

**RESOLUTION NO. 57 – 2021**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**UPDATING THE PRIORITIES FOR CODE ENFORCEMENT IMPLEMENTATION**

**WHEREAS**, the City of East Palo Alto Building Division (“Building Division”) of the Community and Economic Development Department (“CEDD”) is responsible for implementing and enforcing laws, codes and regulations that maintain public health and safety; and

**WHEREAS**, the Building Division, through its code enforcement officers, enforces the East Palo Alto Municipal Code, Zoning Code, and the State Health and Safety Codes including, but not limited to, the California Building Code (Title 24), and Substandard Buildings and Unpermitted Occupancies (Title 25); and

**WHEREAS**, the City Council's Adopted Priority Areas include: Priority #3 to "Increase Organizational Effectiveness and Efficiency" and Priority #6 to "Create a Healthy and Safe Community;" and

**WHEREAS**, the City Council allocates funding and staffing to implement a code enforcement program to assure compliance with City and State building, and zoning regulations, provide for a healthy and safe community, and to reduce blight throughout the City; and

**WHEREAS**, on April 21, 2015, the City Council adopted Resolution No. 4610 establishing “Priorities for Code Enforcement” to guide the allocation of staff and other resources to most efficiently carry out code enforcement activities in the City; and

**WHEREAS**, at the March 16, 2021 City Council meeting, the City Council considered programmatic updates to the City’s existing Code Enforcement program and Resolution No. 4610; and

**WHEREAS**, after deliberation, the City Council directed City staff to return with a revised “Priorities for Code Enforcement” that imposes a limit on anonymous code enforcement complaints for Priority Two (Medium) and Priority Three (Low) Tier complaints; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Rescinds Resolution No. 4610; and
2. Adopts the attached revised “Priorities for Code Enforcement,” as set forth in Exhibit A, attached hereto and incorporated herein by this reference, to guide the allocation of staff and other resources to most efficiently carry out code enforcement activities in the City.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of April 2021, by the following vote:

