



**AGENDA
CITY OF BELTON, MISSOURI
CODE ENFORCEMENT ADVISORY COMMITTEE
THURSDAY, SEPTEMBER 21, 2023 - 6:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. REVIEW OF FEBRUARY 23, 2023 MEETING MINUTES**
- IV. REVIEW OF MAY 25, 2023 MEETING MINUTES**
- V. DISCUSSION ITEMS**
 - A.** Code Enforcement processes and procedures
 - B.** Neighborhood Improvement transition
 - C.** Meeting schedule
- VI. NEXT MEETING DATE: Thursday, November 16, 2023**
- VII. ADJOURNMENT**

A quorum of the City Council may be in attendance; however, no City Council votes will be taken.

**Minutes of Meeting
Code Enforcement Advisory Committee
City Hall Annex, 520 Main Street
February 23, 2023**

CALL TO ORDER

Matt Wright called the meeting to order at 6:01 P.M.

ATTENDANCE

Committee: Councilmember Rob Powell, Dennis Hull, Steve Hackett, Dawn Thomas, Wanda Thompson, Rosemary Howard, Keith Richardson, Robert Miller, and Kerry White

Absent: None

Staff: Matt Wright, Planning and Building Director; Madison Smith, Development Technician; Demetrius Ramirez, Chief Building Official; and Carol Lee, Code Enforcement Secretary

DISCUSSION ITEMS

- A.** Review and approval of Minutes from the November 10, 2022, Code Enforcement Advisory Committee Meeting

Rosemary Howard made a motion to approve the minutes from the November 10, 2022, Code Enforcement Advisory Committee Meeting. The motion was seconded by Robert Miller. All members present voted in favor and the motion carried.

- B.** Review of proposed Rental Inspection Program. After review and discussion, the Committee may make a motion and vote on a recommendation to the Planning Commission and City Council on the proposed program. (Please note that while this meeting is open to the public, the Committee will not hold a public hearing or take any public comments. Opportunity for public comment will be held at a future Planning Commission meeting and will be noticed in advance).

Included in the agenda packet was a staff memo that provided a summary of the proposed Rental Inspection Program. Mr. Wright provided a summary of the memo, which included a summary of the community survey responses, and the main concerns that were shared at the community meeting held on January 19, 2023. Based on community feedback, several revisions were made to the original proposed Rental Inspection Program that was posted in December 2022 which was built off of the proposed program from 2019. Staff believes that these revisions address the most significant concerns expressed by both landlords and tenants.

There was a lot of discussion amongst the Committee members regarding the proposed program. The following is a summary of the questions and concerns that were shared:

- How staff will know that properties are vacant in order to complete an inspection
- How to properly check the utilities during vacancy and disconnections
- Properties not being safe, but not having vacancies for staff to be able to inspect
- Adding a stipulation that would require a property to be inspected every 3 years even if it does not have a vacancy

- Reducing the inspection requirements on new construction units from 5 years of age to 3 years of age
- Adding a structural check to the list of inspected items
- Ensuring all landlords have a Business License
- Creating incentives to keep properties up, or adding consequences for failed inspections
- How the inspection process would work for government housing (ie: Section 8, HUD, etc.)
- Adding mold back to the inspection list
- The hiring of an additional inspector
- Landlord refusal of inspections
- Adding resources and providing information to low-income residents to aid in landlord vs. tenant disputes

Staff explained that during the licensing process, the landlord will be required to notify staff of vacancies. Staff will also monitor the utility changes, such as water and electricity service changes. Typically when a tenant moves out, the landlord wants to get a new tenant in there as quickly as possible so usually the utilities just change hands and do not actually get disconnected, but if a landlord does disconnect utilities during vacancy, they will be required to turn those back in prior to the inspection. If the utilities are not on during an inspection, it will result in a failed inspection, and a re-inspection will be required within 14 days. Staff does agree that long term tenants can create issues since staff would be unable to get in to do an inspection, however, if there are identifiable items located on the exterior of the property, then those items could be addressed through the Property Maintenance/Code Enforcement process. Staff is always willing to do an inspection, but they make it very clear to the person calling that if life safety or unsanitary conditions are found, then that person would have to temporarily leave until the problems are rectified. Staff is also willing to assist by providing information on available resources.

Kerry White expressed interest in adding a stipulation to the program that would require properties to be inspected every 3 years, even if there was not a change in tenants or a vacancy. Staff did explain that it would require some additional tracking in order to maintain proper inspections, but that it is an option that can be explored. The primary reason occupied inspections were removed from the original proposal was due to numerous privacy concerns that were expressed.

