



# LOS ALAMOS COUNTY CHAPTER 18 NUISANCE CODE UPDATE

CDAB Presentation 11.15.2021



# 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 7 Topics Addressed in Nuisance Regulations					
Topics	Globe, AZ	Alamogordo, NM	Golden, CO	Los Alamos County	IMPC
General Property Maintenance	X		X	X	X
Unsanitary conditions	X	X	X	X	X
Weeds	X	x	X	X	X
Plant overgrowth obstructing sidewalks or roads		X	X	X	X
Brush piles				X	
Unsecured or unmaintained pools	X		X	X	X
Graffiti	x	X		Addressed in Section 28-144	X
Dangerous or substandard structures	X	X	X	X	X
Accessory structure deterioration			X	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	Addressed in Section 16-281	X
Inappropriate storage of items such as interior furniture or appliances outdoors				X	
Outdoor furniture				X	
Refuse and rubbish/ Litter	X	X	X	X	X
Fences and walls in disrepair	X			X	X
Rodent harborage	X			X	X
Hazardous trees or limbs		X	X	X	
Geologic Hazard aggravation			X		
Waterway Pollution			X		
Grading and Drainage					X
Exhaust Vents				X	X
An X in a cell indicates that the code in question regulates the indicated topic.					



# 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

Table 2-5: Precedent Communities Hybrid Approach Overview				
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, Partnerships, 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

