

SECTION 4. POLICIES ADMINISTERED BY COMMUNITY DEVELOPMENT DEPARTMENT

Policy 4.3: Code Compliance Program

1. Program Objective:

The objective of this Code Compliance Program is to create a clear, concise guide to achieve compliance with the Moorpark Municipal Code. This Program is designed to promote code compliance through public awareness.

2. Program Purpose:

The Moorpark Municipal Code sets minimum property maintenance standards for health, safety, welfare, aesthetics and compliance with development standards and conditions of entitlement approvals. Code Compliance staff will be assigned a structured schedule for visits to the City's industrial, commercial and residential neighborhoods to insure compliance with the Municipal Code in such areas as:

- Unkempt yards and overgrown vegetation
- Junk, litter, and debris/illegal dumping
- Storage of inoperable vehicles
- Unpermitted outdoor storage
- Abandoned or unsafe buildings
- General property maintenance issues (broken windows, deteriorated roofs, hazardous properties, broken plaster, peeling paint)
- Excessive noise
- Illegal signs and banners
- Keeping of animals/farm animals in excess of allowed numbers
- Garage conversions and other unpermitted occupancies
- Structures constructed without a City permit
- Grading without a City permit
- Adherence to entitlement permit conditions, if applicable

In addition to a regular schedule, occasional weekend and evening work may be needed to address unique code compliance concerns that are not visible or are not occurring during regular hours of work. The Community Development Director (Director) is responsible for the Code Compliance Program. The Director may designate other staff for supervision and implementation of the Program.

3. The Work Program:

This work program is divided into four major categories:

- Administration
- Public Awareness
- Prosecution
- Safety

A. Administration.

The Director is responsible for and administers the Code Compliance Program. In that regard, Code Compliance staff, including any assigned supervisor, are the direct line staff responsible for the implementation of the Code Compliance Program. Standard forms, letters and documents are used to assure consistency in administration. These forms, letters and documents, as approved by the Director, are based upon four types, 1) Investigation Report, 2) Compliance Request Letters, 3) Administrative Citations and 4) City Attorney Letter. The Director may issue additional procedures and guidelines to implement and clarify as determined necessary.

- 1) Investigation Report: The Investigation Report (As approved by the Director) is used to document the report of a code compliance request and to document ongoing staff actions. A request may be made by telephone; electronic mail; traditional mail; in person or through a field contact; or by city staff, Council or an appointed Committee or Commission member. The identity of the reporting party is considered by the City to be confidential information; however, if the investigation leads to the filing of a court case, it may be determined by the City Attorney to be discoverable. Upon receipt of a code compliance request, an Investigation Report is prepared. The purpose of the Investigation Report is to document a potential violation. Once the request has been made it is logged in and staff schedules a field visit to ascertain if a violation exists. If the staff determines that a violation does not exist, the complainant may be informed by telephone, email, or by traditional mail. If a code violation is determined, a Code Compliance Case Number will be assigned, a file created, and a Notice of Violation sent to the property owner or responsible party. Contact with the property owner or tenant may be made at the time of the field investigation if the Director or his/her designee has determined it to be necessary and appropriate. The reporting party may only be informed that a case has or has not been opened, but may not be given any other information with respect to details on the violation(s) or remedy, unless the reporting party is a City employee, contract employee of the City, Police Department employee, Fire Department employee, or other public employee and the report was made in the employee's official capacity as a public servant. All information will be entered into the Code Compliance Log utilizing City approved software.

- 2) Compliance Request Letters: There are a series of form letters, (as approved by the Director) which are used to inform property owners regarding Municipal Code violation(s) and the progressive course of action to obtain voluntary compliance. The Notice of Violation is initially sent to indicate that a violation has been verified by the City and voluntary compliance is requested by a specific date, generally within a thirty (30) calendar day time period, depending upon the extent of the violation. A second Notice of Violation may be sent, depending on the circumstances and the extent of the violations. If compliance is achieved within the given period, or within an alternative time period mutually agreed to after the first contact, a Notice of Compliance is sent and the case is closed. If voluntary compliance is not achieved, a Notice of Office Hearing is sent setting a date for an Office Hearing, and reminding the responsible party that voluntary compliance is desired. The Office Hearing purpose is to work out a plan of action directly with the property owner in order to obtain compliance and to recover City costs, where possible. A Follow-up letter is sent after the Office Hearing, documenting the agreed to plan of action. If compliance is still not obtained, an Administrative Citation is issued, or permission to recommend filing of legal action is requested from the City Council (See "Prosecution" below). If City Council authorizes legal action, Notice of Pending Court Action is sent to the property owner, certified mail, return receipt requested.
- 3) Administrative Citations: The Administrative Citation process can effectively be used in cases of repeat offenders, egregious violations, or non-static violations, such as vendors and peddlers. When authorized by the Director, Code Compliance staff may issue an Administrative Citation. If the violator fails to comply with the Code within a reasonable period of time after the initial Administrative Citation, additional Administrative Citations could be issued until compliance is achieved.
- 4) City Attorney Letter: A letter prepared by the City Attorney signals to the violator the final opportunity for compliance prior to prosecution. This letter advises that the case has been turned over to the City Attorney, and includes a final compliance date has been set, a warning that legal remedies will thereafter be sought, and a warning that a Notice of Violation will be recorded against the property to give prospective future buyers constructive notice that a violation exists on the property at the time of sale.