**AYES:** Abrica, Gauthier, López, and Romero

**NOES:** Wallace-Jones

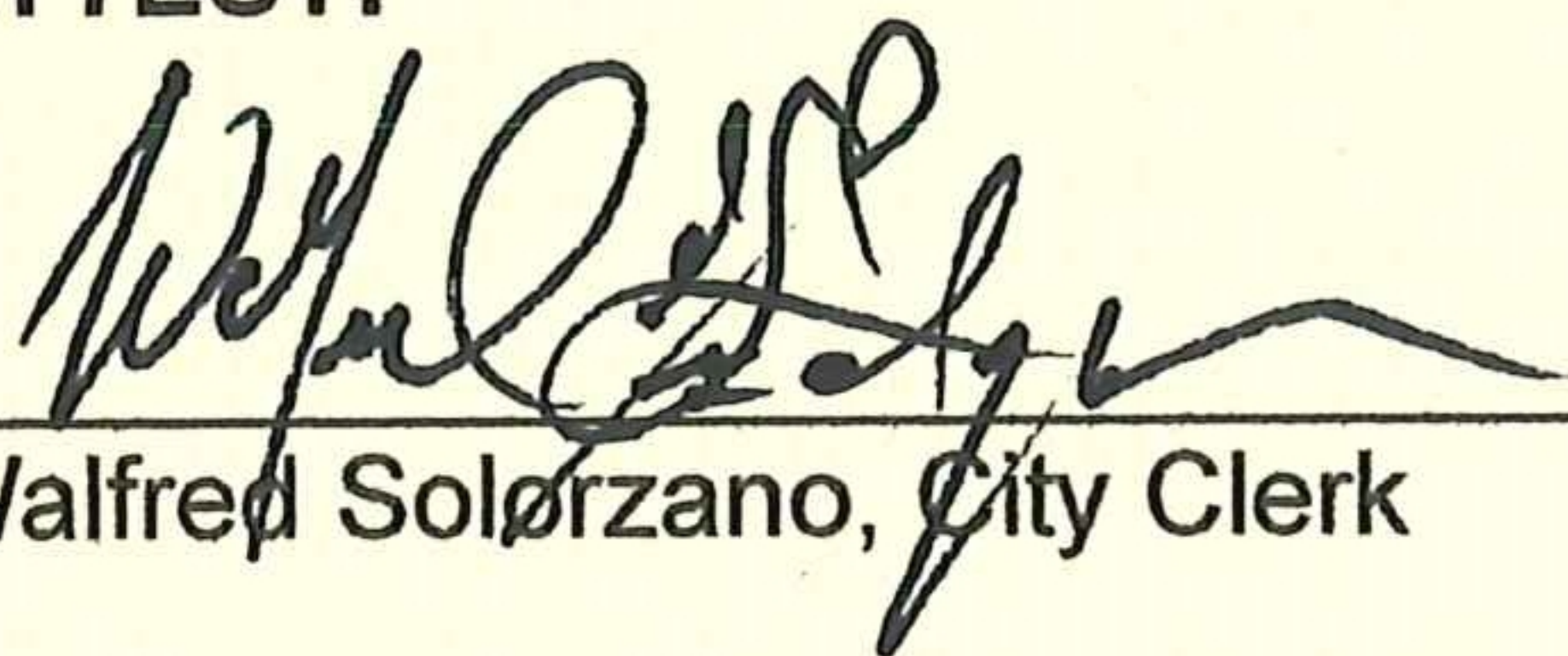
**ABSENT:**

**ABSTAIN:**

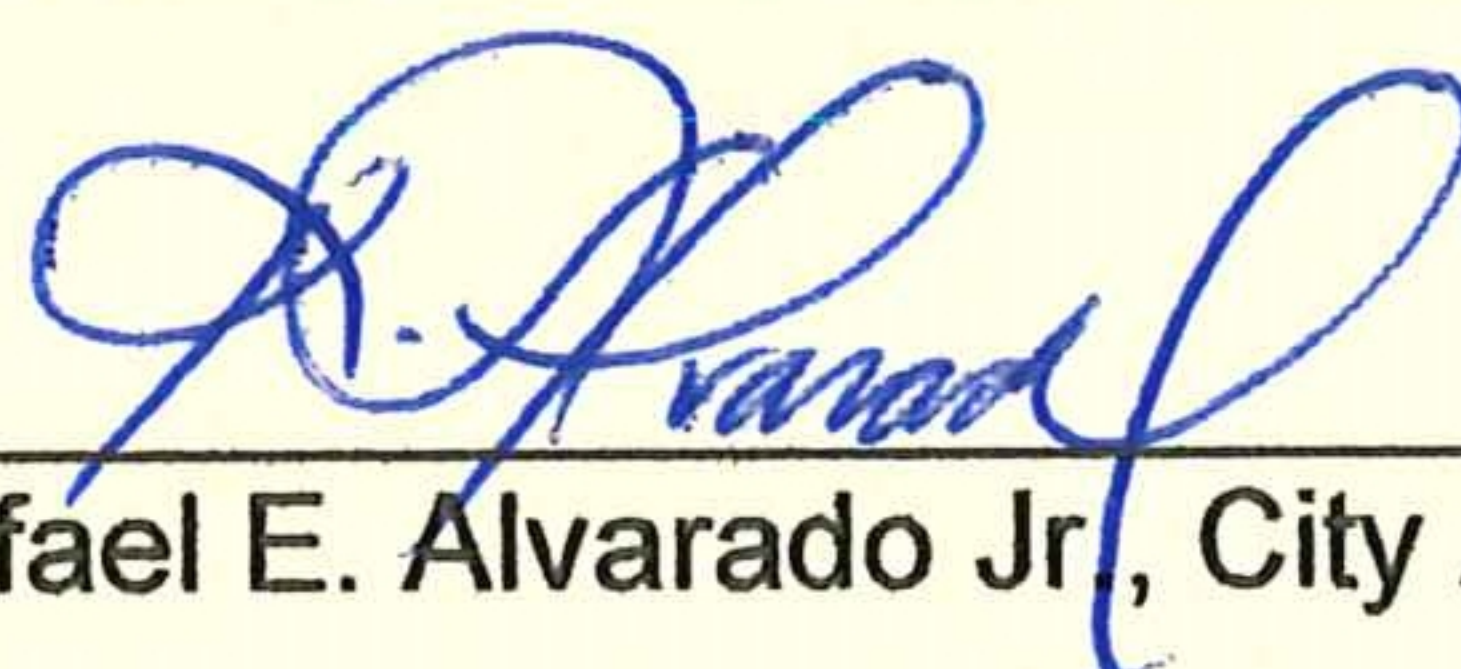


\_\_\_\_\_  
Carlos Romero, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Walfred Solórzano, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Rafael E. Alvarado Jr, City Attorney

## Exhibit A

### PRIORITIES FOR CODE ENFORCEMENT

***Priority One: Imminent/Immediate threat to health, safety, or environmental resources.***

Priority One violations are those actions which require immediate attention to address a significant threat or threats to public health and safety or to environmental resources. Examples of such violations include but are not limited to:

- Housing conditions where faulty structural, electrical systems, gas fuel systems, and/or lack of sanitary facilities and other violations of the California Health and Safety Code and/or Title 8 of the East Palo Alto Municipal Code, or violations of conditions of approval, such as noise or traffic mitigations, specifically designed to protect the public exist and pose an immediate threat to public health, welfare or safety.
- Significant environmental issues including, but not limited to, dumping of hazardous materials, alteration of Baylands and/or San Francisquito Creek, removal of significant vegetation, and grading in environmentally sensitive areas.

Response Time: Staff will respond within 1 business day after a complaint is received.

***Priority Two: Potential threat to health, safety, or environmental resources.***

Priority Two violations are those actions that have the potential to cause damage to the public health and safety or to the environment:

- Violations in this category are essentially the same as Priority One, except that the potential for damage does not pose an immediate threat to public health, welfare or safety.
- Generally this means that property owners may implement immediate repairs and/or mitigation measures that reduce the immediate threat.
- Failure to fully address the potential threats will often result in the enforcement action escalating to a Priority One case.

The City shall not accept anonymous complaints for Priority Two matters. Furthermore, the City shall not accept any more than five complaints at a time from one individual complainant for Priority Two matters.

