan to charge for parking**
- December 2022 – Council suspends implementation of parking plan for six months**
 - Downtown business owners to develop alternative plan**
- Early 2023 – Yakima Police Department assumes parking enforcement responsibilities**

History

- **June 2023 – Business owners present alternative plan to Council**
 - **Pay \$1 per hour after the first two hours**
 - **Monthly rental rate increase from \$40 to \$50**
 - **Monthly rental spaces increased from 40% to 60%**
 - **Fine raised from \$20 to \$50**
 - **Increased enforcement**
- **July 2023 – Council adopts alternative plan**

History

- **Summer-Fall 2023**
 - **Equipment purchased**
 - **Staff trained**
 - **Warnings placed on vehicles**
- **Fall 2023 – Plan implemented**

History

- **December 2023**
 - **Concerns from downtown businesses, employees, etc. received**
 - **Petition with more than 500 signatures submitted**
 - **Council unanimously places 60-day moratorium on enforcement of new plan**
- **January 2023 – Public meeting held**
 - **Council unanimously extends moratorium another 60 days to allow for alternatives to be developed**

Scope

- **Different recent proposals with different elements**
- **Parking meters**
- **Public lots**

Scope

Not About

- On-street parking meters
- Changes in regulation of on-street parking
 - Process exists to change on-street time limits

Is About

- 4 City-owned parking lots
 - Rehab and ongoing maintenance
 - Regulation
 - Cost

Current State of Lots

Lot Overview



Current State of Lots

Millennium Plaza



Current State of Lots

2nd Street



Current State of Lots

Staff Sgt. Pendleton



Current State of Lots

Crafted



Previous Rebuild Proposal

Parking Lot	Area (sf)	Spaces	Mill & Overlay	Complete Rebuild
Millennium Plaza	\$71,699	182 (7 HC)	\$259,809.00	\$520,206.00
2nd Street	\$38,095	121 (4 HC)	\$139,675.00	\$276,788.00
1st St. & Staff Sgt. Pendleton	\$13,766	39 (1 HC)	\$52,263.00	\$102,671.00
1st St. - Crafted	\$21,645	62 (2 HC)	\$78,988.00	\$158,600.00

Revised Maintenance Proposal

2024

- Millennium Plaza

- Crack seal - Fog seal - Sidewalk - Curb - Section repair - Striping

Total cost - \$21,040

2025

- Millennium Plaza

- Curb

Total cost - \$2,250

- 2nd Street

- Crack seal - Fog seal - Sidewalk - Curb - Section repair - Striping

Total cost - \$18,00

Revised Maintenance Proposal

2026

- Millennium Plaza

- Sidewalk

Total cost - \$3,250

- Staff Sgt. Pendleton

- Crack seal - Fog seal - Curb - Section repair - Striping

Total cost - \$17,850

2027

- Millennium Plaza

- Curb

Total cost - \$11,250

- Crafted

- Crack seal - Fog seal - Curb - Section repair - Striping

Total cost - \$7,900

Total Maintenance Proposal Cost

\$82,340

Not adjusted for inflation

Stormwater Drainage Improvements

Millennium Plaza - \$585,000

2nd Street - \$299,000

Staff Sgt. Pendleton - \$234,000

Crafted - \$31,200

Total cost - \$1,149,200

Funded by non-parking revenue sources, i.e. grants, etc.

Regulation

Why regulate?

- Assure turnover**
- Reliably provide customer parking**
- Keep lots from becoming storage area**

Why paid parking?

