



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

FROM: Nora Gierloff, Community Development

BY: Kia Shagena, Code Enforcement Officer

CC: Mayor Ekberg

DATE: September 14, 2021

SUBJECT: Code Enforcement Procedures and Priorities

ISSUE

Review Code Enforcement's current enforcement procedures and how cases are prioritized.

BACKGROUND

The Tukwila Code Enforcement Team works to support a safe, inviting, and healthy environment for residents, businesses, and visitors by enforcing the parts of the Tukwila Municipal Code that relate to conditions on private property. Compliance is typically reached through promoting public awareness, education, communication, and collaboration. In difficult cases monetary penalties and or legal action may be required.

DISCUSSION

Current Code Enforcement Procedures:

Tukwila Municipal Code Chapter 8.45 establishes a system to enforce the development, land use, and public health regulations of the City. The Code Enforcement team utilizes established standard operating procedures to identify, track, and resolve violations. Attachment A illustrates these procedures.

Complaints concerning conditions on private property can be made by phone, email, and in person. When a complaint is received, it is routed to the appropriate personnel for investigation, for example Kia Shagena handles complaints on rental properties. If it is determined that the issue presented is a potential violation that falls under the authority of the Code Enforcement Division a case is opened.

The next step is typically to issue a courtesy letter to the property owner and occupants. This step is dependent on the severity of the issues at hand and documented property history. We always start with education to explain why a regulation is in place and what community goal it is serving. Courtesy letters are typically issued for non-emergent issues such as accumulation of garbage and rubbish, overgrowth, junk vehicles, and parking violations on properties that have not had related cases within the last two years. A site visit is typically scheduled approximately two weeks from the date of the courtesy letter.

If the reported violations are more severe in nature and constitute an imminent hazard a site visit would be conducted as soon as possible to confirm the reported conditions/violations and the courtesy letter step would be skipped. Properties that have had related complaints within the last two years would also skip the courtesy letter step and would proceed to a site visit. After an initial site visit if violations are confirmed, a formal notice is issued to the property owners.

In most cases the first official notice a property owner receives is a Request for Compliance. A Request for Compliance provides official documentation of one or more violations that have been directly observed on the property in question and includes a compliance deadline. A follow up site visit is scheduled for a date following the compliance deadline. If corrections are made and the violation(s) resolved the case will be closed. If the violation(s) remain unresolved typically a Final Request for Compliance is then issued.

A Notice of Violation and Order (NoVO) is typically used as a last resort in seeking compliance and is often used after a Request or Final Request for Compliance has failed to gain resolution. In more severe cases the Code Enforcement Officer may elect to skip over the Request for Compliance and/or the Final Request for Compliance step(s) and instead proceed directly to issuing a NoVO. A NoVO is an administrative order to remedy defined violations within a prescribed timeframe. If corrections are not made by the deadline monetary penalties of \$250 per day, per violation shall be assessed through the issuance of a Notice of Assessment. Code Enforcement will typically issue up to two Notices of Assessment. Both a Notice of Assessment and a NoVO may be appealed within 10 days of service with the notice.

When assessing penalties, the following mitigating factors are considered:

- 1) Was the responsible party willful or knowing of the violation?
- 2) Was the responsible party unresponsive in correcting the violation?
- 3) Was there improper operation or maintenance?
- 4) Does the violation provide economic benefit for noncompliance?
- 5) Does the discharge result in adverse economic impact to others?
- 6) Will cleanup activities be able to fully mitigate or remediate the impacts?
- 7) Is there a history of violations?
- 8) Were there foreseeable circumstances that precluded compliance?
- 9) Did the responsible party make a good-faith effort to comply?

When fines do not prompt the responsible party to bring the property into compliance the City has the ability to record the assessed fines on the property to be repaid through a tax lien or when the property is sold. However, this does not address the underlying violation and in some cases may impede the sale of the property to a new owner who may be willing to comply with the code.

If corrections are still not made the City must decide if legal action should be taken on the case through an abatement process. Due to the legal cost of abatements and the limited funds the City has available to perform the needed work (remove junk vehicles, demolish structures etc.) very few cases can be handled this way. For cases concerning minor violations that pose no immediate threat to public health and safety the abatement process is often not appropriate, and the case closes unresolved.