Response Time: Staff will attempt to respond to Priority Two issues initially within 3-5 business days after a complaint is received.

***Priority Three: Technical code violations.***

Priority Three violations are those violations that do not pose an imminent or potential threat to the public health or safety or the environment, but which may, if not abated, compromise the welfare of the community and reduce the quality of life for residents and businesses:

- Violations in this category include activities which are violations of various municipal and zoning codes, but pose no near-term threat to the public health and safety or the environment.
- Violations might include illegally parked vehicles, debris accumulation on properties, sign code violations and various other zoning code violations.
- If Priority Three violations are noted in conjunction with Priority One or Two cases, compliance efforts will include Priority Three issues as well.

The City shall not accept anonymous complaints for Priority Three matters. Furthermore, the City shall not accept any more than five complaints at a time from one individual complainant for Priority Three matters.

Response Time: Staff will address Priority Three issues as time allows and circumstances demand when complaints are received. Staff may, however, in coordination with other partners and the community, choose to emphasize enforcement on a certain issue (e.g., neighborhood parking, setback violation).

### ***Implementation and Methods of Enforcement***

Establishment of these Priorities for Code Enforcement shall not be construed as a waiver or limitation on the City's ability to pursue any and all violations of building, fire, and zoning codes to the full extent allowed by law.

City code enforcement officers may use a variety of methods to gain compliance from property owners, tenants, business owners and others with the East Palo Alto Municipal Code and state law. Potential code enforcement actions include, but are not limited to, working cooperatively with applicants/owner to obtain voluntary compliance, requiring appropriate permits be obtained, withholding, suspending to revoking City issued permits, levying fines and fees, recordation of notices of violation, issuing criminal complaints, taking abatement actions to remove or correct violations, initiating civil lawsuits (e.g., injunctions, placing a property into receivership), and other remedies as permitted by law.