Staff explained that if they were to come across something that questioned the structural integrity of a structure, it would be written down and brought up to the landlord or property manager. Structural issues would fall under the “Dangerous Structures” category of the Code, and that there is a standard process to notify and rectify those types of situations.

There is no way of knowing for certain if all landlords with properties in Belton have a business license, but staff does proactively check. If it is found that someone is not in compliance with the licensing requirement, then they would be notified and proper steps would take place to get them in to compliance.

There would not be an incentive to pass inspection every time and never have any issues. The incentive would fall more under a cost perspective. There is a minimal fee up front for the first inspection, but then additional fees would be assessed for any re-inspection(s) that are needed. Those fees would have to be paid in full before any inspection takes place. If a unit fails inspection, the landlord or property manager would be required to fix the issues and pass re-inspection before they could have a new tenant move in.

Staff is still working out details on how to address inspections for state/federal housing but does believe that as long as a valid inspection report identifying that the same items were checked as what is required on the City's checklist, then the inspection would be approved and an additional inspection would not be required. Staff would have to ensure that the inspection report is current.

City inspectors are not certified mold experts and cannot identify mold, and do not have the means to sample or test mold which is why that item was removed. If mold is found in a unit, the tenant is encouraged to notify their landlord or property manager. There are also ways to clean mold by using chemicals and cleaning agents that can be purchased at any local home improvement store. Additionally, the inspectors are not trained exterminators, and they are not trained/certified professionals in those areas to be able to make calls on those items. The items that are listed on the inspection checklist are specifically related to building code issues. Mold and rodent infestation would not fall under the building code.

City staff's goal, if the program is approved, is to get it off the ground and see how it progresses throughout the first few months. Staff would like to use the resources we currently have. Hiring an additional inspector is not necessary at this time, but is something that would consistently be evaluated.

In previous experience, there is not much pushback from landlords refusing inspections. However, when a landlord signs and receives a landlord business license, they are agreeing to comply with all of the provisions. Refusal of inspections would create compliance issues, and could lead to revocation of their license, as well as municipal fines.

The Code Enforcement Advisory Committee is tasked with reviewing the program and providing any recommendations or feedback to staff to take to the Planning Commission and City Council.

Steve Hackett proposed that staff add a mandatory inspection on units every 5 years regardless of whether or not there is a change of tenant. The Committee would also like to propose that new construction units be inspected after 3 years instead of 5 years as originally proposed. Committee members were in agreement of these requested changes.

Wanda Thompson made a motion to approve the proposed Rental Inspection Program with the amendments discussed tonight and listed above. The motion was seconded by Dennis Hull.

When a vote was taken, the following was recorded:

Ayes: 8 – Kerry White, Wanda Thompson, Dennis Hull, Rosemary Howard, Steve Hackett, Dawn Thomas, Robert Miller, and Keith Richardson.

Noes: 0

Absent: 0

*Noted for the record: Councilmember Powell is a non-voting member of the Code Enforcement Advisory Committee.

The proposed program with the amendments made will go to the Planning Commission for a public hearing on March 21, 2023.

NEXT MEETING DATE: To Be Determined

- The next meeting date has not been determined yet. There will most likely be a meeting in May once staff has had the chance to move forward with the proposed Rental

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Inspection program. Going forward, meetings will be held on an “as needed” basis on Thursdays at 6 P.M.

ADJOURNMENT

Matt Wright adjourned the meeting at 7:13 P.M.

**Minutes of Meeting
Code Enforcement Advisory Committee
City Hall Annex, 520 Main Street
May 25, 2023**

CALL TO ORDER

Matt Wright called the meeting to order at 6:00 P.M.

ATTENDANCE

Committee: Councilmember Rob Powell, Dennis Hull, Dawn Thomas, Wanda Thompson, Rosemary Howard, Keith Richardson, Robert Miller, and Kerry White

Absent: Steve Hackett

Staff: Matt Wright, Planning and Building Director; Madison Rust, Development Technician; Demetrius Ramirez, Chief Building Official; and Carol Lee, Code Enforcement Secretary

DISCUSSION ITEMS

A. Review of landscaping maintenance for drainage and detention areas.

Mr. Wright, Planning & Building Director gave a summary on the history of the issue and showed examples of a couple areas around the City. A detailed memo was provided in the agenda packet.

