



Leaders at the Core of Better Communities

2012 Annual Awards Program

Program Excellence Awards Nomination Form

Deadline for Nominations: March 16, 2012

Complete this form (sections 1 and 2) and submit with your descriptive narrative.

SECTION 1: Information About the Nominated Program

Program Excellence Award Category (*select only one*):

- Community Health and Safety
- Community Partnership
- Community Sustainability
- Strategic Leadership and Governance

Name of program being nominated: Administrative Enforcement Process for Nuisance and Code Violations
"A Fresh Way to Deal With a Messy Problem"

Jurisdiction(s) where program originated: City of Wheat Ridge, Colorado

Jurisdiction population(s): 33,000

Please indicate the month and year in which the program you are nominating was fully implemented. (Note: All Program Excellence Award nominations must have been fully implemented by or before January 31, 2011, to be eligible. The start date should not include the initial planning phase.)

Month: January Year: 2008

Name(s) and title(s) of individual(s) who should receive recognition for this award at the ICMA Annual Conference in Phoenix, Arizona, October 2012. (Each individual listed MUST be an ICMA member to be recognized.):

Name: James Lorentz

Title: Division Commander Jurisdiction: Wheat Ridge Police Department

Name: Daniel Brennan

Title: Chief of Police Jurisdiction: Wheat Ridge Police

Department

Name: Patrick Goff
Title: City Manager Jurisdiction: City of Wheat Ridge

SECTION 2: Information About the Nominator/Primary Contact

Name of contact: James Lorentz
Title: Division Commander Jurisdiction: Wheat Ridge Police Department
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Problem Assessment

The Wheat Ridge Administrative Enforcement Process for Nuisance and Code Violations is an innovative and proactive effort to answer the challenge of 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.

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.

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.

Program Implementation and Costs

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;

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- 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;
- An Administrative Hearing is held before an Administrative Hearing Officer no later than fourteen (14) days after requesting the hearing; and
- 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 as well as the Hearing Officer costs.

Tangible Results

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 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

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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.

Lessons Learned

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. Our goal is

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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.

Cooperation within the various departments of the city, including the police department, finance, community development, and municipal court is extremely important. We have found it beneficial to periodically review the outcomes of cases with these groups and make additions to the municipal ordinances to clarify issues and address problems. 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. The vast majority of citizens do their part by voluntarily complying with notices, before any fines or fees are assessed. The City has indeed pulled together to save time and money in accomplishing our goal.

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