- Everyone pays for parking – it's in the prices you pay or through a meter**
- Encourages turnover**
- Funds lot maintenance and improvement**

Policy Options

- Lot maintenance and improvement plan**
- Length of free parking period**
- Hours of enforcement**
- Monthly parking pass cost**
- Parking violation fine amount**
- Application of technology – QR code**

Policy Options

Lot Maintenance and Repair Plan

Projected revenue needs are driven by project assumptions

- **Considerations**

- Need
- Affordability
- Sustainability

Option 1

- Major reconstruction of City-owned lots
- High revenue requirement

Policy Options

Option 2

- Incremental repair and improvements**
 - Relatively low revenue requirement**
 - Replace failed areas**
 - Address drainage systems**
 - Regular maintenance of lots**

Policy Options

Length of Free Parking Period

- **Considerations**

- **Need for turnover**
- **Time for customers to conduct business**
- **Surrounding uses**
- **Societal changes**
- **Types of businesses and services – changed over time?**
- **2 hours currently – 3 hours has been suggested**

Recommendation

- **Remain at 2 hours**

Policy Options

Hours of Enforcement

- **Two different times currently cited**
 - **8:00 am to 5:00 pm**
 - **8:00 am to 6:00 pm**
- **Considerations**
 - **Business hours-needs**
 - **Consistency – avoid confusion for drivers**
 - **Practicality of enforcement between 8:00 am and 5:00 pm**

Recommendation

- **Enforcement between 8:00 am and 5:00 pm**

Policy Options

Cost of Monthly Permit

- **Currently \$50**
- **Considerations**
 - **Reduces spaces for customers and turnover**
 - **Business and employee needs**
 - **Sustainability**
 - **Was \$40 for 25 years**

Recommendation

- **Retain at current amount**

Policy Options

Parking Infraction Fine Amount

- **Currently \$50 per infraction**
- **Considerations**
 - Reasonableness
 - Likely consequences
 - Comparability

Recommendation

- **Reduce to \$20 per infraction**

Policy Options

Application of Technology

- Considerations**
 - Ability to effectively enforce in place**
 - User convenience not in place**
- Options**
 - Status quo**
 - Explore options**

Recommendation

- Explore QR code option – budget issue**

Related Issues

On-Street Parking

- **Two issues raised by community members**
 - **Enforcement – Consistent in the CBD**
 - **Time – different needs based on businesses**
- **Considerations**
 - **Turnover**
 - **Consistency**
 - **Visibility**
 - **Current processes**

Recommendation

- **Education on processes and use them**
- **Enforce hours consistently**

Next Steps - Timeline

Process of input and feedback

- 3-12 – City Council presentation of proposal**
- 3-21 – Community meeting**
- Refine proposal based on input and feedback**
- 3-26 – City Council consideration of final proposal**
- 4-2 – City Council consideration of enabling ordinance**

Future Improvements

Non-Emergent Future Needs

- Components**
 - Drainage system rehabilitation**
 - Lighting**
 - Landscaping**
 - Accessibility**
- Considerations**
 - DYBID and DAY**
 - Businesses**
 - Grants**
 - One in process for drainage improvements**
 - Economic development grants possible**

Parking in Downtown Yakima

**Yakima City Council
Study Session
March 12th, 2024**



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 4.
For Meeting of: March 12, 2024

ITEM TITLE: Review of Property Maintenance Code Enforcement

SUBMITTED BY: Glenn Denman, Code Administration Manager

SUMMARY EXPLANATION:

At the February 6th regular business meeting, Council directed that staff schedule a study session on topics related to code enforcement and business licenses. The attached presentation is intended to review all, or a majority of the topics mentioned. If topics arise that are not covered in this study session, staff will present them at a future date.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
Code Sections	3/8/2024	Backup Material
IPMC Presentation	3/8/2024	Presentation

3/12/24 IPMC STUDY SESSION REFERENCED CODE SECTIONS

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner's authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered, maintained or repaired to provide a minimum level of health and safety as required herein, and as required by the Washington State Fire Code.

