MEMORANDUM

To: Kurt Triplett, City Manager
From: Shannon Sedlacek, Code Enforcement Officer
      Jon Regala, Planning Supervisor
Date: May 8, 2019
Subject: 2018 Code Enforcement Annual Report

RECOMMENDATION
The attached report is being provided for informational purposes only and no action is required by the City Council.

BACKGROUND
The City’s policy is to protect the health, safety, and environment of the City and its residents and visitors by achieving compliance with city codes. City staff strive to obtain voluntary compliance through educating and working with the responsible party or parties and do not rely on fines as the primary means of compliance.

The last annual report provided to Council was in April 2016 for the year 2015. After two years, staff has again started to track code enforcement cases and is pleased to provide the 2018 Annual Report for Council review. The 2018 report includes the overall case numbers for 2016-2017 and more detailed information regarding the various case types investigated in 2018. The intent of the report is to provide Council with an overview of code enforcement activity as code enforcement relates to the quality of life and environment within Kirkland.

Generally, the number of code cases has increased since the 2011 annexation. Several reasons for the increase include:

- Increase in population and land associated with the 2011 annexation
- Adoption of the property maintenance code in 2011
- Adoption of the surface water enforcement provisions in 2016 (recently updated in November 2018)
- Increase in development activity
- Awareness by staff on site visits and improved coordination between City departments

Five hundred sixty-one (561) cases were opened in 2018, of which 87% were resolved and closed. A quick review of current cases for 2019 show that for the first quarter (ending April 30), Code Enforcement opened 161 cases, which is on pace with first quarter of 2018 (162 cases).

Attachment 1 – 2018 Code Enforcement Annual Report
MEMORANDUM

To: Kurt Triplett, City Manager
From: Shannon Sedlacek, Code Enforcement Officer
       Jon Regala, Planning Supervisor
Date: February 25, 2019
Subject: 2018 Annual Code Enforcement Activity Report

The overall goal of the Code Enforcement team is to deliver exceptional service while upholding and enforcing adopted codes and ordinances that were established to protect the public health, safety, and welfare of all residents, business owners, and visitors. The team strives to obtain voluntary compliance through educating and working with the responsible party or parties. There are, however, a small number of cases that result in the issuance of a Notice of Civil Violation due to noncompliance.

In 2018 the Planning and Building Department opened 561 official complaints compared to 534 in 2017, a 5% increase from the previous year and a 72% increase from just 5 years ago. There is continued growth in the number of complaints regarding areas of property maintenance, work performed without permits, surface water concerns, tree code concerns, signs, and right-of-way obstructions that involved coordination between Departments. Code Enforcement staff continues to benefit from combined internal coordination and cooperation across departments.

![Code Cases By Year](attachment:1)
Case Types and Volume

The above chart does not reflect code violations that were reported less frequently (1 to 2 occurrences) such as septic and side sewer failures, refuse and garbage, or critical area and shoreline encroachment.

Code Enforcement resolved and closed 87% of the total cases that were opened during 2018. Of the 561 cases in 2018, only 7 resulted in hearings with the Hearings Examiner, and the City prevailed in each of those cases. Puget Sound Collections, our contracted collection agency, had one referral for past due fines of $10,000.00, which was collected in full.

Trees
There were 55 violations reported of the tree code (KZC Chapter 95) compared to 56 in 2017. These cases typically involve several City staff members depending on the nature of the violation and can take many hours to resolve. Many tree cases may remain open past the end
of the year to allow for the planting of new trees or to monitor the survival of replacement trees.

There were 47 tree removal violations not associated with development in 2018, 18 of which were for City street trees. In 9 of these cases for removal without a permit, fines were waived in the amount of $11,500.00 after speaking with the violator and learning that they were unaware that the trees in question were City trees. In these cases, the violator agreed to remove the stump (where possible) and replant an approved street tree(s) as a replacement. Jerry Merkel, Public Works Arborist coordinated on all of these public tree cases and worked with the property owner to ensure an approved tree was selected and replanted by the property owner.

There were numerous calls and/or complaints received regarding alleged tree violations that upon investigation were shown to have received City approval or were situations where proper pruning was being performed. Instances where proper pruning of right-of-way trees was performed by the owner or a tree service company were used as an opportunity for educating the responsible party of City processes and the required permitting. Many more calls and complaints were resolved but not logged due to time constraints.

