



LOS ALAMOS COUNTY CHAPTER 18 NUISANCE CODE UPDATE

CDAB Presentation 10.18.2021



AGENDA

- Technical Code Review Overview
 - Research overview
 - Key findings
 - Proposed code structure
- Survey Update
- Discussion
- Next steps

Code Review Document Overview



LOS ALAMOS COUNTY CHAPTER 18 NUISANCE CODE UPDATE

TECHNICAL CODE REVIEW OCTOBER 2021



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Research Section Overview

- Precedent communities
- 2021 International Property Maintenance Code
- Code enforcement data
 - Code enforcement interviews
 - Analyzed code violation data for past 5 years
- Complaint versus Compliance Driven Code Enforcement

Research Overview – Precedent Communities

- Alamogordo, NM: operates under NM State Statutes, similar size, chronic nuisance enforcement
- Globe, AZ: rural community with similar density
- Golden, CO: affluent community within state, similar size

Table 2-1: Precedent Community Overview				
Demographics	Los Alamos County, NM	Alamogordo, NM	Globe, AZ	Golden, CO
Population	19,369	31,3980	7,347	20,767
Population per square mile	164.4	1,418.5	414.2	1,901.2
Median Value of Owner-Occupied Housing Units	\$302,800	\$113,500	\$125,800	\$522,200
Median Household Income	\$121,324	\$42,204	\$49,954	\$72,349
Average age of Housing Stock	48 years	44 years	54 years	38 years

Research Overview – Precedent Communities

- Reviewed precedent nuisance codes based on topics relevant to Los Alamos

Table 2-2: Topics Addressed in Nuisance Regulations				
Topics	Globe, AZ	Alamogordo, NM	Golden, CO	Los Alamos County
General Property Maintenance	X		X	X
Unsanitary conditions	X	X	X	X
Weeds	X	x	X	X
Plant overgrowth obstructing sidewalks or roads		X	X	X
Brush piles				X
Unsecured or unmaintained pools	X		X	X
Graffiti	x	X		
Dangerous or substandard structures	X	X	X	X
Accessory structure deterioration			X	X
Construction related nuisances such as litter, noise, and dust		X	X	X
Inoperable vehicles parked on private property/ Abandoned or Junk vehicles	X	X	X	
Inappropriate storage of items such as interior furniture or appliances outdoors				X
Outdoor furniture				X
Refuse and rubbish/ Litter	X	X	X	X
Fences and walls in disrepair	X			X
Rodent harborage	X			X
Hazardous trees or limbs		X	X	X
Geologic Hazard aggravation			X	
Waterway Pollution			X	

Research Overview – Precedent Communities Key Findings

- Nuisances defined in terms of threats to health, safety, and welfare. Protection of property values is not included in definitions or goals.
- Communities distinguish between weeds and other vegetation by referring to a “weed list”. Weed lists create clear criteria for staff to determine what is considered a weed.
- Separate language to address overgrown vegetation and vegetation maintenance. These include limiting heights within certain areas (ie. Within the front setback)
- Inoperable vehicles should not be visible from public right-of-way
- Outdoor Storage regulated through robust definition of “junk” and requirement that junk not be visible from public right-of-way.

Research Overview – Complaint vs. Compliance Based Systems

- Complaint-based system: code enforcement cases result from citizen complaints.
 - Cheaper
 - Minimal perception of government intrusion
 - Difficult to focus resources
- Compliance-based system: staff actively patrol community, cases are staff-identified, focus on education.
 - Able to focus resources
 - Reduced fear of neighbor retaliation
 - Violations identified earlier
 - Increased perception of government intrusion

Table 2-4: Advantages and Disadvantages of Compliance vs Compliant Driven Code Enforcement Systems				
	Compliance-Based System		Complaint-Based System	
	Advantage	Disadvantage	Advantage	Disadvantage
Administration	Allows for a hierarchy of violations where staff can focus enforcement efforts on violations that pose immediate health and safety risks.	Requires more staff time and funding for community engagement and education efforts.	Generally cheaper to administer. Less staff time required since staff is not patrolling or initiating cases.	Difficult to focus resources. No hierarchy for major versus minor violations.
Resident Perceptions	Educational efforts inform residents of property maintenance requirements. Enforcement efforts set the standard for property maintenance and establish what nuisances will not be tolerated.	Fear of intrusion on fundamental property use rights. Residents may fear being unable to maintain their property to the required standards.	Minimizes perception of government intrusion.	Perception that nuisances are tolerated or acceptable.
Community Relationships	Reduces fear of neighborhood retaliation.	Interactions between property owners and officers may be more confrontational when cases are staff initiated. Staff-initiated cases may increase the perception of government intrusion and the fear of the County functioning like a homeowner's association.	Residents have a mechanism to address nuisances in their neighborhood outside of <u>neighbor to neighbor</u> coordination.	Fear of retaliation among neighbors. Residents may not file a complaint if the reporting system lacks anonymity.

