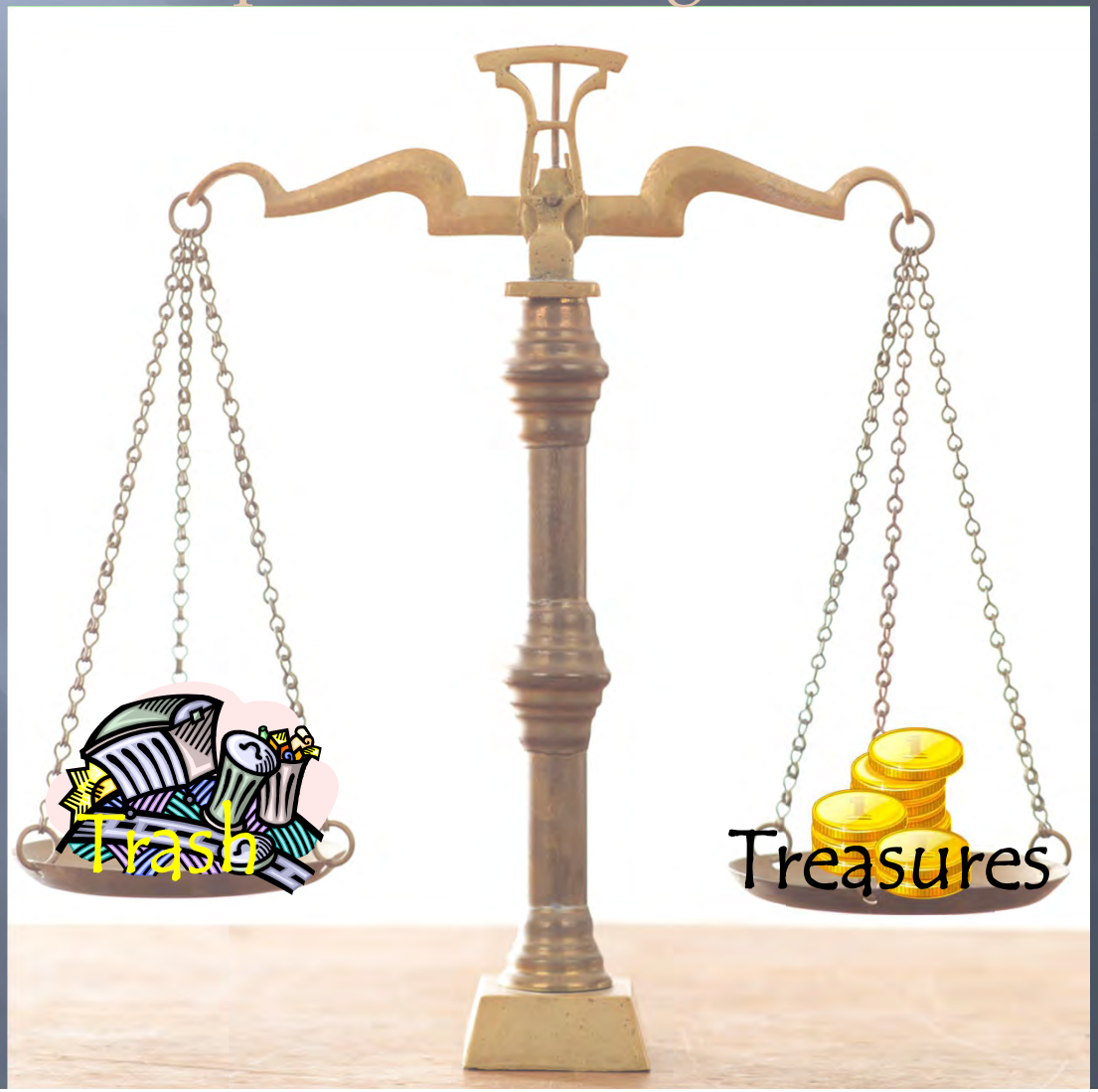
# CODE ENFORCEMENT

## Requested Changes 2012



# Requested Code Language Changes

- Create an Appeals Board and Appeals Process for Code Enforcement
- Reduce Appeal time-frame to 5 days
  - Vegetation
  - Junk Vehicles
- Definition of Junk Vehicles

# CODE ENFORCEMENT BOARD OF APPEALS

# Appeals Board and Process

- Issue
  - Current ordinance appeal process is under Building Inspections Division and DARB Board
  - Better suited if have board specific to Code Enforcement Actions

