

To: Members of the Planning Commission
From: Alexandra White, Community Development Director
Date: May 21, 2020

Re: Proposed Nuisance Ordinance

Synopsis:

With the onset of Social Distancing, Staff has experienced a marked increase in calls to Code Enforcement complaining of Nuisance properties and businesses. Staff has also experienced a disturbing trend in which increasingly, contractors are abandoning their red-tagged projects, only to leave their non-complying work for an unsuspecting buyer. Our inspectors have requested the Legal Department to draft a better, more expediated, notice of non-compliance process and enforcement system that will assist them in protecting (especially) residential homebuyers.

The purpose of the proposed Nuisance ordinance is to accommodate Staff's request as well as to streamline, clarify, and consolidate many of the City's nuisance and code violation provisions. The ordinance addresses several distinct issues:

1. It consolidates into Title 8 Nuisance provisions that area currently interspersed throughout four different chapters in the Code.
2. Nuisance provisions have been extended to apply to all properties—vacant, business, or otherwise—whereas, previously, only active businesses were subject to most City enforcement provisions.
3. It brings the remaining provisions of Title 8 up to speed with our current drafting standards:
 - a. Definitions are consolidated at the beginning of the Title, for ease of reference;
 - b. Responsible City departments and/or employees are referenced as appropriate;
 - c. Notice standards were harmonized and clarified;
 - d. Historical provisions that concern matters outside the City's jurisdiction were removed (e.g. health department regulatory concerns, such as milk quality);
 - e. Orphan provisions were reconsolidated from other Titles/Chapters of the Code, to the extent such consolidation was conducive to the scope of this ordinance project;
 - f. The building code violation enforcement process has been expedited to protect end-purchasers by preventing violating builders from

circumventing the red-tag process by selling a project before administrative efforts can take effect;

- g. The nuisance mediation process has been made clearer;
- h. The Title has been refined with the objective of increasing user-friendliness, readability, and clarity of Staff authority and responsibilities; and

The City Council is the land use authority on all ordinance amendments.

General Plan Considerations:

Goal CV-6: Develop an effective and pro-active code enforcement program that will address issues in a timely manner.

Goal ES-3: Enhance the quality of life in South Salt Lake by improving the community's appearance, safety, education, positive outlook, gathering places and positive momentum.

Goal HE-6: Improve the quality, appearance and maintenance of existing multi-family housing.

Goal LU-1: Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Goal LU-6: Adopt programs that enhance neighborhoods and keep residential streets clean and attractive.

Goal LU-10: Enhance the street appearance in business and commercial areas.

Staff Analysis:

As part of ongoing efforts by Staff to improve the City Code, the draft ordinance would resolve a number of identified deficiencies in current Code provisions. Correcting these deficiencies will benefit the City's population because nuisances, by their very nature, offend the welfare of the public. By ensuring that the City's nuisance and code enforcement regulations are clear and appropriate, the City will be able to more effectively apply their provisions and protect its residents from nuisances and code violations. The Consolidated Fee Schedule will also be updated to better reflect the current actual costs of administrating those provisions impacted by this ordinance. Staff supports a Planning Commission recommend of this ordinance for approval by the City Council.

Request, Staff Recommendation, and Planning Commission Recommendation:

Staff requests a positive Planning Commission recommendation.