106.4 of the 2018 International Property Maintenance Code is amended to read as follows:

106.4 Violation penalties. Any person or owner who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

The penalties for those found to be in violation of this code shall be as indicated in the following schedule:

Code Compliance Penalties ^{1 2}

Violation	Amount
No Abatement After Notice of Violation and Order Deadline	\$250
1st Offense as a Repeat Offender	\$500
2nd Offense as a Repeat Offender	\$750
3rd Offense as a Repeat Offender	\$1000

¹ See definition of Repeat Offender.

² Other fees or costs may apply.

In addition to the penalty listed in the chart above, there is a Fifty Dollar (\$50.00) penalty for each day thereafter the violation or failure to comply continues. At the discretion of the code official, any person who violates any of the provisions of this

chapter may be cited with a civil infraction punishable by a fine of up to two hundred and fifty dollars (\$250.00) as an alternative to the abatement process referenced in this chapter. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.8 Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.1.1 Verification of infestation. The City of Yakima does not inspect or verify the existence of infestation. The code official may utilize the health officer to verify an infestation, or may require the utilization of a pest control professional for such verification, at no expense to the City of Yakima.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure, regardless of whether the structure is owner-occupied or leased.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

302.10.1 Graffiti abatement program.

A. Graffiti and other defacement of public and private property, including walls, rocks, bridges, fences, gates and other structures, trees and other real and personal property within the city, constitutes a nuisance. The city council finds that graffiti is also associated with criminal street gang activity pursuant to RCW 9A.48.105 and YMC 6.11.025 and that proliferation of graffiti promotes criminal street gangs and criminal street gang activity. Such activity constitutes an immediate threat to the life, health, safety and property of residents of the city. Procedures herein requiring abatement, following notice and opportunity to appeal, are necessary and will preserve and protect the life, health, safety and property of residents of the city.

B. Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, apprehension of persons who commit such acts is difficult because the offenses involved can be committed quickly and surreptitiously so that witnesses to the acts are frequently nonexistent.

C. Although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of the illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value.

302.10.1.1 City abatement program—Request for assistance.

Subject to availability of funding and personnel, the city makes available a graffiti abatement program. Owners of property within the city, and any owner who receives a notice issued pursuant to Section 302.10.2 to abate graffiti may request assistance from the city's graffiti abatement program to abate graffiti placed on their property. Participation in such graffiti abatement program shall include the following:

302.10.1.2 Release from liability. Applicant shall sign a consent and release from liability form approved by the city authorizing city personnel and/or its contractors to enter upon the owner's property for the purpose of abating the graffiti. Upon execution, such consent and release shall be in effect pursuant to the terms and conditions of the document. Any consent and release may be revoked in writing by the owner and/or property manager and/or tenant at any time.

302.10.1.3 Abatement by City. The city or its contractors may abate the graffiti. Graffiti abated by the city shall be only by application of paint provided by the city or contractor. Matching paint is not guaranteed. The city will only paint over graffiti and will not remove it through sand blasting or other means.

302.10.1.4 Acceptance into program. For applicants who have received a notice issued pursuant to Section 302.10.2 to abate graffiti, acceptance into the city's graffiti abatement program shall stay the five-day compliance requirement, or such other compliance deadline established in such notice by the code official unless otherwise notified by the city.

302.10.1.5 Limitations. The city or its contractors shall not authorize nor undertake to provide for the painting of any more extensive area than the area where the graffiti is located.

302.10.1.6 Program modifications. The city reserves the right to establish, modify and amend its graffiti abatement program, and to define by rule or policy standards of eligibility for participation, methods of abatement and scheduling of abatement activities.

302.10.1.7 City abatement program—Priorities. There may not always be adequate funding or personnel for the city abatement program outlined in YMC 11.40.110. When funding and/or personnel is limited, the following priority may be established for service to those property owners who have entered the program:

- (1) Single-family residential zoned properties and city property;
- (2) Two-family residential zoned properties;
- (3) Multifamily residential zoned properties;
- (4) CBD zoned properties;
- (5) All other commercial zoned properties;
- (6) Manufacturing zoned properties.