# Appeals Board and Process

- Adopt Chapter 8.01 to create Code Enforcement Board of Appeals (CEBA)
  - Adopt revisions to other ordinances as necessitated for proper references to CEBA (8.16.035, 8.16.050, 8.28.030, 10.56.060, and 10.56.065

# Appeals Board and Process

- Reducing Certain Abatement Notice Time-Frames by Amending applicable code sections.
  - Council previously approved reduction in compliance time to 5 days
  - Reduce appeal time period to 5 days to match

# Code Enforcement Board of Appeals (CEBA)

- Jurisdiction to hear appeals over action taken by the Code Enforcement Division, including but not limited to:
  - Nuisance issues
  - Vegetation
  - Noxious weeds
  - Abatement
  - Junk vehicle

# Code Enforcement Board of Appeals (CEBA)

- **Will have no** jurisdiction over:
  1. Violations issued by the Rapid City Police Department, or any of its officers;
  2. Chapter 15 (Building & Construction ) or Chapter 17 (Zoning) Code violations;
  3. City assessment(s) levied upon any property; and
  4. Code Enforcement action taken to prevent any imminent threat or danger to the public welfare, health, and safety.

# Code Enforcement Board of Appeals (CEBA)

- The CEBA shall have jurisdiction to hear citizen complaints related to alleged violations under this Code *provided*:
  - The alleged code violation falls under CEBA jurisdiction
  - The complaint is made in writing to the Community Resources Director and
  - Director determines complaint warrants a CEBA hearing
    - Alternate action could be
      - Code investigation/citation
      - No action
    - Director's decision is final

# Code Enforcement Board of Appeals (CEBA)

- Shall convene within 10 calendar days of receipt of notice, excluding day of receipt
  - Stay of enforcement shall be recognized
  - Except for imminent threat/danger or on criminal or civil action brought for violation
- Consist of 5 members and 2 alternates
- Appointed by the Mayor
- Confirmed by Common Council
- Must be Rapid City citizen

# CEBA Board Membership

- Terms shall be staggered to start
  - 3 members for 1 year
  - 2 members for 2 years
  - 2 members for 3 years
- Thereafter all terms shall be 3 years
- May not serve for more than 2 consecutive terms
- The CEBA shall consist of all volunteers

# CEBA Board Membership

- Shall consist of 1 or more members and alternates appointed from following groups
  1. Multi-housing Rental Managers Association;
  2. Single family rental management;
  3. Any Rapid City neighborhood watch organization;
  4. Rapid City Beautification Committee;
  5. City of Rapid City Planning Commission;
  6. Any one of the Building Code boards, including but not limited to the Development Appeals and Review Board;
  7. Scenic Rapid City;
  8. Destination Rapid City; or
  9. Citizens of Rapid City as members at large.

# CEBA Board Membership

- No current city employee, elected city official or paid city consultant shall be allowed to serve as a voting member
- A quorum shall be 4 members
- An affirmative vote of the majority is required to authorize any action.
- Public records shall be kept
- Alternate members should attend all meetings

# Yard Maintenance

# THE ISSUES

- Compliance time frame previously reduced to 5 days

- Appeals time frame is 7 days from receipt of notice

Recommendation:

Change appeal time frame from 7 days to 5 days

# Vacant Lot Buffer

- Currently all grass/weeds on any property in the City limits exceeding 8”(inches) is a violation.

- Issue s
  - Parcels over an acre
  - Steep slopes
  - Ditches
  - Roadsides

# ROW-DITCH MOWING

# Fence Line Vegetation

- Removing Vegetation From Along Fences
  - Currently no language specific to fences

Recommendation:

Add additional language:

Require fence weeds be trimmed, either as an independent complaint, or as a secondary issue when contacting for primary violations.

# Yard Maintenance – Infill Lots

- Infill Lots
  - Lots surrounded on all sides by housing and/or commercial properties.

- Add:

  Require full lot to be maintained at less than 8 inches.

# Junk Vehicles

# Junk Vehicle –Definition

- 10.56.030 "…presence of an abandoned, wrecked, dismantled, inoperative, junk (unlicensed) or partially dismantled motor vehicle parts

- Current language does not address vehicles with broken side or rear windows.

# Junk Vehicles

Recommendation

Add language

- any motor vehicle with one or more broken window(s) or windshield(s) if the broken glass poses a potential threat to the public's health, safety, or welfare.