



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: February 4, 2025

Subject: O-4-25: City Citation Process and Appeals to the Building Board of Appeals

Purpose of legislation

The purpose of this legislation is to clarify the City's citation process; explain the Building Board of Appeals review process; consolidate the many references to this Board into Title 2 of the City Code; update the Building Board of Appeals procedures for filing and reviewing appeals; and generally address the references to the Building Board of Appeals in the Code.

Impact of legislation on operations

City Code empowers the Building Board of Appeals to hear appeals of administrative decisions made by multiple City departments. Cases, however, are most typically related to the building code and building code enforcement through the Department of Planning and Zoning, and they are actually quite rare. In 2021, there were three cases. In 2022 and 2023, there was one each year. In 2024 there were two.

The Bill adds a section to Code that allows a person aggrieved by a director's administrative decision the option to petition for a reconsideration. Should the director receive such a request, the director would conduct a hearing within 30 days. This would impact operations, but may lead to resolving cases, eliminating the need and expense of a Board hearing. Appeals could still be filed directly to the Building Board of Appeals or filed in response to the final decision following the director's reconsideration. Because appeals are so infrequent however, these changes, on balance, are not anticipated to be impactful to operations.

This Bill also addresses the citation process. It clarifies that a notice of violation (NOV) is just a warning and thus is not appealable. It also makes it explicit that a citation may be issued upon determining that a violation exists, without first issuing an NOV. These clarifying text amendments should streamline enforcement and assist staff in their duties.

Prepared by Christopher Jakubiak, City Planning Director and Victoria Buckland, Assistant City Manager