Entry into the graffiti abatement program is not a guarantee of service. If adequate funding or personnel is not available, the property owner/property manager and tenant (if applicable) will be notified that they are responsible for the abatement of graffiti on the property.

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that

will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.1.1 Verification of infestation. The City of Yakima does not inspect or verify the existence of infestation. The code official may utilize the health officer to verify an infestation, or may require the utilization of a pest control professional for such verification, at no expense to the City of Yakima.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure, regardless of whether the structure is owner-occupied or leased.

3/12/24 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) STUDY SESSION

At the Feb.6th regular business council meeting, Council voted to hold a study session on code enforcement and specifically the following topics:

- Inoperable Vehicles
- Pre-existing, Non-Conforming Uses
- Anonymity of Complaints
- Residential vs. Commercial Uses
- Tire Disposal
- Graffiti
- I would like to add Pest Elimination

OTHER SUBJECTS ALSO MENTIONED:

- Business licenses for home occupations
- What Union Gap is doing for business licenses and business startups

THESE SUBJECTS ARE NOT CODE ENFORCEMENT AND WILL BE REVIEWED AT A FUTURE STUDY SESSION

2021 ADOPTION OF THE IPMC, YAKIMA MUNICIPAL CODE TITLE 11.40

Replaced and consolidated previous codes:

- Neighborhood Conservation Code
- Apartment House and Hotel Safety Code
- 1991 Housing Code
- 1991 Code for the Abatement of Dangerous Buildings

Each had varying requirements with similar case types,
which resulted in confusion for staff and the public

IPMC GENERAL PROCEDURES

Upon receipt of a complaint (the City has always been complaint driven)

- When possible, tenants and/or owners are contacted by phone, email, site visit or other personal contact to inform and discuss complaints
- Non-Compliance Notice is first
 - This notice informs of violations, offers remedies, contains potential costs and penalties, offers Voluntary Correction Agreements
 - 86% of cases in 2023 did not need further action
 - Voluntary compliance by occupants and/or owners
- If no results, a Notice and Order is sent to all interested parties
 - Interested parties are determined from a title search
 - Notice is followed by a 30 day invoice for title search and county filing fees
 - Typically \$250 (title report) + \$650 (county filing fees)
 - Requires a response within 21 days from property owner

THE GOAL IN SENDING NOTICE

- Inform owners of property violations in writing
- Determine if owners have rehabilitation plans (dangerous buildings)
- Determine reasonable timelines for abatement
 - Oftentimes, owners know better how long abatement will take
- Recommend Voluntary Correction Agreements
- Prevent further costs/penalties
- Filed notices inform potential buyers of pending actions
- Abatement is the ultimate goal

IF NO RESPONSE OR REFUSAL

- Penalties are issued (YMC Title 11.40.106.4)
- Eventual Legal Department involvement
 - Clean City pays for legal staff
 - Extraordinary cases are referred to the Legal Department after other processes been exhausted
- Abatement procedures begin
 - Usually begins with a court filing
 - Hiring a contractor
 - Costs are reimbursed via liens against the property

SPECIFIC ITEMS TO ADDRESS TONIGHT

Inoperable Vehicles (Section 302.8)

- Currently, one unlicensed vehicle, regardless of condition, is a violation
- Multiple vehicles are often moved from lot to lot
- Vehicles are stored for friends or family for many years
- Rear yards may be completely filled with vehicles
- A lot may contain multiple unlicensed damage free vehicles

RECOMMENDATION: Modify Inoperable Vehicle definition to include other criteria such as “visibly inoperable” (flat tires, missing parts, etc.)

