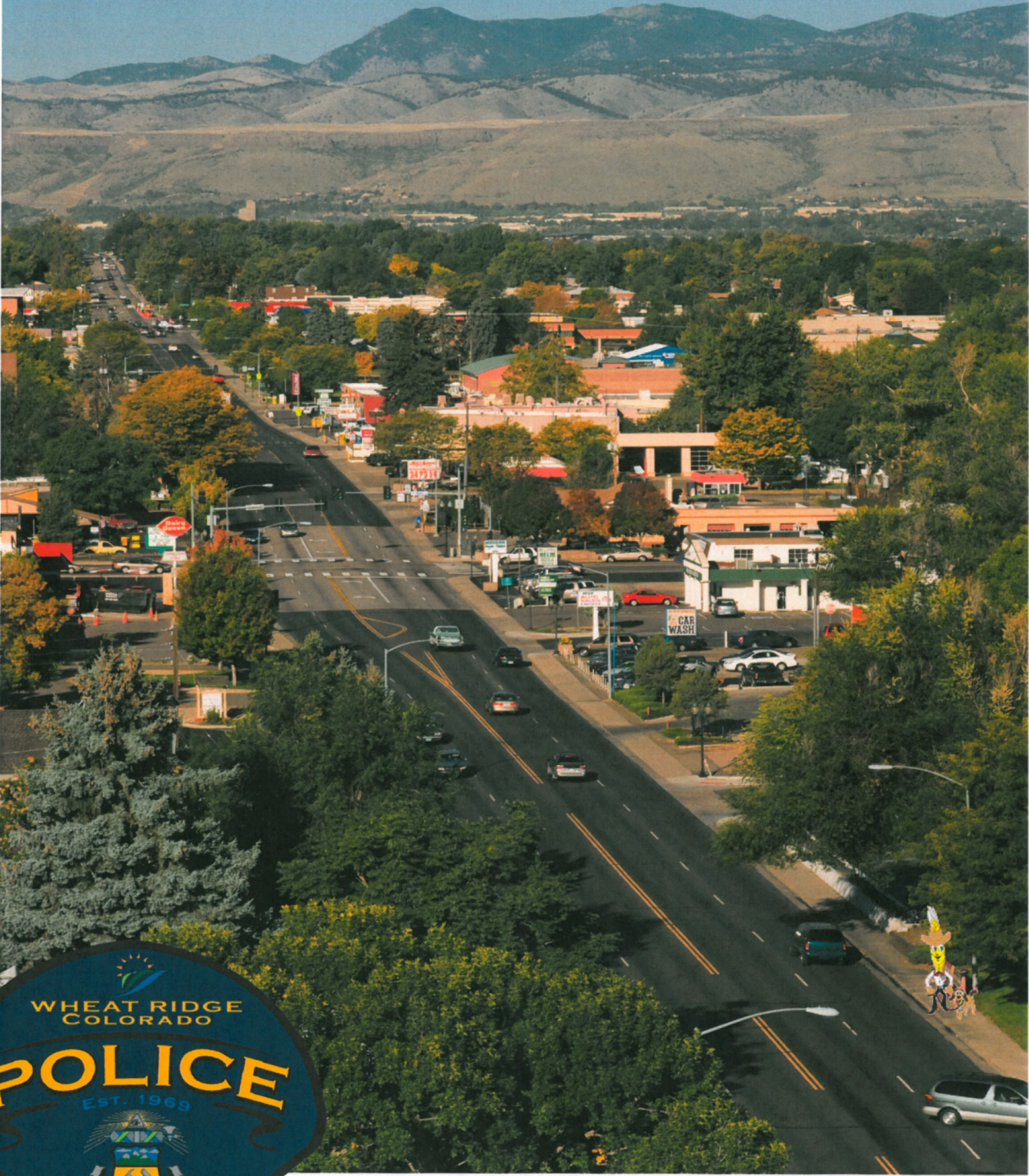


Wheat Ridge, Colorado
Administrative Enforcement Process
for Nuisance and Code Violations



"A Fresh Way to Deal with a Messy Problem"





**Wheat Ridge, Colorado
Administrative Enforcement Process
for Nuisance and Code Violations**

“A Fresh Way to Deal with a Messy Problem”

Submitted January 13, 2012
to the Alliance for Innovation
in consideration for:

J. Robert Havlick Award
For Innovation in Local Government

Thomas H. Muehlenbeck Award
For Excellence in Local Government

Outstanding Achievement in Innovation Awards

Jim Lorentz
Wheat Ridge Police Department
Patrol Operations Division Commander
7500 W. 29th Avenue
Wheat Ridge, Colorado 80033
Office Phone: (303) 235-2955
jlorentz@ci.wheatridge.co.us