**Surface Water**

The Public Works Surface Water group responds to surface water quality complaints and conducts inspections of private storm drainage systems that discharge to the public storm drainage system. The main goal of this work is to prevent harm to Kirkland’s streams, wetlands, and lakes by ensuring that the responsible party understands the impacts of their actions and is prepared with the knowledge and tools to prevent future pollution problems.

Response to surface water quality complaints is a coordinated effort of both the Storm Utility and the Surface Water Engineering staff. The priority is to stop and/or cleanup pollution and then to provide education and technical assistance to the responsible party. Of the 242 water quality complaints reported in 2018, there were 23 violations of the Surface Water Management Code (KMC 15.52.090).

Inspections of private storm drainage systems are conducted to ensure systems are working as designed and are properly maintained. Surface Water Engineering staff completed 482 inspections for 2018. These inspections are necessary to keep the system functioning as a whole, they can reduce flooding as well as improve water quality prior to discharging to the City system. City staff worked with property owners to achieve voluntary compliance as much as possible prior to sending to code enforcement. Of the 482 inspections conducted in 2018, there were 16 violations of the Surface Water Management Code (KMC 15.52.120).

**Signs**

There were 40 cases opened for violations of the sign code (KZC 100) as compared to 23 in 2017. Many more violations were reported and handled during the day-to-day duties of Code Enforcement, these cases were resolved but not logged due to time constraints.

With the assistance of, Patrick Teft, Special Projects Coordinator, a Temporary Sign Compliance Assistant program was launched in the summer of 2018. This volunteer position assists Code Enforcement staff with temporary sign code compliance. Code Enforcement went out on “sign
sweeps” with 3 current volunteers approximately 5 times in 2018 and removed close to 450 signs, these signs were then placed in an impound area at City Hall. Code Enforcement followed up by contacting owners to educate them of the sign code. Owners were given the option to retrieve their signs at City Hall and sign the ‘Requirements for Temporary Signs’ agreement. By signing the agreement, the sign owner acknowledges understanding of the City’s temporary sign regulations and agrees to no future violations. While we do not have numbers regarding repeat offenders, there was a noticeable reduction in temporary sign placement by the end of 2018. This program will be continued in 2019.

**Noise**
There continue to be issues of noise, typically from development activity or from the interface between industrial, residential, and/or commercial uses (KZC 115.95). Many of the complaints involved work at construction sites or maintenance at commercial properties being done outside allowable hours.

**Noise Variance**
Noise variance applications lowered slightly from 30 in 2017 to 25 in 2018. Many of these applications were for larger development activities such as Kirkland Urban and the Totem Lake projects.

**Building Code**
The Planning and Building Department staff continue to work closely to coordinate efforts involving building without permits, property maintenance inspections, and stop work orders. This has resulted in a more comprehensive response to complaints and violators, which in turn leads to a faster resolution of issues.

**Graffiti**
Public Works Grounds staff track graffiti on public property through Lucity and the Planning and Building Department assists in notifying owners regarding the removal of graffiti from private property (KMC 21.41.302). There was one graffiti case reported on private property in 2018. For graffiti reported by citizens or offensive graffiti, Code Enforcement follows up with letters to property owners to encourage voluntary removal. Public Works received 29 graffiti complaints. Of those complaints, 15 were reported by staff, 14 were from the public, and all of them were resolved.

**Additional Support**
The Police Department assisted Code Enforcement with several cases in 2018, including responses to some long running and on-going complaints, as well as working on cases involving mutual concerns. Officer Deana Lansing, Neighborhood Resource Officer has been a tremendous asset to the team providing coordination with patrol, collaboration on cases, and current information.

The addition of Jennifer Matison, Animal Control Officer has dramatically reduced the number of animal cases that Code Enforcement has managed in previous years. In 2018, Code Enforcement logged 10 animal-related cases, 9 of which were referred to Animal Control. Many more calls were received regarding animals and were referred directly to Animal Control. Logged cases show a 52% decrease from cases received by Code Enforcement in 2017.
Stephanie Croll, Senior Assistant City Attorney provided legal support on numerous cases and discussions including possible misdemeanor citations, Notice and Orders, as well as assistance with several chronic cases.