Research Overview – Complaint vs. Compliance Based Systems

- Hybrid approach used by precedent communities is recommended
- Reporting system for residents to file complaints and request inspections
- Code enforcement staff patrols community
- Focus on education to curb nuisances before they become violations
- Partnerships with community groups and resources to provide property maintenance resources, such as community cleanup days or free dump passes

Strategy	Alamogordo, NM	Globe, AZ	Alamogordo, NM	Golden, CO
Citizen-reported nuisances	Complaints accepted online, by phone, or email.	Complaints may be written, by phone, email, in person, or via a reporting form online.	Complaints accepted via phone, in-person, or email.	Complaints accepted via email, phone, in-person, or online form.
Staff-identified nuisances and patrols	Regular Staff patrols	Regular Staff patrols	Regular Staff patrols	Regular Staff patrols
Education	Website includes a list of code enforcement responsibilities, a summary of the code enforcement process, and details regarding weed regulations. Informational brochure	Website includes a list of code enforcement responsibilities, what constitutes a violation, the inspection procedures, violation notification timeline, and summary of penalties. Article in local newspaper describing code enforcement processes and goals.	Website includes details on violations with references to applicable code sections. Publications released with Keep Alamogordo Beautiful regarding nuisance regulations and specific hazards associated with the nuisances.	Website includes list of areas of enforcement
Community Engagement, <u>Partnerships</u> , and Events	Clean Up Los Alamos litter pick up event with free disposal at waste transfer stations. 12 free loads to solid waste facility per year	Website includes a suggestion form. Dollar days at local landfills to relieve property maintenance costs.	Free graffiti removal in partnership with Keep Alamogordo Beautiful. My Yard Project recognizes properties that are well maintained and beautiful. Community Cleanup days hosted by Chamber of Commerce, Keep Alamogordo Beautiful, and New Mexico Department of Transportation	Curbside appliance recycling program will pick up washing machines, dryers, dishwashers, refrigerators, freezers, and stoves/ovens. Community Pride Days offers free disposal of non-hazardous junk such as mattresses & box springs, metal recycling, tree debris, yard waste, and electronics. Yard Waste Collection days twice a year. National Night Out with

Code Enforcement Interview Summary

Main issues

- Overgrown vegetation obstructing public right-of-way
- Weeds
- Inoperable vehicles
- Offensive outdoor storage

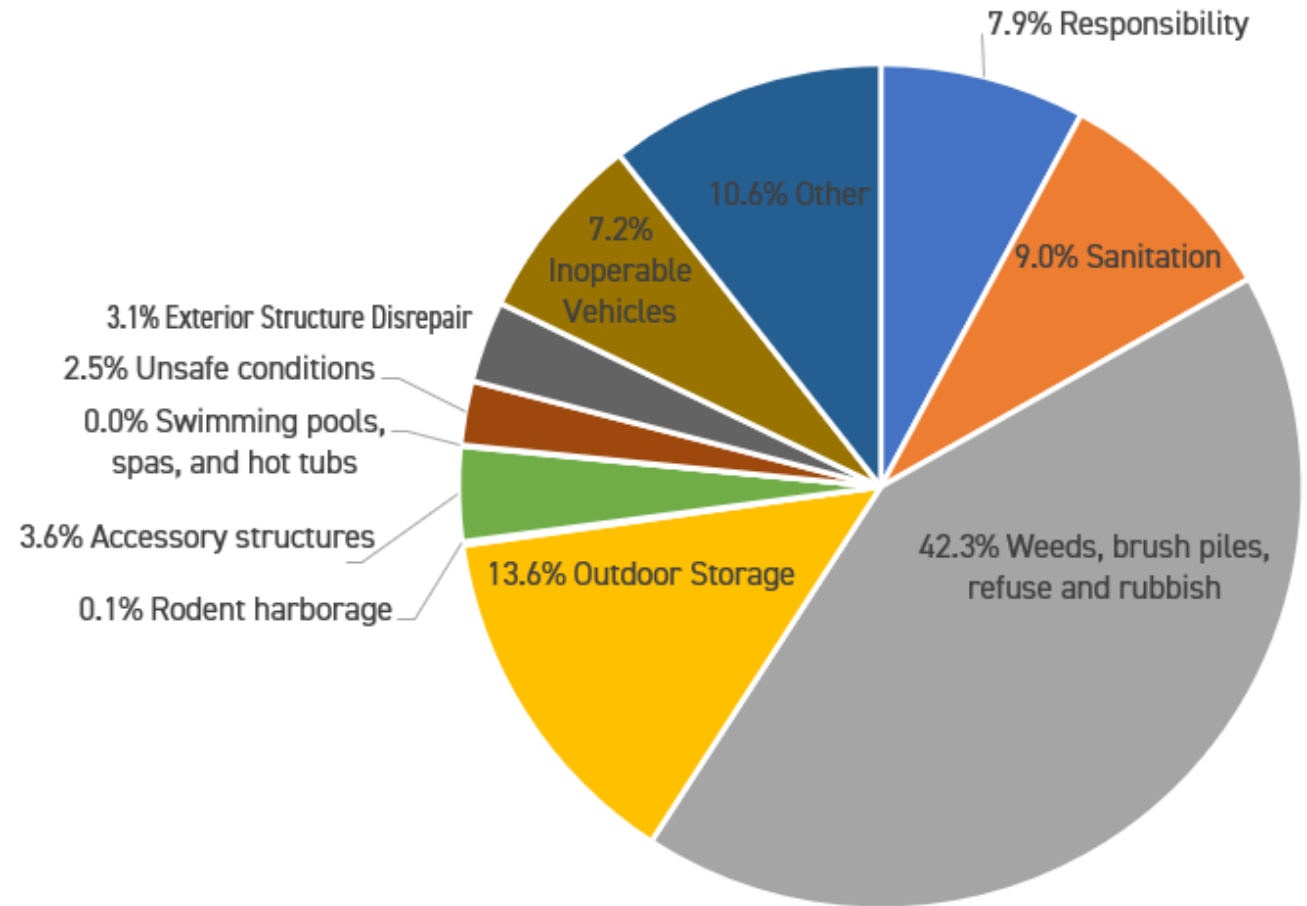
Other issues not currently address in code