THE INTENT OF THE CODE IS TO PREVENT THIS:



PRE-EXISTING, NON-CONFORMING

- Means that if a structure or use was previously approved, but codes have since changed, the use may continue without change
 - Example: A farm is annexed into the City. If the City doesn't allow farms, the farm may continue without change
 - An apartment building is approved prior to fire sprinkler requirements, the apartments may continue to be rented
 - Key word is APPROVED
- However, proposed expansions or changes of use may require some modifications (or at least the portion being expanded)
- Our codes, including the IPMC recognize these conditions
- Chapter 11 of the Washington State Fire Code contains retroactively applied requirements for existing buildings (see Section 101.3)

COMPLAINT ANONYMITY

- Currently, the City allows complaints w/out providing any contact information
 - Anonymous complaints are difficult for the Hearing Examiner to determine
- Some jurisdictions require complainant's contact information
- Some require that a certified letter first be sent by the "victim" to the alleged perpetrator prior to receiving a complaint
- Some police departments require named criminal complainants for standing
- Oftentimes, staff receives frivolous complaints from warring neighbors
 - Some appear to be weaponizing the City
- Yakima County requires a form to be completed

RECOMMENDATION: Require complaints to be named

RESIDENTIAL VS. COMMERCIAL (Section 101.2)

- The IPMC makes no distinction between residential and commercial case types
- A distinction between residential and commercial is “habitability”
 - Habitability is within dwelling spaces
- Some IPMC violations are only applicable to habitable spaces
- Conditions such as “insanitary” or accumulation of rubbish may apply to either

TIRE DISPOSAL

- The IPMC allows up to 12 tires to be stored outdoors in an organized manner
 - This does not apply to approved tire dealers
- The Codes Division has handled cases with dozens and even thousands of tires on a single lot
- The improper storage of tires is a public health and safety matter
- Dozens of tires may be dumped on the right-of-way at one time
- It is unlikely that a homeowner would dump dozens of tires at one time

RECOMMENDATION: Create an ordinance that tire dealers obtain a regulatory license that dictates how waste tires are managed

GRAFFITI (Sections 302.9, 302.10)

- Graffiti is a public safety concern
- In 2023 the Codes Division (Clean City) responded to 1428 instances of graffiti
- Graffiti is addressed in two ways
 - By painting over it with no enforcement action, 1412 times
 - IPMC enforcement as a public nuisance, 16 cases
 - Out of 16 cases, one property owner received a Notice and Order in 2023
- Graffiti is now handled by the Refuse Division of Clean City (beginning 3/7/24)
- For painting over graffiti, permission slips must be obtained and managed

PEST ELIMINATION (Sections 302.5, 309)

- “Pest” applies to insects and rodents
- Code inspectors are not qualified to determine an infestation
- Prior to IPMC adoption, pest infestations were not addressed
- Section 309 requires a determination from a public health officer or a professional pest control company
- Mandating professional pest control may cause an undue hardship
- Even with ongoing maintenance, pest conditions may never be completely abated
- Oftentimes the City gets involved in tenant/landlord disputes
- Insanitary conditions may lead to infestations

RECOMMENDATION: Delete this section and instead address insanitary conditions (if any)

IN SUMMARY, RECOMMENDATIONS TO CONSIDER:

- Inoperable vehicles

- Goal: Prevent blight and accumulation of inoperable vehicles
 - Modify the definition to include “apparently” or “visibly” inoperable (visible damage or disassembly that would prevent legal operation on the right-of-way)

- Anonymity

- Goal: Prevent malicious or frivolous complaints, promote transparency
 - Require complainants to provide contact information
 - Modify complaint receipt procedures accordingly
 - This is an administrative policy matter

- Tire Disposal
 - Goal: Prevent unauthorized accumulation and dumping of waste tires
 - Create a waste tire regulatory license
 - Licensed tire dealers would maintain a log of their waste tire haulers
 - The log would be submitted to the City as part of their license renewal
 - Code compliance staff would verify tire hauler information and tire destinations
- Pest elimination
 - Goal: Prevent pest infestations
 - Delete the section that mandates the utilization of a health officer or pest control company and instead regulate insanitary or other conditions that may lead to pest infestations