Current Code Enforcement Priorities:

Code Enforcement is responsible for the enforcement of many different parts of the Tukwila Municipal Code as it relates to conditions on private property. Given the limited resources available cases are prioritized based on the severity of the violations present along with the risk of imminent hazard to the public or environmental health and safety.

Below is a list of violation categories that are typically associated with the highest risk of imminent hazard to public or environmental health and safety:

- **Sensitive Area Violations** – includes a variety of violations within areas such as shoreline, streams, wetlands, buffers, and steep slopes.

Examples of issues that would fall into this category include: removal of trees on steep slopes; illegal fill within a wetland; garbage dumped on a river shoreline.

- **Hazardous Structure Violations** – includes a variety of violations in which a structure is deemed hazardous.

Examples of issues that could potentially fall into this category include: electrical hazards created by improperly installed electrical components; unpermitted construction, unsecured vacant structures, and unsound accessory structures.

Below is a list of violation types that are typically associated with the lowest risk of imminent hazard to public or environmental health and safety:

- **Parking** – includes violations such as excess # of vehicles and parking on the grass/dirt.
- **Overgrowth** – includes grass, weeds, blackberries, and other uncultivated plants more than 12 inches in height (except in severe cases where severe overgrowth becomes a potential fire hazard).
- **Storage of Junk Vehicles** – includes outdoor repair of cars and storage of car parts.

Each Code Enforcement case is unique, and issues must be evaluated on a case-by-case basis. When a resident faces barriers to compliance such as disability or limited income the Officers look for sources of assistance and may grant additional time to reach compliance. On the other hand, repeat violators, especially businesses, are treated with less leniency. In some cases, with a highly resistant or absent property owner and violations that are not life safety or environmental hazards compliance cannot be achieved with a reasonable use of resources.

FINANCIAL IMPACT

None, staffing levels dictate the level of service we are able to provide.

