



Agenda Memorandum

Agenda Item – {{section.number}}.A.

City Council Meeting
August 14, 2023



Strategic Priority 2: Proactive Public Safety

Enhance public safety to emphasize both prevention and enforcement, engage the community through education and outreach and provide the resources necessary to ensure safety and well-being throughout Westminster.

Subject: First Reading of Councillor's Bill No. 37 Re: Proposed Amendments to Section 11-9-2(E) of the Westminster Municipal Code Concerning Unsafe Buildings, Structures, and Equipment

Prepared By: Aric Otzelberger, Operations Manager
Dave Horras, Chief Building Official

Recommended City Council Action:

Pass Councillor's Bill No. 37 on first reading to amend Section 11-9-2(E) of the Westminster Municipal Code concerning unsafe buildings, structures, and equipment.

Summary Statement:

- Following notable nuisance property challenges, Staff has worked on opinions to strengthen and clarify the City's authority regarding unsafe buildings, structures, and equipment as outlined in the Westminster Municipal Code (W.M.C.).
- With engagement and input from the City Manager's Office, City Attorney's Office, Community Development, Police, and Fire, proposed amendments to Section 11-9-2(E), W.M.C. concerning unsafe buildings, structures, and equipment have been drafted and are presented in Attachment 1.
- The 2018 International Property Maintenance Code (IPMC) was utilized to guide proposed amendments regarding requirements and standards for properties, along with administration and enforcement authority.

- The proposed W.M.C. amendments establish timelines for repair or demolition activities, require specific barriers or fencing, clarify the Chief Building Official's authority, and provide for civil nuisance abatement procedures in Municipal Court when voluntary compliance cannot be achieved.

Fiscal Impact:

\$0 in expenditures.

Source of Funds:

Not applicable.

Policy Issue(s):

Should City Council pass Councillor's Bill No. 37 on first reading to amend Section 11-9-2(E), W.M.C. concerning unsafe buildings, structures, and equipment?

Alternative(s):

City Council could choose to deny the proposed Ordinance. This is not recommended, as proposed amendments to Section 11-9-2(E), W.M.C. would provide additional authority and clarity in addressing future nuisance property challenges.

Background Information:

Following notable nuisance property challenges, Staff has worked on options to strengthen and clarify the City's authority regarding unsafe buildings, structures, and equipment as outlined in W.M.C. With engagement and input from the City Manager's Office, City Attorney's Office, Community Development, Police, and Fire, proposed amendments to Section 11-9-2(E), W.M.C. concerning unsafe buildings, structures, and equipment have been drafted and are presented in Attachment 1.

The 2018 IPMC was utilized to guide proposed amendments regarding requirements and standards for properties, along with administration and enforcement authority. These proposed amendments address challenges from neglect, abandonment, vandalism, and deterioration. Amendments include:

- 6-month abandonment of a structure or building can constitute an attractive nuisance or hazard to the public
- 2-year cessation of normal construction activity can invoke City abatement procedures
- Fencing or barriers can be explicitly required to secure structures during repair, rehabilitation, or demolition processes
- Elimination of an existing provision that an owner of an unsafe building can vacate, secure, and maintain against entry until a time when the building could be demolished or repaired. This provides an existing challenge, as it does not provide a time limit and can allow a somewhat

open-ended, indefinite period where a property can be secured, but not repaired or demolished

- Clarification of placarding and abatement authority to secure unsafe buildings or structures
- Clarification of the Chief Building Official's ability to order disconnection of utility services of unsafe buildings or structures
- Clarification of the Chief Building Official's summary abatement authority when "imminent" danger exists
- Authority to pursue civil nuisance abatement procedures in Municipal Court (this replaces existing language regarding an administrative ad hoc Building and Fire Code Appeals Committee)

City Council received a presentation on these amendments in Study Session on July 31, 2023 and provided direction to proceed with formal consideration of the proposed Ordinance.

The City's Strategic Plan priority of Proactive Public Safety is met by strengthening and clarifying authority for the City's prevention and enforcement activities regarding nuisance properties and structures.

Respectfully Submitted,

Mark A Freitag

Mark A. Freitag
City Manager

Attachments:

Attachment 1 – Councillor's Bill No. 37 Re: Proposed Amendments to Section 11-9-2(E) of the Westminster Municipal Code Concerning Unsafe Buildings, Structures, and Equipment