There has been inconsistent maintenance of detention and drainage areas throughout the city. In some neighborhoods, detention areas are difficult to mow due to access and water retention. In other areas, property owners are responsible for maintaining drainage areas/easements on their properties, which may include steep slopes and other landscape features that are challenging and potentially hazardous to maintain.

The current code makes no exceptions for the maintenance of detention and drainage areas. Staff reviewed exceptions in other communities in the metro and found very few have exceptions, but did find the following:

- Olathe – makes exceptions for “waterways,” any areas protected by local, state, or federal regulations, natural or xeri-scaped areas approved by the Community Development Director or City Engineer, or their designee, provided those areas are kept free of all noxious weeds and best management practices are followed.
- Overland Park – makes exceptions for public parks, public golf courses, public natural preservation areas, public open space, public wildlife preservation areas, designated stream corridor areas, inaccessible public creek areas, and stormwater treatment facilities utilizing native vegetation; provided, however, where the City determines that any excessive growth of vegetation in such areas creates or enhances an identifiable health or safety problem. The Community Development Director, or their designee, may determine if a tract of land meets the above exceptions.

Staff would like input from the Committee on if they believe any changes should be made to the current code.

The Committee members expressed a lot of concerns over the safety of maintaining these areas due to the slopes. Some additional items that were discussed are:

- How to ensure erosion does not occur.
- Proposing to add more native or natural landscaping.
- Letting the areas be natural.
- Adding a buffer to the top of the basin.

Staff will take the feedback and recommendations expressed tonight and craft a proposed solution.

B. Review of residential accessory vehicle parking.

The current code requires any accessory vehicle in a residential area to be parked either on a driveway, inside a completely enclosed structure, or behind the front of the residence in the side or rear yard but it must be parked upon a paved or impervious surface. Staff has received concerns about inconsistent enforcement with the paving requirement.

Staff reviewed paving requirements in other communities in the metro and found that while several communities have the same regulations, some make exceptions for paving in the side and/or rear yard, including the following:

- Raymore – paving required in side yard, but no paving required if located in rear yard.
- Independence – no paving required in side or rear yards.
- Overland Park and Olathe – no paving required side or rear yard, but must be screened from view with privacy fence or wall, setback 3' from property lines, and vehicles can be driven to and from on a dust-free and rut-free surface – which may include grass, groundcover, pavers, cement, or asphalt.
- Grandview – no parking in front yard or driveway unless rear yard is inaccessible; vehicles may be parked in rear yard if screened with 6' privacy fence and must be on gravel, crushed stone/rock, masonry blocks, or impervious surface.
- Blue Springs, Parkville, and Kansas City, MO have the same requirements as Belton currently.
- Lee's Summit goes one step further and requires that the paved surface must be connected to the driveway and has additional restrictions on the number of RVs, boats, trailers that can be stored outside.

Staff would like input from the Committee on if they believe any changes should be made to the current code.

Below is a summary of the feedback expressed by the Committee members:

- The cost of having to pave areas.
- Allowing the accessory vehicles to be parked where they aren't seen vs. being in the driveway, visible to passerby's.
- Not requiring pavement in the rear yard as long as the area is being kept clean.
- Only requiring it to be on a paved surface if it's in the front or side yard.
- Requiring a setback.
- Adding a limit of 2 accessory vehicles.

Staff will take the feedback and recommendations expressed tonight and determine how to proceed.

C. Rental Inspection Program update.

Mr. Wright, Planning & Building Director provided an update on the Rental Inspection Program. The Rental Inspection Program was taken to the Planning Commission for recommendation on March 21. The Commission recommended approval of the Program as proposed by staff, along with the amendments that were proposed by the Code Enforcement Advisory Committee. The proposed Program then went on to the City Council for a work session discussion on March 28. The City Council was also in agreement with everything that the Code Enforcement Advisory Committee and Planning Commission had recommended, but there was concerns expressed about the requirement of 1 inspection every 5 years for long term tenants and asked for that to be removed from the proposal. Staff is still working through the registration and fee processes before bringing the final Program to the City Council for approval. A date has not been set for when the Program will go to the City Council for a vote, but staff is expecting that to occur sometime in June or July. If approved, staff is proposing to have the Program go into effect on July 1, 2024.