B. Public Awareness.

Violations of the Municipal Code occur due to at least two factors, i.e. the laws are not clear or are not generally known. Pamphlets to inform the public have been prepared, in English and Spanish, on specific topics including, but not limited to garage conversions, property maintenance, grading, signs, and temporary events. These pamphlets are available at City Hall public counter, on the website, and through personal distribution. The City newsletter may be used to advertise the availability of these pamphlets and periodically publish articles on code compliance issues. The City cable channel may also be used to provide information regarding code compliance.

C. Prosecution.

When all administrative and awareness remedies have been exhausted without achieving compliance; the case will be submitted to the Director, who will confer with the City Manager and City Attorney to evaluate the merits of a case prior to presenting it to the City Council. If the City Council concurs with the findings of the Director that the case should be pursued, the City Council will make a determination as to whether to recommend that the City Attorney seek a civil remedy (injunction, nuisance abatement, etc.) or to submit the case to the City Attorney for possible criminal prosecution. Once a case is turned over to the City Attorney's office for prosecution, the City Attorney's office will be responsible for managing the case, with support from the Code Compliance staff as requested by the City Attorney's office.

The City Attorney will review the case to determine whether sufficient probable cause exists prior to filing any criminal action and may also be authorized by the City Council or City Manager to seek a Civil Compromise in lieu of a prosecution. The Civil Compromise is a binding agreement between the City and the violator, where the violator agrees to remedy the violation within a certain period of time and reimburse the City for staff costs, attorney costs and other administrative costs. After City Council's election to recommend a case for prosecution, Code Compliance staff will prepare a draft complaint for the supervisor, Director, and City Attorney to review, revise and file with the Superior Court. Upon acceptance by the Superior Court, an arraignment is scheduled. Prior to arraignment, the City Attorney and the party responsible for the violations may hold a meeting to discuss the case. Staff from the City Attorney's office shall coordinate with the Director or his/her designee to determine if any Code Compliance staff need to be present at this meeting. At the arraignment, the responsible party may request a continuance to work out a plan of action with the City, plead guilty and agree to a plan of action, or plead not guilty. In those circumstances when a not guilty plea is entered, the case is held over for trial.

D. Safety.

The Code Compliance staff, including any assigned supervisor, are responsible for minimizing risk of personal harm by avoiding entering potentially dangerous buildings or potentially dangerous situations in the field, including but not limited to a building which appears structurally unstable or has visible unstable building elements; buildings with strong odors, including but not limited to a potential natural gas leak or gasoline spill, or the odor of a deceased animal or person; and properties with known residents with a criminal history or gang affiliation, which may represent risk of harm to a City employee without Police escort. If a building or situation has a reasonable probability of being dangerous, the Code Compliance staff shall not proceed with an inspection until the Director or his/her designated code compliance supervisor has arranged for escort by Police, Fire, or Building and Safety staff as appropriate. The Code Compliance staff shall not enter a building that appears structurally unsafe, and shall use appropriate protective equipment in buildings that appear structurally safe but have conditions that warrant the use of protective equipment, such as apparent lack of sanitary conditions, which may include solid waste accumulation. City-provided protective equipment such as a hard hat, work gloves, and a face mask shall be used as appropriate in such situations.

Code Compliance staff shall not carry any legal or illegal weapons, such as a gun, knife, pepper spray, mace, club, etc., or carry tools that may appear as weapons. The appropriate response to a situation that is perceived to be potentially dangerous, or becomes dangerous, is to exit that situation and call 911.

4. Future Programs:

To increase public awareness, decrease code compliance calls, and increase efficiencies in code compliance the following programs will be periodically implemented.

- A. Solid Waste Refuse Bill Inserts and/or City Newsletter Articles: This program would periodically insert public information regarding code compliance, such as awareness of the dates each year that unlimited dumping is permitted at the landfill and the number of times per year that scheduled free pick up of large items may be arranged. Greater awareness of this kind of refuse program may decrease the amount of illegal dumping and property maintenance issues.

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- B. Managed Enforcement/Neighborhood Development (MEND): MEND would be implemented to maintain the quality of our neighborhoods. Experience has shown that over time, if left unchecked, small problems develop into major problems that can result in neighborhood decline. The MEND Program is designed to identify problems and intervene early for compliance. MEND would provide proactive awareness and compliance within residential and commercial neighborhoods taking a coordinated multi-agency approach focusing first on existing nuisance properties, one neighborhood at a time. Representatives from Code Compliance, Police, Fire, Building and Safety, Community Services and Public Works would participate in the Program. Staff would develop an inspection schedule for each residential, commercial and industrial neighborhood, eventually covering the entire City.
- C. Community Outreach: Community outreach would be a program to meet with community groups at least annually to discuss the code compliance process, and identify the most common types of violations and what permits are required for various activities. The Code Compliance staff, supervisor, and/or the Director would offer to meet with homeowner association boards, the Chamber of Commerce Board, merchant groups, service clubs and the like as needed to educate its members on the City's Code Compliance Program, how it works, and why it is beneficial to the City. Copies of business cards and other material such as Code excerpts and pamphlets would be made available.