Wheat Ridge, CO Admin Enforcement Process for Nuisance and Code Violations

January 13, 2012

Page 1

Program Description

The Wheat Ridge Administrative Enforcement Process for Nuisance and Code Violations is an innovative and proactive effort to deal with the local enforcement of nuisance violations of City Code, such as tall weeds, inoperable vehicles, outside storage of junk, graffiti, and illegal dumping. The Administrative Enforcement Process shifts from the criminal procedures and violations model handled through the Municipal Court system, to a more efficient and effective civil administrative citation process. The program is intended to benefit the community by making neighborhoods safe and attractive, as well as increasing citizen interest and ownership in neighborhood identity. Compliance can reduce vandalism, deter crime, maintain property value, and prevent deterioration of neighborhoods.

Introduction

Historically, as in most communities in Colorado, the City of Wheat Ridge did not consider the enforcement of code ordinances as a high priority in the day-to-day operations of municipal government. The roots of Wheat Ridge go back to 1859 and its development as a rural farming community that supported miners with fresh fruits and vegetables. As time passed, Wheat Ridge, with a population of about 33,000, tried to maintain that small town rural identity, yet found itself surrounded by the expansion of the Denver Metro Area. The City of Wheat Ridge shares its borders with Denver on the east, Lakewood on the south, and Arvada on the north. Several major thoroughfares link Wheat Ridge with the Metro Area, as well as Interstate 70, which bisects the City from east to west. Over the years, some parts of the City began to show signs of neglect that required the municipality to address health and safety, as well as quality of life issues. In addition, City officials identified some concerns based on the "Broken Windows" theory, developed by social scientists James Q. Wilson and George L. Kelling. This theory supports the idea that well maintained properties and the prevention of nuisances can help to thwart vandalism and the escalation of serious crime in the community. Areas that are not maintained and are left to neglect give the impression that people don't care about the neighborhood. Broken windows that are left unrepaired lead to more windows being broken. Graffiti that is not removed leads to more graffiti, illegal dumping and the deterioration of neighborhoods leads to minor crimes, which tends to breed more serious crimes.

History of the Situation

Today, quality of life issues are considered higher priorities for communities. Residents often call municipal government with complaints of traffic on neighborhood streets or unsightly weeds and junk on neighbors' properties.

In the 1990's, as the City of Wheat Ridge began to deal more with the enforcement of code ordinances by



Wheat Ridge, CO Admin Enforcement Process for Nuisance and Code Violations

January 13, 2012

Page 2

community request, it found the process to be difficult and inconsistent, often with conflicting direction being given to the staff tasked with this function. In 2000, The Wheat Ridge City Council moved the code enforcement duties from the Community Development Department to the Police Department's Animal and Parks Enforcement Unit. The Unit was renamed the Community Services Team to more accurately reflect the commitment to neighborhoods and community quality of life issues. No additional personnel were assigned to this five-person, non-sworn team. The Team continued to handle animal control and city parks violation calls. The additional code enforcement duties immediately increased the number of calls for service for this team by 40%.

From 2000 through 2006, the Community Services Team was faced with the challenge of enforcing nuisance violations of City Code including tall weeds, inoperable vehicles, outside storage of junk, graffiti, and illegal dumping through the Municipal Court system. Two major problems were identified: First, citizens often expressed that they felt like criminals in this process. Second, the process took a very long time. Once issued a summons, the wait for a Court date was six to eight weeks. Coupled with continuances and other legal proceedings, by the time a violation such as overgrown weeds was addressed, the weeds had continued to multiply to ridiculous levels. The original citizen who had complained about a violation grew more and more frustrated by the lack of visual results to their cry for help.

A Solution Emerges

In the 2006 City Citizen Survey, 72% of respondents indicated that they believed that code enforcement services are very important, essential services. In an effort to find a better system to address citizen concerns and a more effective and efficient process, the Police Department, under the command of Chief Daniel Brennan, began exploring alternatives to develop a code enforcement course of action and focused on an administrative citation process, rather than criminal procedures through the Municipal Court. Additionally, staff worked with the City Attorney's Office, the City Municipal Courts, the Information Technology Division and the Finance Division on developing an administrative enforcement model that would work for the Wheat Ridge community.

