



MEETING DATE: 4/19/04
ITEM NO. 4

COUNCIL AGENDA REPORT

DATE: April 12, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER *[Signature]*
SUBJECT: ACCEPT REPORT ON COMMUNITY DEVELOPMENT DEPARTMENT ADMINISTRATIVE CITATION PROTOCOL

RECOMMENDATION:

Accept report on Community Development Department Administrative Citation Protocol.

BACKGROUND:

Community Development Department has drafted an Administrative Citation Protocol (Attachment 1) as it relates to the newly adopted Administrative Citation Ordinance. This Protocol will establish a standard procedure for handling complaints about violations of Town Code. The goal of the Code Compliance Office will remain the same, abate the violation(s) and obtain compliance with Town Code. Further, this Protocol will establish a process that will achieve compliance in the shortest time possible while allowing a reasonable period of time for the violator to abate the violation. The policy will be referenced in the Code Compliance Program brochure and the terms set forth in the protocol will be incorporated into violation notices as appropriate. The Administrative Citation process will be placed on the Town website.

DISCUSSION:

The Town's code enforcement efforts have been successful at abating violations of the Los Gatos Municipal Code. And, for the most part, the enforcement methods employed by the Town will not change. Further, adopting this Protocol will allow the Town's Code Compliance Office to continue to abate violation(s) and obtain compliance with Town code.

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PREPARED BY: *Bud N. Lortz*
BUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSJ Assistant Town Manager OK Attorney Clerk Finance
 Community Development Revised: 4/12/04 3:35 pm

CONCLUSION:

The implementation of this Protocol will provide the Town with a set of guidelines that will continue to promote efficiency, efficacy, consistency and fairness.

ENVIRONMENTAL ANALYSIS: None

FISCAL ANALYSIS: None

Attachments:

1. Administration Citation Policy Protocol - Draft

BNL:RA:mdc

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**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593**

ADMINISTRATIVE CITATION POLICY

PROTOCOL

PURPOSE:

This policy is intended to provide Town staff with a standard procedure for handling complaints about violations of the Town Code under the newly adopted Administrative Citation Policy. The goal of the Code Compliance office is to abate the violation(s) and obtain compliance with Town Code. In most cases, this can be accomplished by contacting the violator and informing them of the violation. The following policy will provide for a process that will achieve compliance in the shortest time possible while allowing a reasonable period of time for the violator to abate the violation.

POLICY:

Upon receipt of a complaint, the Code Compliance Office will determine if the complaint is a violation of the Town Code. Town staff will make such a determination by conducting a field inspection of the property in question. Once the Code Compliance Officer has established that a violation of the Town Code exists, it shall be the officer's duty to identify and notify the responsible party of the violation. The officer will identify the responsible party through interviews with business owners, members of the public, staff, and by researching Town records and databases.

The officer will first attempt to notify the responsible party of the violation in person. If the Code Compliance Officer is for any reason unable to discuss the violation with the violator, it shall be the officer's duty to inform the responsible party of the violation in writing. The first letter will be entitled "NOTICE OF VIOLATION" and it shall include a specific date by which the violation must be abated. After the established time has lapsed and the violation has not been abated, a second notice will be sent entitled "PRE - CITATION NOTICE" and it too shall include a date by which the violation must be abated.

When the Code Compliance Office is unable to substantiate a violation, no action will be taken and the reporting party will be notified. This notification will be made either in-person, over the phone, or through a letter. No anonymous complaints will be accepted unless it concerns a life, health or safety issue.

Typically, the violator will be given fourteen (14) days to abate a violation when a "Notice" is sent. However, this will change based on the type, frequency and seriousness of each violation. For example, a life, health or safety issue will take precedence and will require the need for abatement in an expedient manner. Violators that have less serious violations will be sent the appropriate "notice" letter. These types of violations include, but are not limited to, inoperative vehicle, overgrown weeds, rubbish, encroachments, signs, building and zoning violations. If the Code Compliance Officer contacts the violator and finds that compliance will be obtained in a reasonable period of time, then the Code Compliance Officer has the discretion to allow this to occur and postpone issuance of a citation (or not). With the exception of violations that have health and safety implications, the violator will generally be given at least five (5) days to correct the violation after a pre-citation notice has been provided.

The Code Compliance Office will contact the violator to confirm that the violation notice was received. After the time given to abate the violation has expired, the officer may then issue a citation to the violator. If the Code Compliance Officer contacts the violator and finds that compliance will be obtained in a reasonable period of time, then the Code Compliance Officer has the discretion to allow this to occur and postpone issuance of a citation. All correspondence, photos and notices shall be placed in the file.