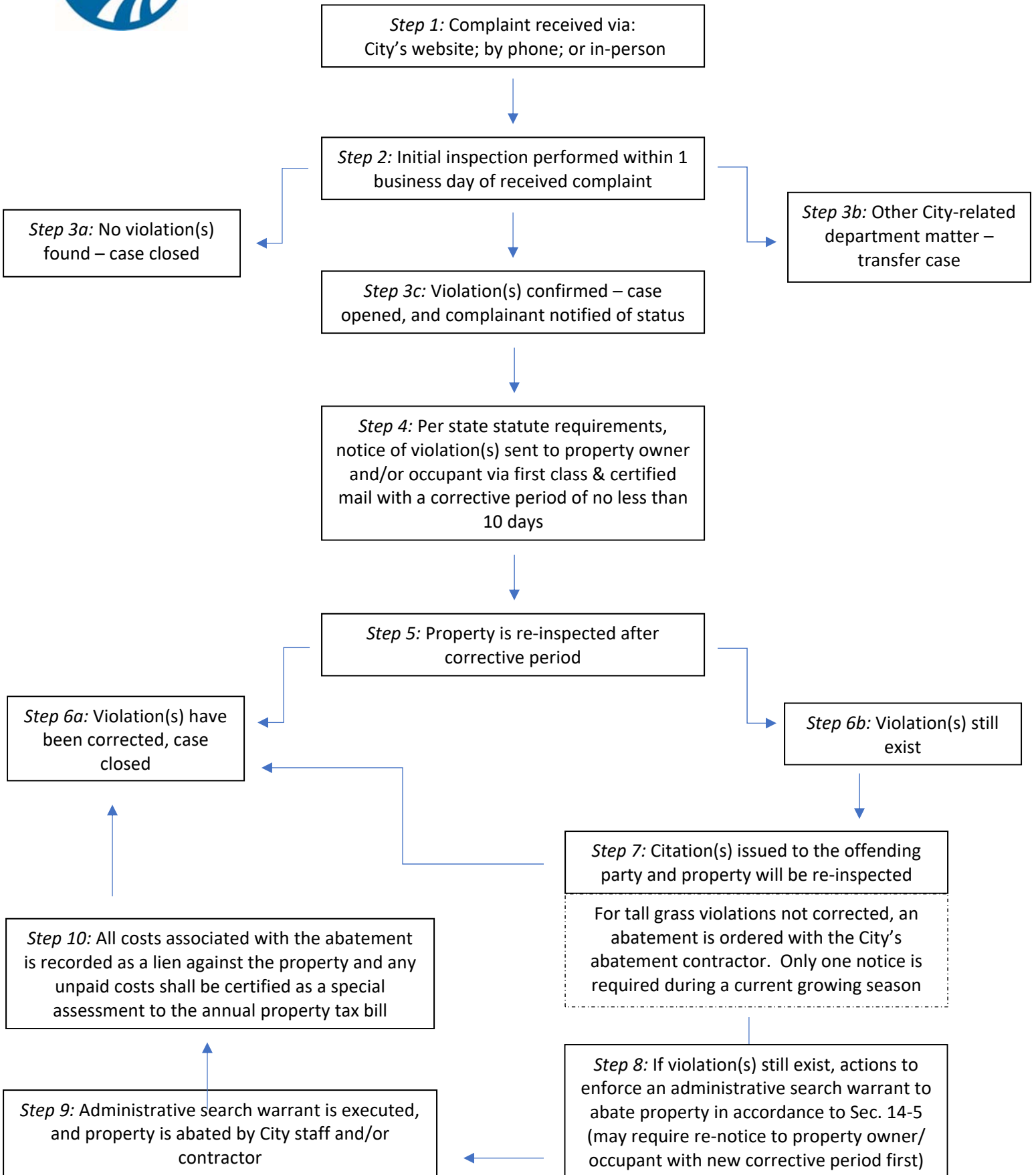
NEXT MEETING DATE: To Be Determined

ADJOURNMENT

Matt Wright adjourned the meeting at 7:13 P.M.



ABATEMENT OF PUBLIC NUISANCES FLOWCHART





Code Enforcement Advisory Committee
Discussion Topics
Thursday, September 21, 2023

Since the May 2023 meeting, staff has received multiple inquiries from Committee members on the code enforcement process. The purpose of this memo is to provide responses and clarifications to questions or comments that have been received.

Discussion Item A – Code Enforcement Processes and Procedures

Item #1 – Explanation of code enforcement process

Response: The general code enforcement process flowchart is attached and follows the 10 steps outlined in the flowchart. A majority of code violations end at step 6 (violation corrected, case closed). Uncorrected code violations proceed to steps 7-10.

Item #2 – How is the City divided up for each officer?