- Tents
- Temporary storage containers

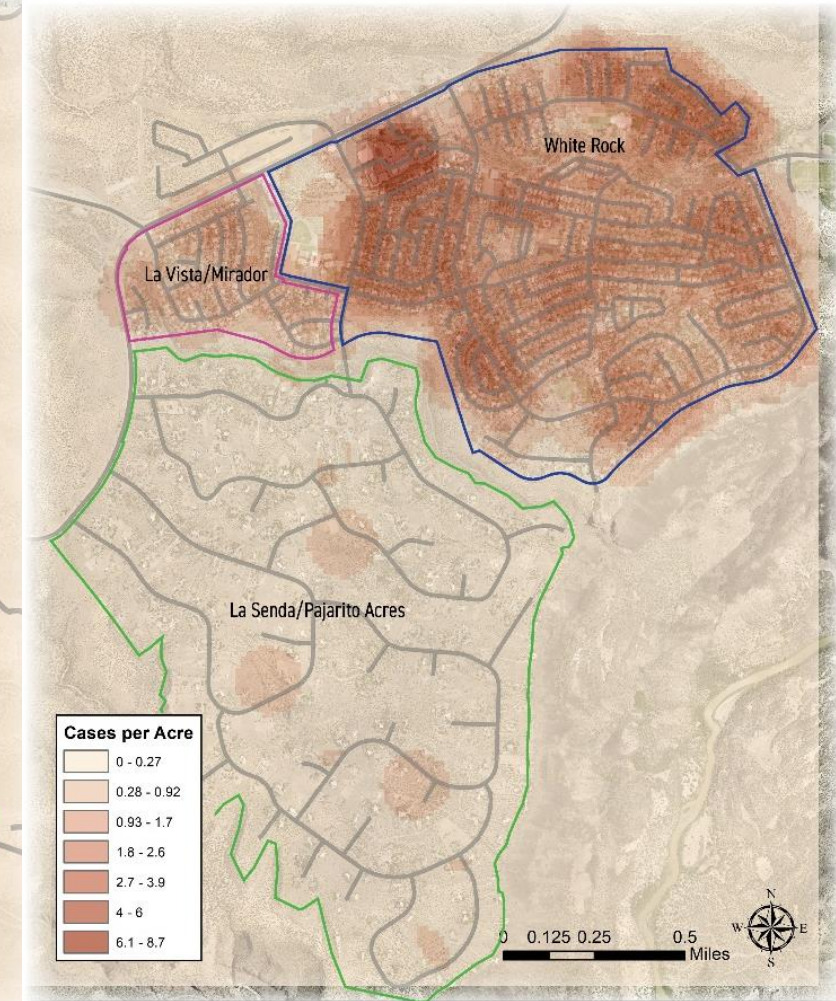
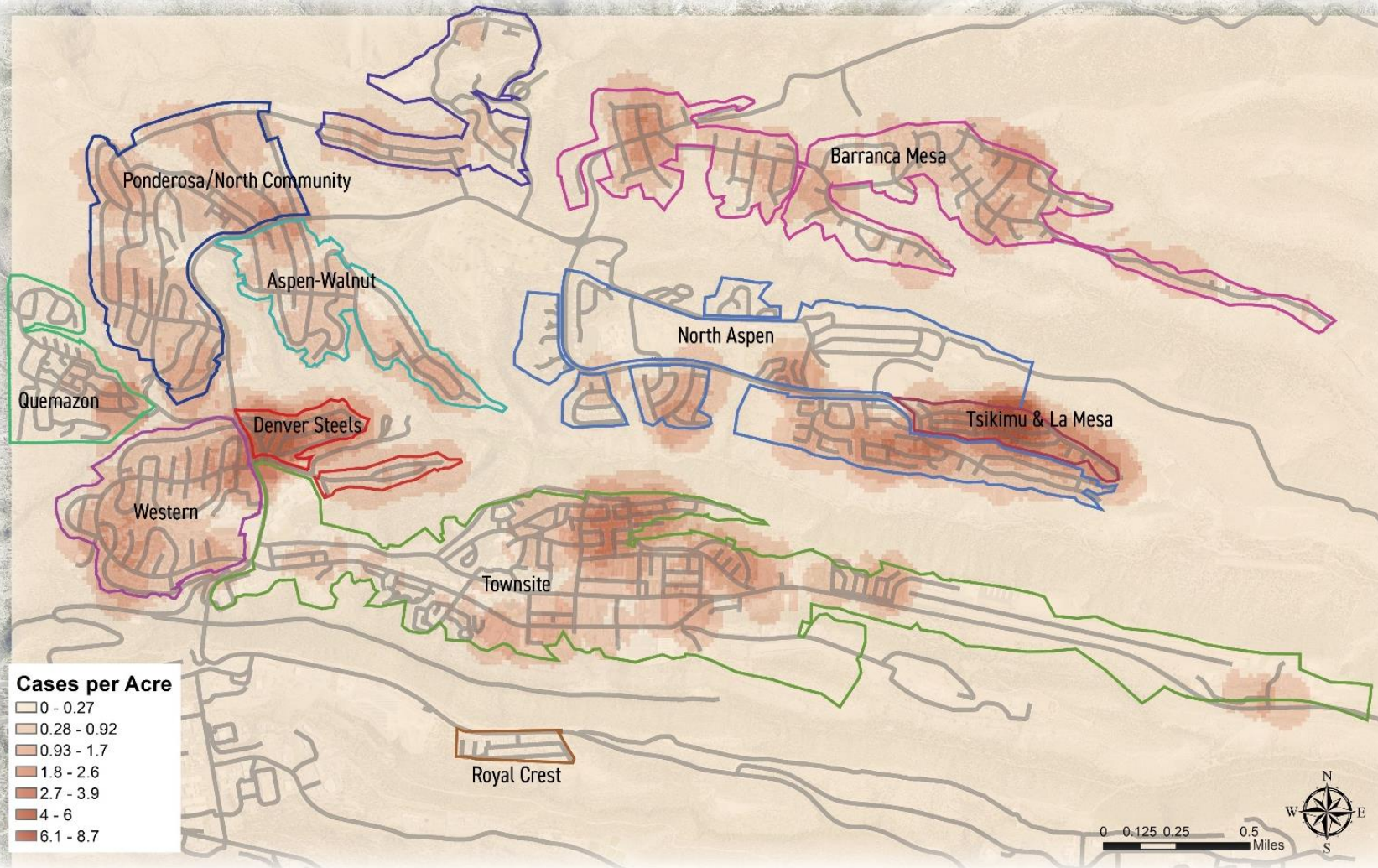