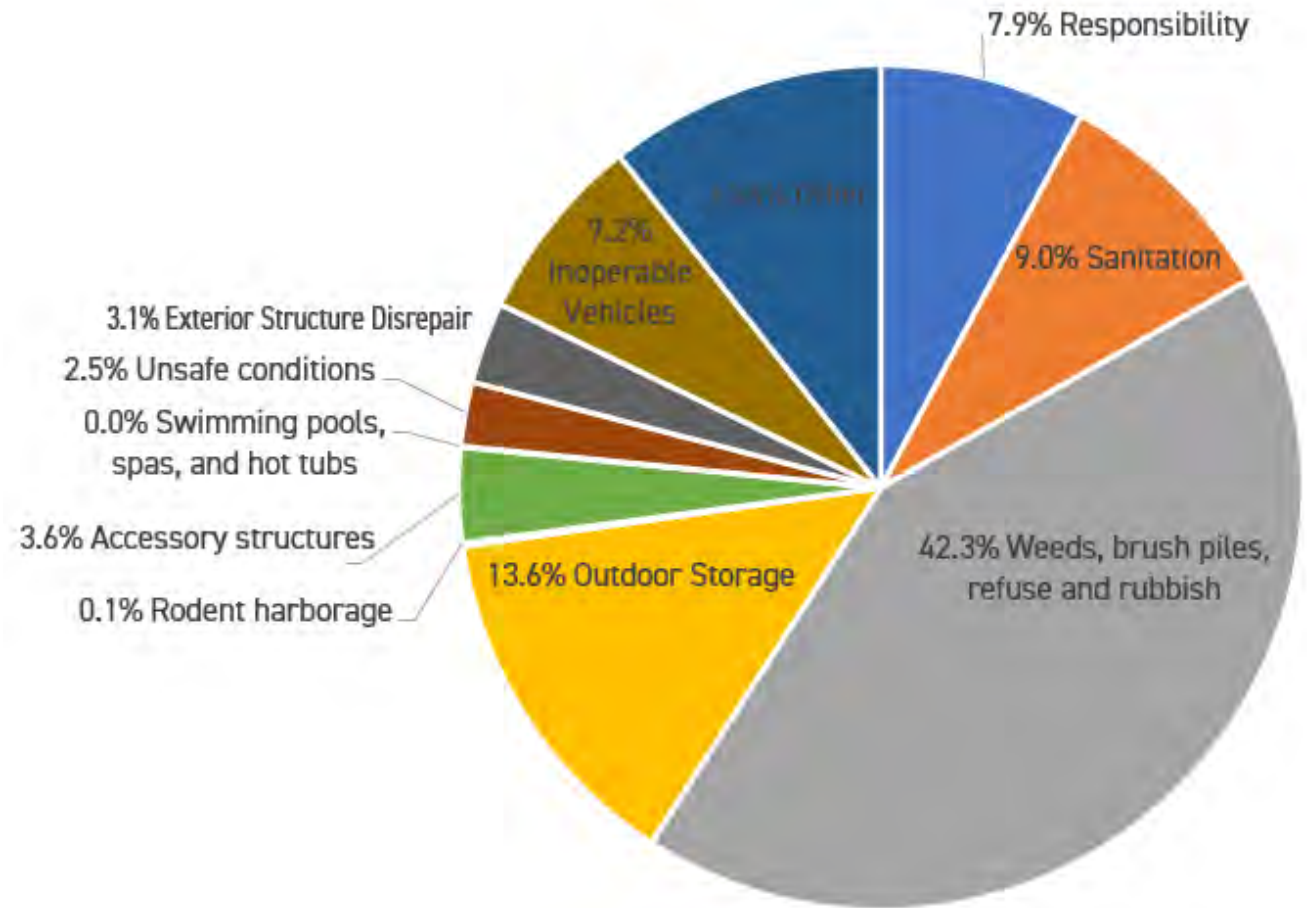
- Tents
- Temporary storage containers





# Code Enforcement Data Summary

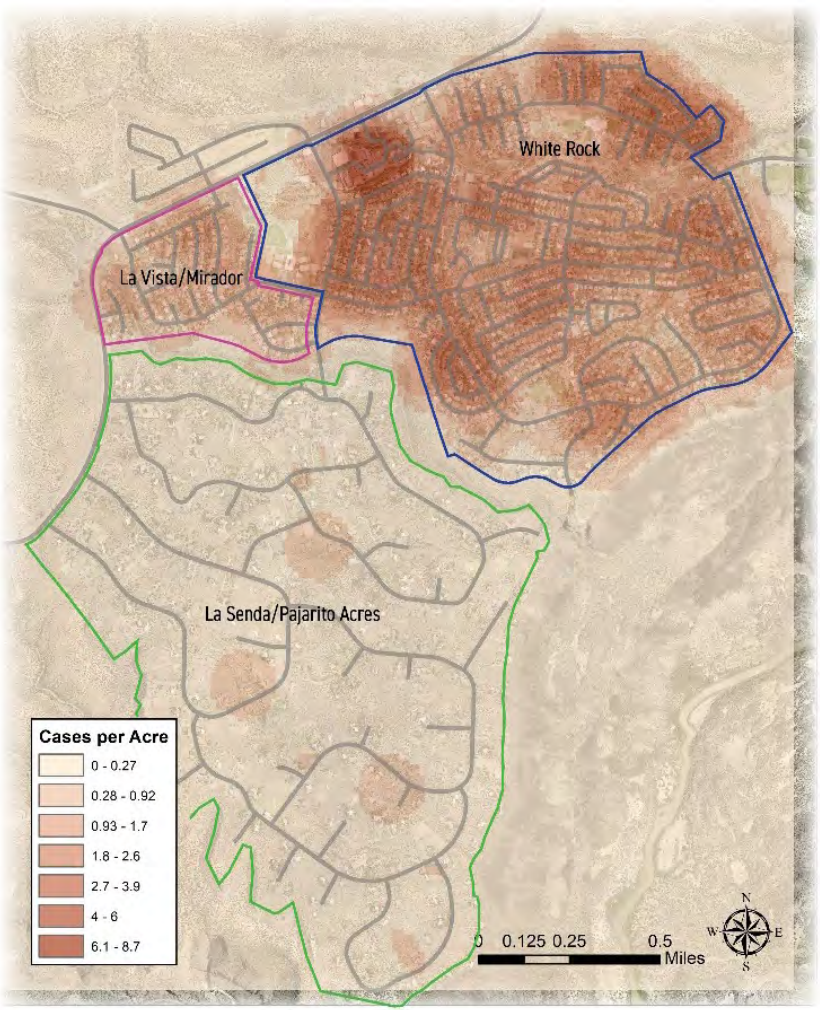
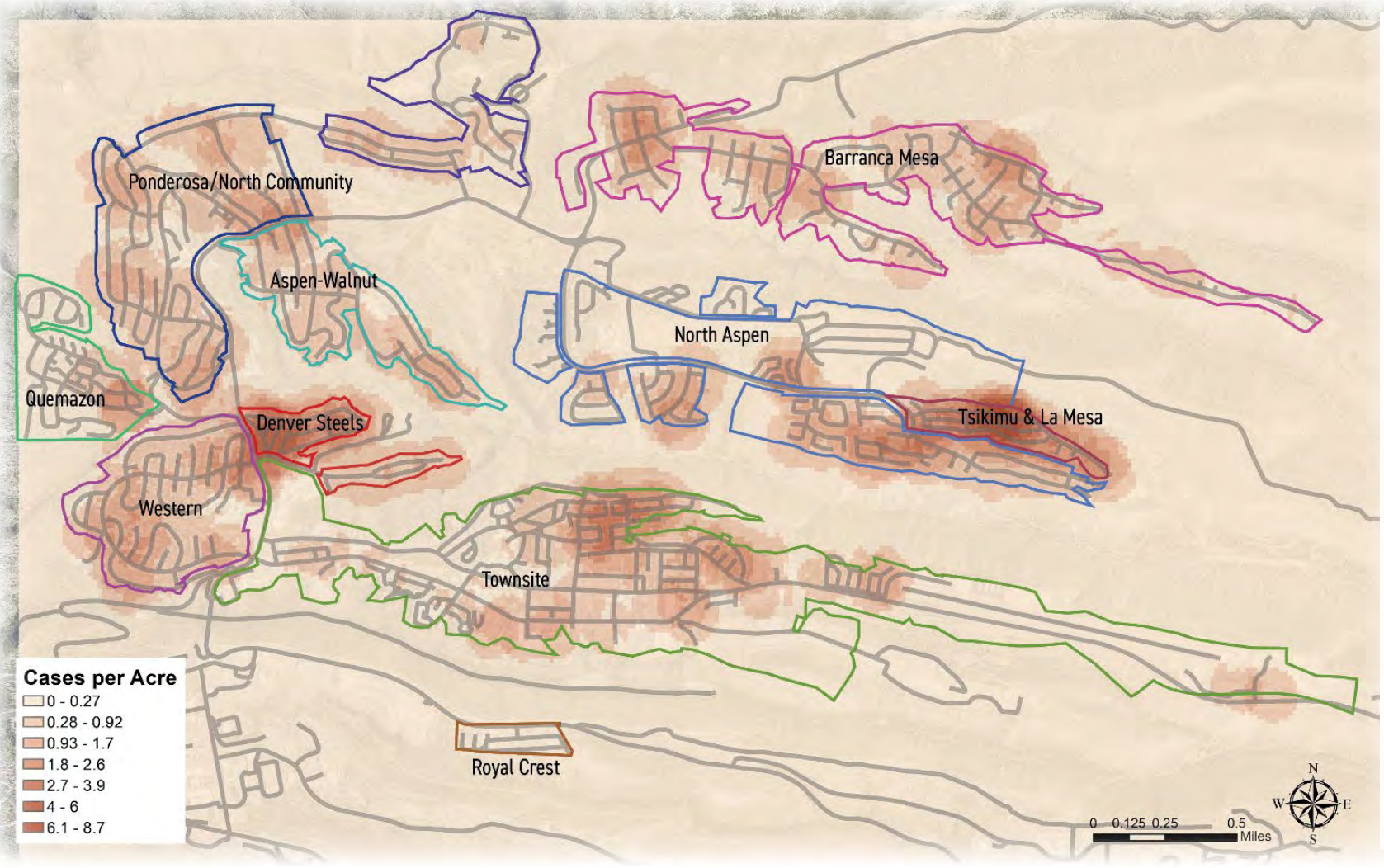
- 5,303 code enforcement cases from January 2016 to September 2021
- 5,136 nuisance cases
- 167 cases for unpermitted construction, unhitched trailers, etc.







