



To: Members of the Planning and Zoning Commission

Date: August 20, 2020

Initiated By: Jennifer M. Rauch, AICP, Planning Director
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Re: Property Maintenance and Nuisance Code

Summary

The Planning and Zoning Commission and the Architectural Review Board conducted a joint meeting on June 4, 2020 to discuss property maintenance and nuisance abatement regulations. The purpose of the meeting was to discuss our current regulations and using a case study, determine how the regulations address issues with properties that have enforcement issues. The meeting was also to discuss other potential options for addressing property maintenance issues including implementing registration requirements or requiring bonding requirements. The meeting concluded with several discussion topics that focused on what changes should be made, if any, to properly address property maintenance in the City of Dublin. Staff has prepared a set of draft regulations in response to this discussion.

Current Compliance Rates and Successful Enforcement

The City of Dublin's Codified Ordinances has several sections that address property maintenance and nuisance abatement. These regulations have been adopted to ensure that all properties, both residential and commercial, are properly maintained in a safe, sanitary, and orderly condition and to ensure the regulations are enforceable. Code Sections 150.230-150.231 address property maintenance and references the 2018 International Property Maintenance Code, which was recently updated by City Council on April 13, 2020. The International Property Maintenance Code is dedicated to the health, safety & welfare of occupants of occupied, not vacant structures. Zoning Code Section 153.076 addresses public nuisance, particularly as it relates to vacant or abandoned structures with a focus on the aesthetics in addition to the public health, safety & welfare.

As part of the discussion that was held between the Planning and Zoning Commission and the Architectural Review Board, Planning staff acknowledged that we have a significantly high rate of compliance utilizing our current regulations without legal actions of the Mayor's Court or the Franklin County Environmental Courts. Staff stated that our compliance rate is 98%. Legal added that the few cases that are referred to their offices, compliance was achieved by notifying the property owners of our intent to pursue legal action opposed to filing a formal case in the court system. All of these efforts highlight the fact that our primary objective is achieve compliance opposed to punitive measures. As part of this discussion, Planning offered to present several more successful cases that highlight these efforts.

One successful enforcement case highlights the importance of working with property owners to achieve compliance. A resident in the City of Dublin was notified that their property had several property maintenance issues, which included damaged gutters, missing siding and trim along a

window, and overgrown vegetation that was impacting their overall drainage system. The resident was elderly and requested assistance from the City to communicate the repair issues to a contractor. Our enforcement staff provided a list of needed repairs and provided some additional latitude for compliance due to winter weather conditions. All property maintenance issues were resolved and the property remains in compliance to date.

Another enforcement case that highlights the importance of establishing compliance, without further legal action, is a case that dealt with multiple issues including property maintenance and inadequate living conditions. A compliant was issued for a resident that had an accumulation of debris in their yard and a house that did not have running water. A Code Enforcement Officer conducted an inspection and determined the water main was turned off. The Code Enforcement Officer's actions resulted in the correction of the issue and the resident was permitted to remain in the house and have adequate sanitary conditions. The Code Enforcement Officer also encouraged the homeowner to contact the Dublin Outreach and Engagement Program to assist the property owner with removing the debris. Volunteers assisted the homeowner in removing the violations and the homeowner is enrolled in their yearly maintenance program to ensure continued compliance for the property. Both of these cases involved successful endeavors of our Code Enforcement team to achieve compliance and maintain the high standards of our community.

Zoning Code Modifications

At the June 4, 2020 joint meeting, the Planning and Zoning Commission and the Architectural Review Board concluded that they would like Planning to present a code modification that addresses several outstanding issues with the current Code. That request included a more definitive enforcement process that specifies escalating enforcement procedures, a definition for vacant properties, and additional regulations for securing residential and commercial properties.

Planning since met with Legal to discuss our enforcement process and discuss how this process is addressed. Legal stated that several years ago the City discussed options for outlining procedural requirements for enforcement cases and intentionally elected to adopt an Administrative Order that outline this procedures. The Administrative Order is AO 8.5 and was adopted in August 2016. The Administrative Order contains specific action steps for the issuance, inspection and corrections of enforcement cases. All Administrative Orders are enforceable and Legal explained that the creation of the AO, opposed to adopting enforcement procedures in the Zoning Code, was intentional to allow for flexibility based on the complexity and extenuating circumstances of a case. Legal has stated that they prefer to continue this administration of the enforcement process in an Administrative Order and will be prepared to discuss this further at the August 20, 2020 meeting.

Planning has drafted additional code language to Section 153.076 of our Nuisance Code to address vacant properties and additional regulations for securing buildings. The proposed draft language includes additional definitions for vacant structures and secured. It also includes a new section that addresses the intent of regulating vacant properties, detailed requirements for securing properties, and maintenance requirements for vacant structures. These maintenance requirements include roofs, drainage systems, structures, walls, decorative fixtures, overhangs, chimneys, walkways, accessory structures and premises. This draft code language was compiled based on other communities and examples provided by the Planning and Zoning Commission.

Recommendations

Planning is requesting review and informal feedback of Section 153.076.