Code Enforcement Data Summary

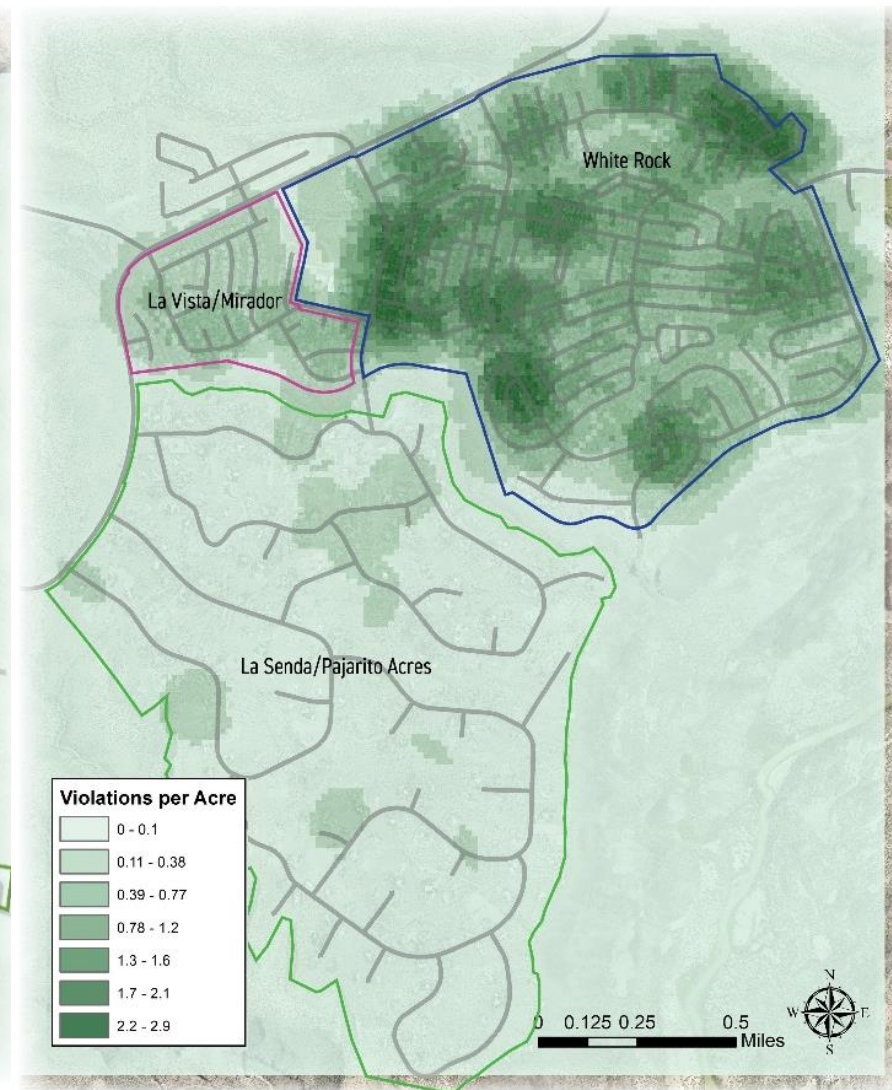
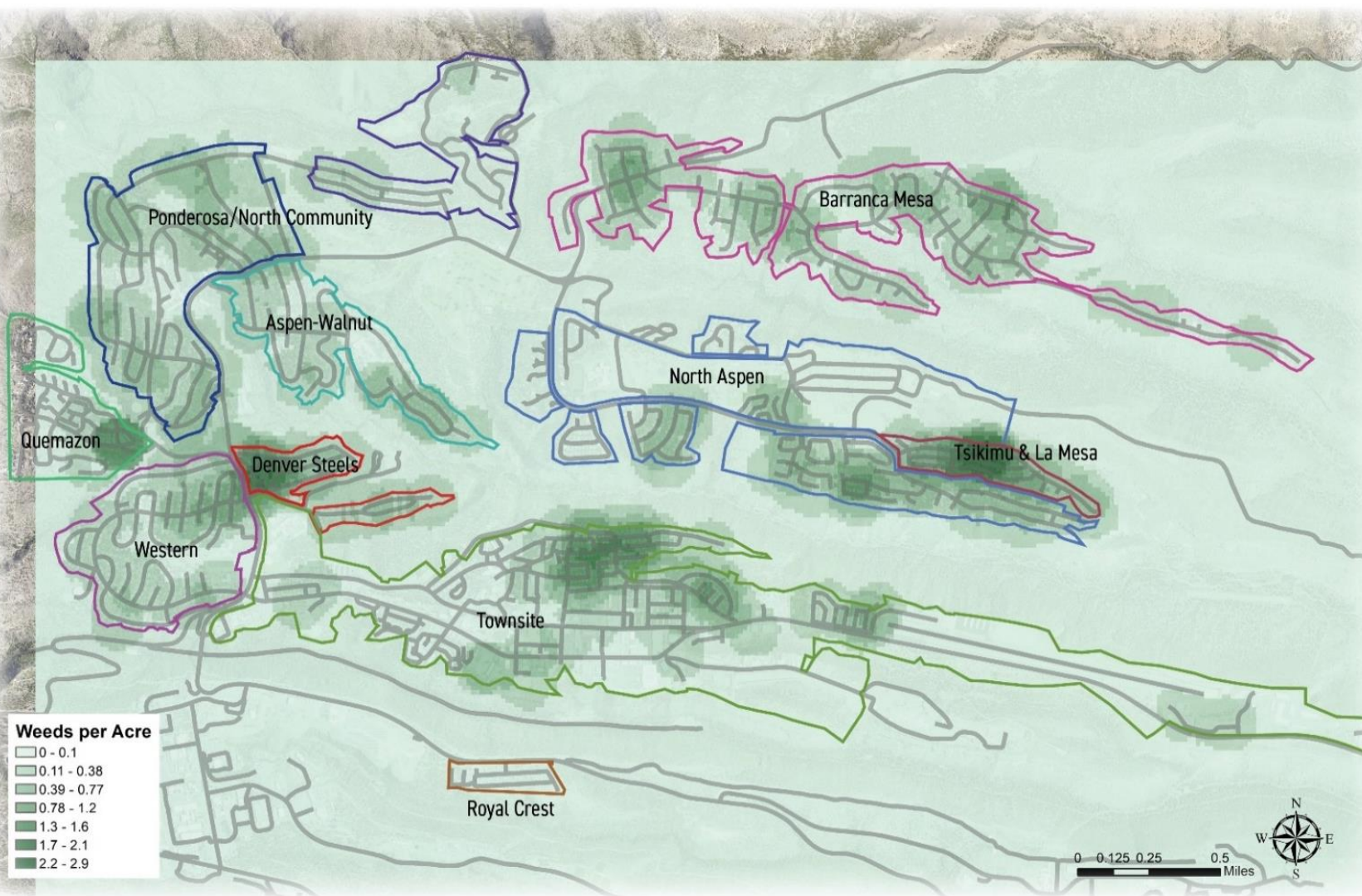
- 5,303 code enforcement cases from January 2016 to September 2021
- 5,136 nuisance cases
- 167 cases for unpermitted construction, unhitched trailers, etc.



