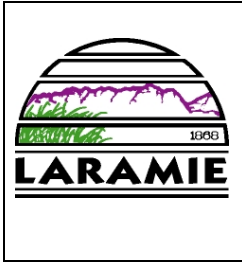


CITY OF LARAMIE COUNCIL REGULAR MEETING July 21, 2020



Agenda Item: Orig. Ordinance - 1st Reading

Title: Original Ordinance No. 2011, amending Laramie Municipal Code, 12.08.020 – Snow, ice and debris and Title 8.32 – Nuisances.

Recommended Council MOTION:

Move to **approve** Original Ordinance No. 2011, on first reading, based on findings of fact and conclusions of law.

Administrative or Policy Goal:

The regular review of Laramie Municipal is important in keeping codes up-to-date and usable by the public and staff and is a best practice policy for communities. Routinely staff examines the codes it uses in order to insure the code are usable and efficient and work best for the public.

Background:

Code Enforcement is responsible for two main types of enforcement actions taken by the City of Laramie; snow removal and nuisance abatement.

In 2008, the City Attorney’s Office made major changes and updates to the Nuisance Abatement Code as the City moved towards hiring a full time Code Enforcement Inspector to deal with general nuisances in our community. Since that time no changes have been made to this section of code. As with any code, staff reviews and examines code in order to make sure it is clear and efficient in its applicability. Overall, the 2008 changes have worked well, however with over a decade of use under our belt, staff believes some changes are needed in order to clarify some language, address errors and make the applicability of the code more efficient for staff.

Most recently, in 2018, changes were made to the snow removal ordinance in order to provide staff the ability to remove snow in a more constant manner as well as clarify some sections of the snow removal ordinance that were not as clear as staff would desire. Following the changes proposed two years ago, additional updates are being requested by staff to aid in efficiency, clarity and implementation of the ordinance.

Below staff has provided a summary of changes as reflected in the attached ordinance:

Nuisance Abatements:

- An error was noted within this section of code which dealt with Second Hand Smoke. No changes to the section are being proposed instead it is being moved to 8.32.150. The move places this section in a spot that is not between two sections that don’t have anything to do with Second Hand Smoke.

- The definition of “Junk” has been updated to be clearer and remove unnecessary items like “cloth” as a problematic item. The definition provides staff the necessary latitude to address concerns normally encountered.
- The work “unregistered” has been added to the “Junk Vehicle” definition as it is a common factor in helping us determine if a vehicle is a “Junk Vehicle”.
- The definition of “Unsheltered” is clarified as to where it is visible from.
- The term construction site has been changed to reflect the proper terms used by the City of Laramie; Building Permit and Site Plan Permit.
- Reorganized the definition of “Nuisance”. The definition had a 1 and 2 subsection, which has just been re-worded into one definition.
- The word “landlord” changed to owner, to reflect who it is talking about in the definition of “owner”.
- Noting that with certified mail an electronic receipt is acceptable.
- The time to comply with Nuisance abatements has changed in multiple sections from 30 days to 15 days. Thirty (30) days has been found to be extremely long time and often too long when dealing with most Nuisance issues. A short time frame allows staff to act more quickly related to complaints and issues that this section of code addresses. It also allows us to make more regular contact with the violator, which we have found, often results in a quicker resolution. Also note, a violator may request an extension from staff for up to 60 days if needed.
- Regarding any appeals, 10 business days has been changed to 15 days to be consistent with other appeals timelines found in LMC. Generally, the appeals time has been lengthened.
- Regarding any appeals, the time in which an appeal shall be heard has been changed to be the same as other appeals timelines found within LMC. Generally, the appeals meeting will be set at the same time, however this language is clear as to when the meeting will be held.
- Updates the meeting recording from a “tape” to any audio or video.
- Removal of unused sections of the Nuisance Code related to abatements. Currently, a provision exists that allows the city to salvage and use funds acquired from the salvage operation to help pay the owners bill. This provision was developed in the event the City began salvage operations as part of it’s municipal function. This is not something the City does, nor does it plan to do so and is not practical to sort materials during the abatement. In all cases, the contractor hired by the City disposes or sells any materials at their discretion. In the 12 years this code has been in place we have never used this section of code.
- Removal of unused sections of the Nuisance Code related to abatements. Currently Code Enforcement and the City can impound vehicles per this section of code. Code Enforcement does not have the ability to, equipment or even an impound yard to complete any type of impoundments.
- For any abatements, the current fee is the contractors cost plus 20%. Staff is recommending the fee be \$100.00 or 50% of the contractors fee whichever is greater. First, the fee is simply too low, many individuals once we contact them will just allow the abatement to occur; thus, the City is managing the clean up process for a 20% fee. When an item goes to abatement it is a huge time commitment from staff which results in less time for enforcement in other locations. Secondly, in any instance where the abatement fees go to collections (In 2019 this accounted for 32% of all abatements) the 20% fee doesn’t even cover the cost of the abatement and cut the collection agency takes. Almost all items that go to collections are a net financial loss for the City.
- The addition filing with a collection agency has been added to a section about what happens if payment is not made in full. With any bill such as this collection agencies are used to collect delinquent payments.
- Another penalty has been added to the Nuisance section of code, which allows the City to withhold entitlements such as building permits, development reviews, health inspections, etc. if payment has not been made. This same language is found elsewhere in code for active violations and allows the City not to proceed with other approvals until the violation, or in this case payment is made.

Snow Removal:

- Snow removal time has been changed from Noon to seven a.m. A significant amount of discussion around the time in which snow needs to be removed was held during conversations with Council in 2018. As noted by staff at the time, the longer snow remains on the property before it is cleared, the harder it is to remove because it has begun to melt and has most likely been walked on. An earlier removal time allows staff to come into the office and begin working on snow cleanup enforcement, versus waiting until midday to begin. It should also be noted that in the event snow is not removed by seven a.m. an additional 24 hours is given (seven a.m. the following day) to complete the removal before any abatement can occur. Staff believes this is ample time to remove the snow, before it becomes difficult and costly to remove by a contractor through the abatement process.
- For any snow abatements, the current fee is the contractors cost plus a \$50.00 administrative fee. Staff is recommending the fee be \$100.00 or 50% of the contractors fee whichever is greater. First, the fee is simply too low, many individuals once we contact them will just allow the abatement to occur; thus, the City is managing the clean up process for a 20% fee. When an item goes to abatement it is a huge time commitment from staff which results in less time for enforcement in other locations. Secondly, in any instance where the abatement fees go to collections (In 2019 this accounted for 32% of all abatements) the \$50.00 fee doesn't even cover the cost of the abatement and cut the collection agency takes. Almost all items that go to collections are a net financial loss for the City.

Legal/Statutory Authority:

- Laramie Municipal Code: Title 12
- Laramie Municipal Code: Title 8

Responsible Staff:

Todd Feezer, Assistant City Manager,
721-5304
Derek T. Teini, AICP, Planning Manager,
721-5245
Brian Forster, Code Enforcement,
721-5285

Future dates are subject to change

Advertised	
Public Hearing (PH) Held	July 21, 2020
PH Advertised	July 3, 2020
Introduction/1 st Reading	July 21, 2020
2 nd Reading	August 4, 2020
3 rd Reading	August 19, 2020

Attachments:

- Proposed Ordinance No. 2011