The Administrative Enforcement Process for code ordinance violations moved the process from the former criminal, due process model, to an administrative model. The administrative model operates more efficiently by establishing appropriate and specific timelines for a property owner to come into compliance. It establishes specific and significant penalties for first, second and third offenses and allows for a timely hearing process before an Administrative Hearing Officer. It includes a property abatement process, if necessary, and finally, this process still allows for a criminal code enforcement process, if required. The process of changing to an administrative enforcement model enabled the City to be more responsive to community concerns regarding code enforcement issues; and minimized the time and effort spent by City employees in achieving compliance from property owners.

Wheat Ridge, CO Admin Enforcement Process for Nuisance and Code Violations

January 13, 2012

Page 3

How it Works

Conceptually, the Administrative Enforcement Process is structured as follows:

- A violation is reported from a citizen complainant or is officer initiated;
- A Warning Notice is issued by a Community Services Officer (CSO) to the property owner/renter giving them ten (10) days to bring the property into compliance;
- After ten (10) days, the CSO rechecks the property. If it is not in compliance, an Administrative Citation is issued to the violator, which has a fine attached;
- The violator has ten (10) days to come into compliance;
- After ten days, the CSO rechecks the property for compliance. If the violations have not been corrected, a second Citation is issued, followed by a third Citation if the property is not brought into compliance after another ten days;
- Photographs of the violations are taken by the CSO;
- The property can be abated at anytime, if needed, using the existing process;
- The responsible party is sent a bill, which includes the cost of the abatement, cost of time involved for the City employees, and the fine;
- The responsible party has thirty (30) days to pay the bill, or the property has a property tax lien placed against it;
- Fines are preset: \$150 for the first Citation, \$250 for the second Citation, and \$500 for the third Citation. After three Citations, the owner can be charged criminally;
- The violator may contest the charge and request a hearing within five (5) days after the issuance of the Citation; and
- An Administrative Hearing is held before an Administrative Hearing Officer no later than fourteen (14) days after requesting the hearing.

Efficiency and Effectiveness

Of course, not everyone is happy with the enforcement of nuisance violations. Some people feel that there is too much enforcement, while others feel that there is not enough; but considering the effectiveness and efficiency of the program, the statistical analysis speaks for itself. In the past four years (2008 – 2011), Community Services Officers have investigated almost 8,000 calls for service. Of those calls, 41% of the responsible parties were



Wheat Ridge, CO Admin Enforcement Process for Nuisance and Code Violations

January 13, 2012

Page 4

issued written Warnings advising them of specific violations of the City Code. After the properties were re-checked in ten days, 83% of those properties that were warned had come into compliance and no further action was necessary. That means that no fines or fees were assessed. This success rate of compliancy far exceeded the expectations of City officials, and supports the concept that the program is not meant to be overly punitive. After the first Citation was issued, 95% of the original cases came into compliance. In only 2% of the cases was it necessary for Community Services Officers to request Property Abatement Hearings or Administrative Hearings, and 99.98% of the cases had been resolved by the time a third Citation was issued. No cases to-date have gone on to be charged criminally through the Municipal Court process.

	2008	2009	2010	2011	TOTAL
Calls for Service	1,334	1,861	2,250	2,511	7,956
Warnings Issued	872	812	836	711	3,231
1st Citations/Compliance	140 / 84%	137 / 83%	144 / 83%	123 / 83%	544 / 83%
2nd Citations/Compliance	32 / 96%	40 / 95%	48 / 94%	54 / 93%	174 / 95%
3rd Citations/Compliance	5 / 99.99%	14 / 99.98%	15 / 99.98%	22 / 99.97%	56 / 99.98%
Admin Hearings	24 / 3%	21 / 2.5%	10 / 1%	7 / 1%	62 / 2%
Abatements	16 / 2%	24 / 3%	21 / 2.5%	14 / 2%	75 / 2%
Criminal Charges	0	0	0	0	0
Fines Collected	\$45,460	\$49,706	\$53,840	\$53,910	\$202,916
Abatement Fees Collected	\$9,522	\$10,240	\$21,067	\$9,229	\$50,058

If there are any unpaid fines or fees, the City files a Property Tax Lien with the County Recorder's Office at the end of the calendar year. These fines and fees are then collected by the first quarter of the preceding year, when the property owner pays their property tax. The fines collected pay for .5 full-time employees in both the Finance Department and Municipal Court to cover the additional workload necessary to administer the program.

While maintaining a firm commitment to the enforcement of nuisance violations, Community Services Officers retain the use of discretion in dealing with code enforcement cases. "It is important for our officers to work with our citizens," said Community Services Supervisor Mary McKenna. "Our goal is to gain compliance and clean up the community. We understand that some people have some properties that require special needs. As long as citizens are making documented progress on a scheduled plan, we can often avoid fines and fees."