Nuisance Cases by Community



Weeds, Brush Piles, Refuse, and Rubbish Cases by Community



Key Observations for Improvement

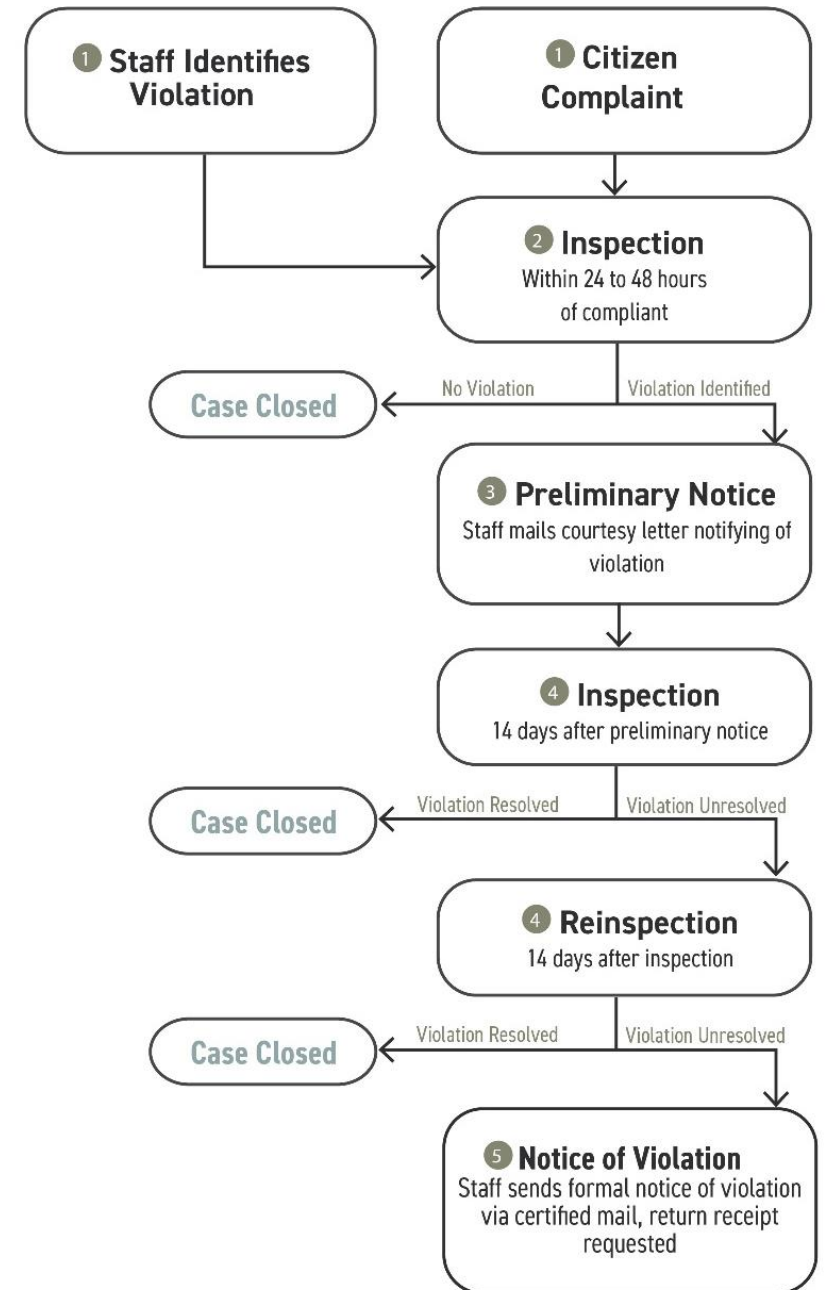
1. Clarify Code Enforcement Goals

- Establish whether enforcement procedures focus solely on threats to public health, safety, and welfare or if enforcement should include aesthetic concerns that may impact property values.



