

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: January 21, 2009

Reviewed by: BP

SUBJECT: Ordinance # 09-01 Administrative Citation Ordinance

REPORT BY: Robert Zweban, City Attorney
Ann Chaney, Community Development Director
Jeff Bond, Planning and Building Manager

RECOMMENDATION

That Council approve for First Reading Ordinance #09-01 Administrative Citation Ordinance.

BACKGROUND

In recent years, the City has received an increase in citizen complains regarding enforcement of the Municipal Code, particularly as it related to enforcement of planning and zoning policies, building and fire code standards, and abatement of public nuisances.

DISCUSSION & ANALYSIS

In an effort to improve the effectiveness of the City's code enforcement efforts, representatives of Fire, Police, and Community Development departments conferred with an attorney who handles code enforcement for Richmond and other cities. As a result of the discussions, it was concluded that adoption of an administrative citation ordinance has proven in other cities to be a more efficient and effective tool that can compliment existing code enforcement processes that exist in the municipal code and in state law

The ordinance creates an administrative citation process, including authorization of a monetary penalty. The amount of the penalty would be established in the City's master fee schedule, and staff will prepare amendments to the master fee schedule with penalties starting at \$250 per violation, and increasing if violations are not corrected.

The ordinance also creates an appeal process, including designation of a hearing officer to consider appeals. To ensure that the hearing officer is both technically qualified and objective, it is a common practice that a city enter into an exchange agreement with another nearby city to use code enforcement staff in one city as hearing officers in the other city.

Historically, the City's general philosophy of obtaining compliance is through education, dialogue between parties, and other cooperative efforts. The ordinance authorizes the use of a correction notice as a warning for first-time violators. The initial issuance of a Correction Notice would not trigger an administrative penalty. It is hoped that a large majority of code violations can be addressed by use of a correction notice, and use of the Administrative Citation will be relatively limited.

SUSTAINABILITY IMPACT

The proposed Administrative Citation Ordinance will assist the City in its enforcement of public safety, planning, building, and public nuisance regulations. Some of these regulations, such as pollution prevention standards, directly help the City achieve its sustainability goals.

FINANCIAL IMPACT

The proposed Administrative Citation Ordinance will allow the City to recover some of the costs associated with code enforcement. It also will provide a strong financial incentive for violators to promptly address violations, thus reducing the amount of staff time associated with particular violations.

Attachments:

1. Ordinance #09-01