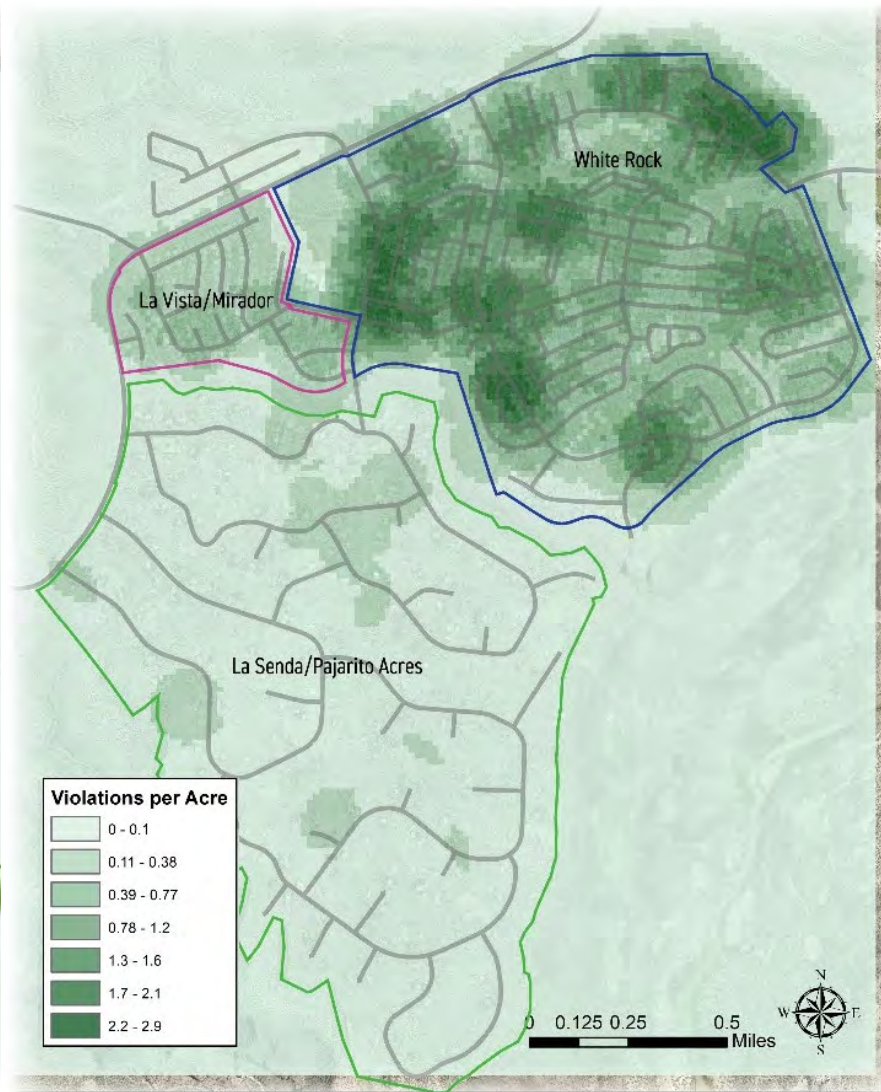