Key Observations for Improvement

2. Align Code Enforcement Procedures with County Priorities for a Balanced Hybrid Compliance/Complaint Based System



Key Observations for Improvement

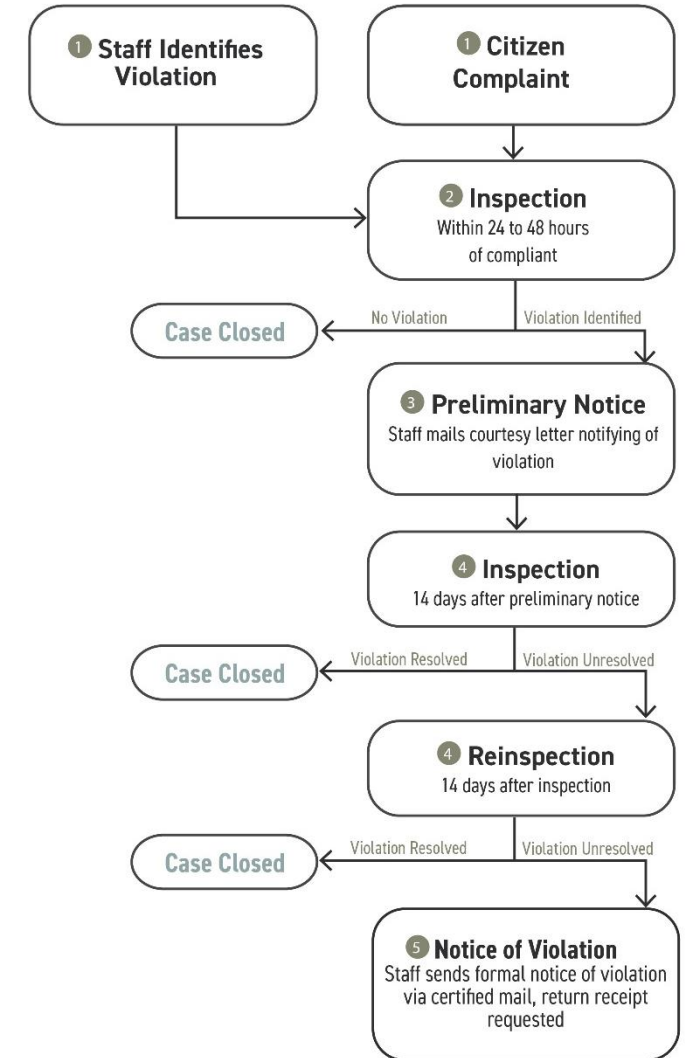
3. Prioritize and Classify Nuisances

- Classify based on urgency and threat to public health and safety, and threat to the environment.
- Priority I cases are top priority imminent health and safety hazards such as dangerous or unstable structures, inadequate barriers for swimming pools or spas, leaking sewage, live exposed electrical wires, and uninhabitable living conditions.
- Priority II cases are significant code violations such as abandoned properties, disturbances of environmental resources or historic sites, substandard housing conditions, and unpermitted grading.
- Priority III cases are other code violations or conditions adversely impacting the quality of life such as fence or wall violations, garages illegally converted to living space, landscaping, setback violations, unpermitted construction, and inoperable vehicles.

Key Observations for Improvement

4. Improve Overall Organization and Structure

- Consolidate and expand notice, complaint and injunction section
- Consolidate exterior structure regulations
- Move definitions into one section



Key Observations for Improvement

5. Add Nuisance Criteria where applicable

- Inoperable vehicles
 - Unregistered vehicles, inoperable vehicles, broken windows, and flat tires.
- Inappropriate outdoor storage
- Storage within carports
- Rodent haborage
- Weeds



Key Observations for Improvement

6. Clarify weed regulations

- Allow for natural landscapes, particularly in rural and agricultural areas
- Establish a “weed list” of noxious weeds that are prohibited
- Establish landscape overgrowth standards
- Options to provide for natural landscapes:
 - Provide species lists of unauthorized, i.e. noxious and/or invasive plants
 - Provide species list of plants that must be kept mowed below a specified height such as turf grasses, while allowing beneficial native plants to grow taller;
 - Inclusions of clearer definitions and/or criteria of cultivated vs overgrown vegetation;
 - Providing exceptions for environmentally beneficial landscapes such as those planted for erosion control, wildlife habitat, or educational purposes
 - Establishing required setback areas, generally within a portion of the front or perimeter lot lines in which vegetation above a certain height is not permitted. Vegetation behind the setback is unregulated.