Education and Marketing

One challenge presented to the Police Department was to develop a way to educate citizens regarding the new Administrative Enforcement Process. If the educational process was done effectively, the City believed there could be less enforcement, more compliance, and the entire process would seem less punitive. Community Services Officers began participating in community meetings and worked with police officers in the Neighborhood Watch Program to help show citizens the value of maintaining neighborhoods, by emphasizing the benefits to quality of life, reduction of crime, and the increase of property values. It was also clear that the production of informational brochures and educational videos helped to spread the message regarding the program.

Staff from the Police Department and the City Manager's Office teamed up and worked collaboratively on the development of a marketing strategy. Early in the brainstorming process, staff agreed that the development of a marketing character would help put a new face to code enforcement in Wheat Ridge to achieve compliance in a positive and educational way. What marketing character would the City use? The Police Department held an internal design contest for staff soliciting concepts of what the marketing character might look like. "Cody the Code Ranger" was the winning entry!

Cody is a cartoon, wheat-stalk character that is used in all marketing aspects of code enforcement. With the help of a graphic designer, Cody the Code Ranger came to life in a variety of different poses. Cody appears on brochures, door hangers, the City website, local newspapers, newsletters, local television channel WRTV8 public service announcements – all to help send the message of the new Administrative Enforcement Process.



Cody the Code Ranger

Although working on a very limited budget, staff was able to animate Cody's mouth to present more of a cartoon-like feel to our WRTV8 public service announcements. We were also able to find a local volunteer to provide a "John Wayne" style voice over to help give Cody some energy and personality to the topic of code enforcement.

The City of Wheat Ridge was honored with the 2009 3CMA (City-County Communications & Marketing Association) Silver Circle Savvy Award for education and marketing in the category of TV and Videos for Promotional Videos for the "Cody the Code Ranger" Program.

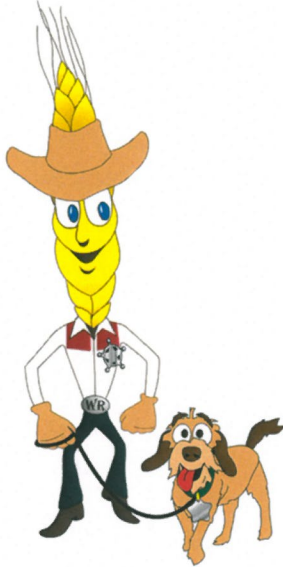
In 2009, Community Services Officers decided to expand Cody's repertoire by having him adopt a dog named Tag. Cody and Tag help to promote the adoption of pets from local animal shelters and the Jefferson County mandatory dog licensing program. Tag prominently wears a large dog license tag on his collar and always appears on-leash. Cody has also joined forces with the Parks and Recreation Department and promotes

Wheat Ridge, CO Admin Enforcement Process for Nuisance and Code Violations

January 13, 2012

Page 6

bicycle safety, wearing a bicycle helmet when riding throughout City parks and greenbelts. Each of the new marketing roles of Cody helps promote and raise awareness about City ordinances designed to keep citizens safe. Cody appears as a great resource for education programs for neighborhood schools. Staff receives letters and e-mails addressed to Cody with proactive code complaints, indicating that citizens know who Cody is, and follow his tips and code updates in the quarterly Connections Newsletter.



Cody the Code Ranger is an innovative and family-friendly face to code enforcement in Wheat Ridge. While there is no evidence to suggest that serious violators have cleaned up their property as a result of Cody, he has served as a fresh new look to code enforcement and has helped the City market a not so popular topic to citizens.

Summary

Over the past four years, the entire Administrative Enforcement Process has proven to be a successful program for the City of Wheat Ridge. Gone are the days when city code enforcement officers didn't make a move until they received neighborhood complaints of high grass or front-yard junk piles. In addition, Community Service Officers are using problem oriented policing to help resolve issues and often refer property owners to community organizations that may be able to help.

"This process is a very customer-friendly way to let residents know that we are serious and proactive about keeping Wheat Ridge beautiful," said City Manager Patrick Goff. "The vast majority of citizens do their part by voluntarily complying with notices, before any fines or fees are assessed. Without the cooperation of the community, Police Department, Community Development, City Attorney's Office, City Municipal Court, Information Technology Division and the Finance Division, we certainly could not have accomplished this effort. The City has indeed pulled together to save time and money in accomplishing our goal."