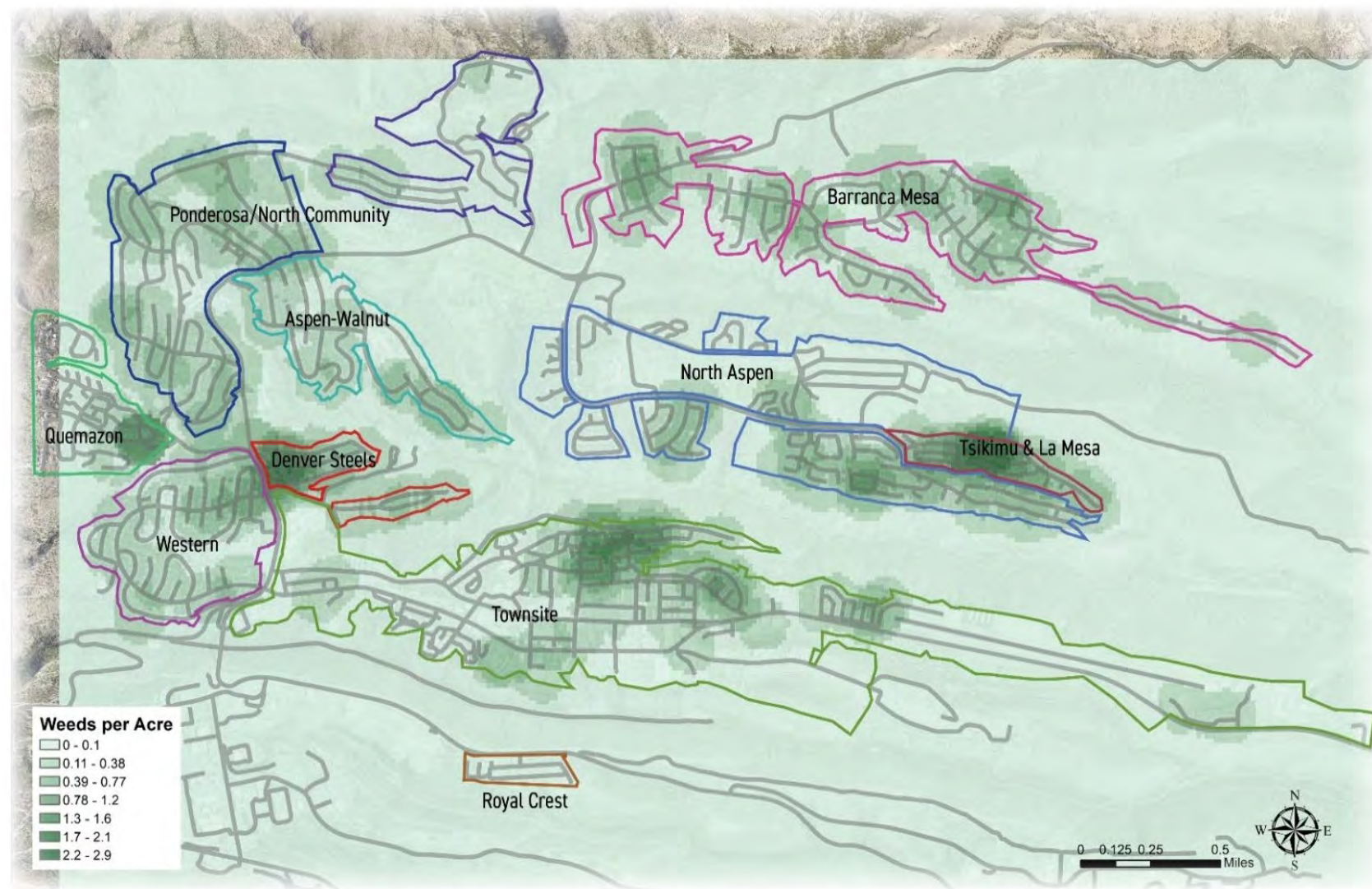
# Nuisance Cases by Community