RECOMMENDATION

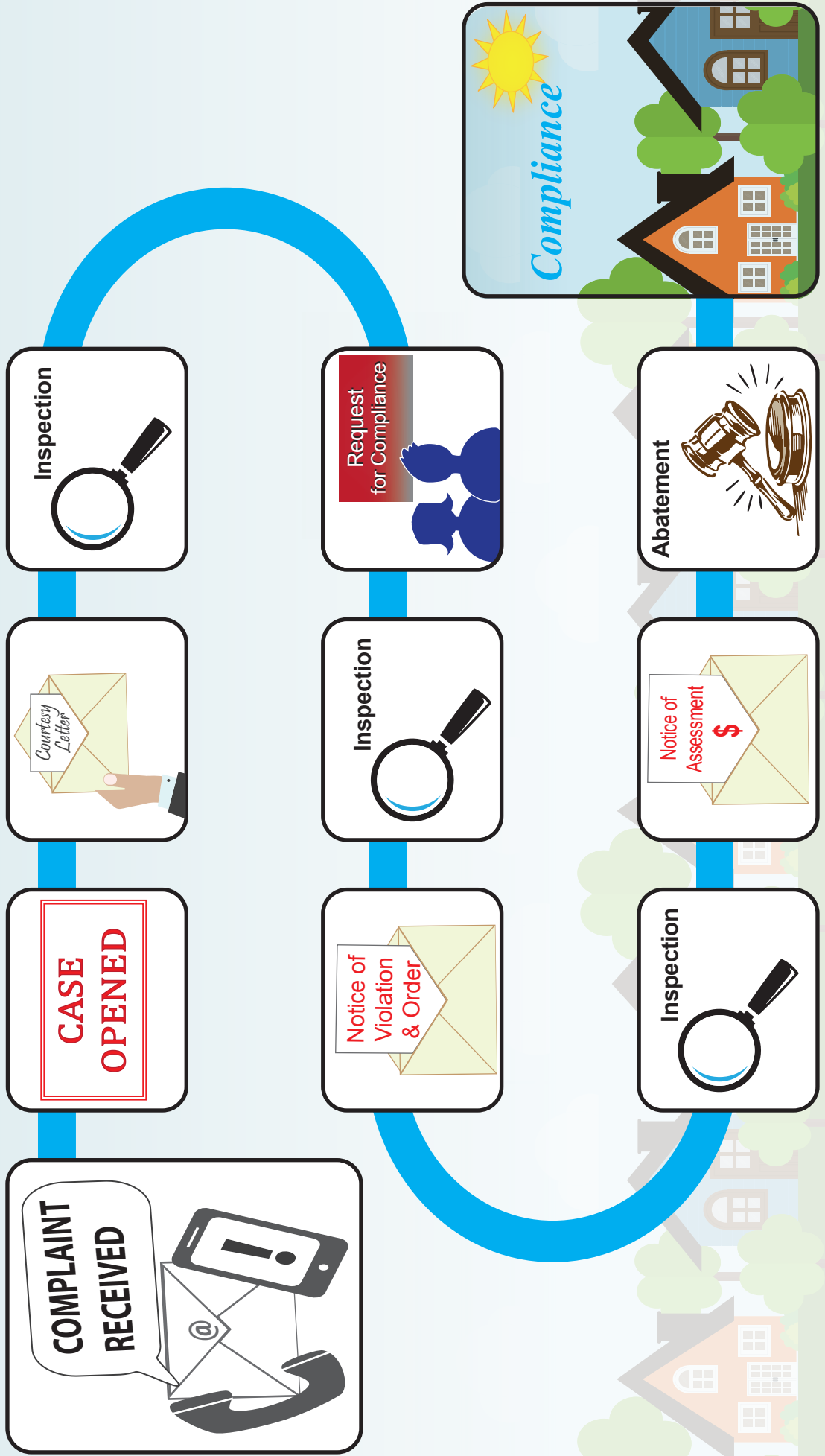
Information and discussion only

ATTACHMENTS

- A. Code Enforcement Flowchart
- B. Case Examples with photos



CODE ENFORCEMENT - FLOWCHART



CE18-0286 13* 48TH AVE S**

CASE OPENED: AUGUST 2018 CASE CLOSED: JUNE 2021

VIOLATIONS: Unpermitted use of a sensitive area/stream buffer; accumulation of garbage and rubbish.

NOTICES: Request for Compliance, Amended Request for Compliance, Final Request for Compliance, Warning Letter

SEPTEMBER 2018



APRIL 2021



NOVEMBER 2018



JUNE 2021



CE21-0035 5 STRANDER BLVD**

CASE OPENED: APRIL 2021 **CASE CLOSED:** CASE IS ACTIVE

VIOLATIONS: Unpermitted use of a sensitive area/shoreline buffer; unpermitted use of TUC/TOD zoning outdoor storage of materials, accumulation of garbage and rubbish.

NOTICES: Request for Compliance, Final Request for Compliance, Notice of Violation and Order

APRIL 2021



AUGUST 2021



APRIL 2021



AUGUST 2021



CE18-0299

CASE OPENED: SEPTEMBER 2018

CASE CLOSED: MAY 2020

VIOLATIONS: Unsecured structure, accumulation of garbage and rubbish.

NOTICES: Courtesy Letter, Warning Letter, Notice of Violation and Order

DECEMBER 2019



MAY 2020



CE17-0374 **46** S 164TH ST**

CASE OPENED: NOVEMBER 2017 **CASE CLOSED:** OCTOBER 2020

VIOLATIONS: Unsecured structure, accumulation of garbage and rubbish.

NOTICES: Request for Compliance, Final Request for Compliance, Notice of Violation and Order, Notice & Order – Do Not Occupy, Stop Work Order, Stop Work Order, Amended Notice of Violation and Order, Notice of Assessment, Do Not Enter - Unsafe to Occupy, Notice that structure has been secured/boarded by City, Stop Work Order, Certificate of Compliance

JANUARY 2018



MARCH 2020



CE20-0110 15* 47th AVE S**

CASE OPENED: AUGUST 2020 **CASE CLOSED:** JUNE 2021

VIOLATIONS: Accumulation of garbage and rubbish and overgrowth

NOTICES: Courtesy Letter, Request for Compliance

MAY 2021

JUNE 2021



CE14-0024 15* 42ND AVE S**

CASE OPENED: JANUARY 2014 **CASE CLOSED:** CASE IS ACTIVE

VIOLATIONS: Accumulation of garbage and rubbish, overgrowth, and permits required.

NOTICES: Pre-Notice of Violation, Final Pre-Notice of Violation, Violation Notice & Order, Voluntary Correction Agreement, Trespass Agreement, Dumpster Waiver, Courtesy Letter, Amended Notice of Violation, Notice of Violation and Order, Amended Notice of Violation and Order, Notice of Violation and Order, Order Prohibiting Occupancy,

March 2018



september 2021

