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To: Planning and Zoning Commission
Board of Supervisors
Attorney

From: Planning Director (Public Works Director/County Engineer)

Sub.: Guidelines for enforcement of the Hazard Abatement Ordinance - Safe Property Ordinance

File: C:\Documents and Settings\phil\My Documents\approved nuisance guidelines.wpd

These guidelines were considered and approved by the Planning and Zoning Commission on March 28, 2005.

In enforcing the Hazardous Abatement Ordinance the following items need to be considered. These guidelines are intended to supplement and to clarify the enforcement of the Hazard Abatement Ordinance and should be revised when needed.

Protection of personal property rights

1. Why and when are ones personal rights “violated?”
2. When does the public’s need, outweigh individual rights?
3. Personal property rights also include personal responsibilities.

Community standards

1. How do other properties in the area look? The ordinance is not to enforce aesthetics.
2. Are safety and health hazards present?
3. Are Hazards different based on the land use density.
4. Minimize involvement in a persons’ use and occupancy of property - provide a preliminary, informal notice of findings to property owners immediately after an inspection. This Notice should encourage compliance and should state that a petition will be made to the Planning and Zoning Commission for guidance.

Insure that enforcement is not economic discrimination

1. The poor
2. The elderly
3. That more is not required of the poor than the “rich”

Ordinance administration

1. Keep clear records from the outset of enforcement.
2. Identify any apparent economic issues that are of public record.
3. Make clear the source of the complaint. The complaint is a public document, but provided only when requested.
4. Issues such as open buildings are clearly defined. Derelict vehicles and other nuisances are less clear.

Field guidelines - Clear and complete documentation of any request to concerned party.

1. Move a blue car as shown in the picture, versus remove cars.
2. Take several photos and provide with the preliminary notice.
3. Provide suggested options and alternatives
4. Carrot versus stick - if not cleaned up what happens and estimated costs -, i.e., cheaper for property to do work than for the government to do work.
5. Note that while we attempt to be complete during the process additional items may be found that require remediation.
6. Clarity of response required by owner - simplicity and inexpensive. What are we asking the owner or land user to do?

Methods of accomplishing work

1. Can we provide a list of contractors? Develop a list of contractors who are interested in doing work establishing their rates? Needed if we employ contractors to do work.
2. Contract with a contractor for on-call services.
3. Can we use probationers' to do clean up?
4. Under any circumstances, can we use DOC inmates to do clean up, e.g., clean up on Governmental Lands. Any lien rights against the State, or its leasers?
5. Can we use County inmates to do clean up?
6. Can we set up a process for community service for volunteers - boy scouts, service organizations, 4H projects?

Define the difference between "health and safety" and "aesthetics."

1. Condition of paint is aesthetics
2. Open building is health and safety because of activities which could occur and the potential as an attractive nuisance.
3. Why is "junk" considered a health and safety issue? What is one person's treasure, is another's junk.
4. When is a "project vehicle" an obsolete vehicle? An obsolete vehicle is defined, when the obsolete vehicle becomes health and safety issue then we can act. An obsolete vehicle must meet both the definition and be a health or safety issue.
5. Are environmental concerns health and safety issues (dust, pollen, weed growth, smoke)? Develop a list of conditions that could be considered health and safety issues and why each would be considered an issue.

Defensible enforcement

1. Equitable - for all - avoid singling out from any particular financial/racial/ethnic group.
2. Provide documentation of all factors, if possible.
3. Citizen complaints driven - avoid vendettas between people - always suggest they talk with neighbor about cleaning up property - offer to mediate.
4. Open buildings or appliances should be acted upon without a citizen complaint. Other conditions on a property may then come into question.

Enforcement

1. Vehicles - obsolete is defined - (truly a health and safety issue?) Project vehicles need to show some recent activity. Weed growth surrounding is an indication of no activity
2. Obsolete vehicles need to open to become a harbor for vectors. A cover provides some security against vectors taking up residence.
3. Open buildings and structures - immediate and current hazards - an unwanted or unauthorized, and possibility illegal, activities
4. Appliances - refrigerators and freezers or any appliances that can be closed - immediate and a current hazard.
5. Weeds become a problem when they become a safe harbor for vectors or could cause a fire to spread to a neighbor's property - solution is to cut those weeds within 10 to 15 feet of property line. If a harbor, those should be removed. Cut weeds are hauled or burned, if proper, burn permit is secured and conditions are safe.