# 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.
- Informed by CDAB guidance and public input





# Key Observations for Improvement

## 2. Prioritize and Classify Nuisances

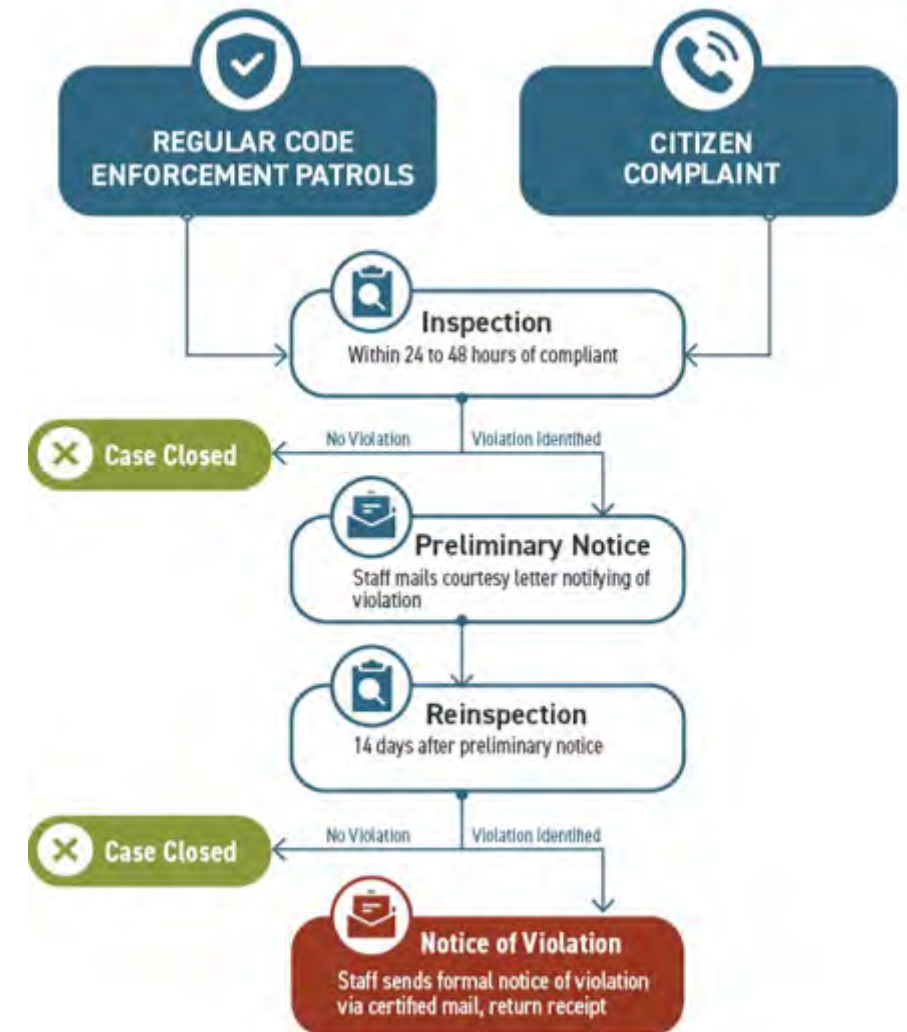
- Classify based on urgency and threat to public health and safety, and threat to the environment.
- Priority I cases are top priority imminent health and safety hazards such as dangerous or unstable structures, inadequate barriers for swimming pools or spas, leaking sewage, live exposed electrical wires, 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

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

- System of regular controls along with enforcement based on community complaints







# 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 New Content as applicable

- Temporary storage containers and structures





# 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.





# Key Observations for Improvement

## **6. Clarify Administration and Procedures**

- Administrative processes for inspections and notifications
- Establish exact timeframes for compliance
- Penalties for violations



# Proposed Code Structure

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# Public Survey Update

- Survey open - Nov 12 to Dec 17
  - Statistical Survey, mailed invitations to 5,400 households
  - County-wide Survey, online through webpage
- Results available end of January







Project Website: <https://lacchp18update.org/>

## Chapter 18 Update



## Chapter 18 Nuisance Code Update

Coming Soon:

**Technical Code Update: Early November**

**Community Survey: Mid-November**

The Chapter 18 Update will revise Los Alamos Code of Ordinance Chapter 18 Environment Article II Nuisances. This section addresses weeds, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare occurring on private property.

It is enforced by the Los Alamos County Code Enforcement Division within the Community Development Department. The Chapter 18 Code Update began in summer 2021 and will be completed Spring 2022. The process will be guided by County staff, a steering committee, public input, and members of the Los Alamos County Community Development Advisory Board (CDAB).

# Discussion





# Next Steps

- Public release of initial draft of Technical Code Review Report – November 2021
- Survey
- Finalize Technical Code Review to incorporate survey findings when available – likely early 2022
- Chapter 18 code revisions – early 2022