Public Survey Update

- Survey to be conducted with Polco
- Anticipated release in mid-November



Discussion



Next Steps

- Finalize Technical Report
- Incorporate survey findings when available
- Begin Chapter 18 code revisions

Table 2-3: Weed Definitions

Municipality	Weed Definition	Weed Height
Los Alamos County	Weeds shall be defined as all grasses, annual <u>plants</u> and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	18 inches
Globe, AZ	Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as a noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable, and any other similar species or subspecies of weeds or grass of any kind.	10 inches
Alamogordo, NM	Weeds shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants: <u>Pigweed (Amaranthus retroflexus), Russian Thistle (Salsola pestifer), Ragweeds (Ambrosia spp.), Lambsquarter (Kenopodium spp.), and Kochia.</u>	6 inches
Golden, CO	Weed means any undesirable plant or part thereof which has been declared a "noxious weed" by either the State of Colorado or the noxious weed local advisory board.	8 inches for turf grasses and weeds
Bullhead, AZ	Weeds means any vegetation, which is, or is liable to be, detrimental, <u>destructive</u> or unsightly and difficult to control or eradicate. Without limiting the foregoing, the term "weeds" include <u>any and all</u> weeds that have been determined to be a noxious weed in accordance with Arizona Revised Statute Section 3-2101 and the rules and regulations promulgated thereunder.	None
2021 IPMC	Weeds shall be defined as all grasses, annual <u>plants</u> and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	Height limits to be established by jurisdictions

Weed Regulations for Natural Landscapes

Community	Regulation
Golden, CO	Turf grasses and other weeds are limited to 8 inches in height anywhere. Other grasses and herbaceous plants are prohibited to be over eight inches tall within ten feet of any building on an adjacent property.
Rochester, MN	Naturalistic landscape permit allows grasses that exceed 12 in in height
Minneapolis MN	Allows managed natural landscapes, provided they do not include noxious weeds and do not include unintended vegetation. Does not include turf-grass lawns left unattended for the purpose of returning to a natural state.
Highland Park, IL	<p>Distinguishes between nuisance weeds, lawn turf grasses, and native plants with species lists. Setbacks established for native plants. Native plant definition :</p> <p><i>Any plant, including nuisance weeds and lawn turf grasses, that is:</i></p> <ol style="list-style-type: none"><i>I. Designated in Plants of the Chicago Region, as native, original, or indigenous to the greater Chicagoland area; and</i><i>II. Grown and maintained to enhance the beneficial and natural functions that are lost through the cultivation of lawn turf grasses, trees, shrubs, ferns, bushes, flowers, or gardens.</i>

Separate Weed Regulations for Rural or Agricultural Areas

Community	Regulation
Hillsborough County, FL	Agricultural properties where the vegetative growth supports the agricultural use on the property and lands protected by local, state, or federal law are exempt from the requirement that any weeds, grass, or underbrush not exceed ten inches.
Richland, WA	Parcels larger than 1 acre may comply by establishing a 20 ft wide firebreak within which all weeds and vegetation, except established trees, shall not exceed 12 inches in height. Public parklands, natural areas, environmentally sensitive areas, agricultural lands and large undeveloped parcels of land not adjacent to developed areas are exempt from all weed and vegetation overgrowth standards.
Bullhead City, AZ	Weed regulations do not apply to undeveloped parcels, parcels maintained in their natural vegetative state, and parcels located more than 30 feet from any structure or development.

Nuisance Definitions

Community	Regulation
Golden, CO	Anything that endangers the health, safety and welfare of the community, anything that violates the City ordinances or state statutes, and anything that pollutes or contaminates waterways. While not included in the formal nuisance definition, Golden does have standards that prohibit the deterioration of a property so that the value of surrounding properties is impaired.
Globe, AZ	Property Maintenance and Public Nuisances section of the code focuses on unsafe conditions that threaten public health, safety, and welfare. The code also declares the following as nuisances: unsafe conditions, unsafe buildings, unsanitary conditions, dilapidated structures, abandoned or junk vehicles, and litter.
Alamogordo, NM	A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: (1) Injurious to public health, safety, morals or welfare; or (2) Interferes with the exercise and enjoyment of public rights, including the right to use public or private property
2021 International Property Maintenance Doe	Does not include a formal definition of the word nuisance. The standards are intended to adequately protect public health safety and welfare without unnecessarily increasing construction costs nor giving preferential treatment to particular types or classes of material, products, or methods of construction.