Response: When fully staffed with 2 officers, 58 Hwy./North Ave. is the dividing line (one officer takes care of violations north and one south). Prior to October 2022, officers would flip every two (2) weeks. However, it was determined that that was leading to inconsistencies in enforcement and missed follow-ups because of the frequency of changes. Since October 2022, the officers have been on a winter and summer schedule (officers have one area from November-March, and the other area in April-October). This is intended to ensure high weeds/grass are noticed and abated in a timely manner.

Item #3 – How often is each area driven through?

Response: When fully staffed with 2 officers, each officer is expected to get to each block in their area at least every other week, though some areas may be visited more frequently depending on complaints. This is not micromanaged and there is not a set route that they must follow. The officers are expected to use their best judgement and knowledge from their experience to determine which areas may need more focus or attention.

Item #4 – Are officers trained to look for certain violations?

Response: Like with any position, there is a learning curve for officers. As the officers are responsible for documenting violations on hundreds of potential code violations, they typically start with the most common and progress over time. Typically the less common violations are pointed out to them until they are trained to note those on their own. High weeds and grass, junk/trash/debris, no paved surface

for parking, etc. are all common violations that are easy to spot and document. Other violations, such as zoning or building code violations, may be pointed out by other staff or citizens. It is also important to know that officers can only send violations for items that they can readily document from the street or public right-of-way. They are not permitted to trespass on any property without permission from the owner or tenant. This makes it difficult to document violations in the rear yards of properties unless a neighboring property owner or tenant will allow the officer on their property to document a violation from an appropriate vantage point in which the violation can be viewed. This does not include climbing fences, ladders, etc.

Item #5 – How are complaints that are sent in via mail or email handled?

Response: Most complaints are received online and generally average 2 per day. The location of the property will determine which officer responds to the complaint. Due to the relatively low number of complaints, this does not take a significant amount of time to respond to. Citizens are encouraged to use the “report a code violation” tool to assist officers in locating potential violations.

Item #6 – Will there be a new officer hired?

Response: There are currently 2 Neighborhood Improvement (formerly “code enforcement”) officer positions. There is currently 1 officer and 1 vacant position for which applications are currently being accepted. At this time, there are no plans to hire a third officer. Instead, the focus is on improving efficiency and effectiveness with current code enforcement. Staff believes that this will further improve with the Central Square upgrade that is currently underway and is anticipated to be operation in spring 2024. This system will allow Neighborhood Improvement staff to utilize new software to document and track code violations. It also allows citizens to better report and track violations that they submit.

Item #7 – How will officers be involved with the Rental Inspection Program?

Response: It is anticipated that most, if not all, inspections associated with the Rental Inspection Program will be handled by Building Inspectors, not Neighborhood Improvement Officers. Building Inspectors are more qualified and certified to perform interior building and maintenance inspections. Depending on the qualifications and certifications of a Neighborhood Improvement Officer, there may be an opportunity for training, however, that will not be a primary responsibility. The Rental Inspection Program is planned to begin in July 2024 without any additional staffing. If additional staffing is determined to be necessary based on the workload, that position may be budgeted in the future.

Item #8 – Does the City have access to Evergy bills, and if so, how fast is that process?

Response: Several cities utilize Evergy to assist with determining when a rental property has tenant turnover for inspections. Staff is coordinating with Grandview staff to see

how this process works for them and will provide additional information after those conversations have taken place.

Discussion Item B – Transition from Code Enforcement to Neighborhood Improvement

It was announced on September 12, 2023, that the Planning & Building Department is rebranding as the Community Development Department. This title change better represents all of the divisions within the Department, including code enforcement, which is also being rebranded as Neighborhood Improvement. There are several purposes for the rebranding to Neighborhood Improvement, including:

- Staff are responsible for more than just code enforcement;
- The goal of proactive code enforcement is to work with residents on improving their properties and their neighborhood;
- Helping to identify potential resources for residents who do not have the financial or physical ability to abate code violations;
- Assisting with the implementation and administration of the future Rental Inspection Program; and
- Assisting the Planning and Building divisions on other Community Development initiatives.

Discussion Item C – Meeting Schedule

Staff is proposing a set schedule to meet on the 3rd Thursdays every other month (odd-numbered months) at 6:00 PM moving forward. As noted on the agenda, the next meeting will be on Thursday, November 16th. If there are item of concerns that need to be brought forward for discussion sooner, a special meeting may be called by staff.

2024 Meeting Dates will be as follows:

- Thursday, January 18, 2024
- Thursday, March 21, 2024
- Thursday, May 16, 2024
- Thursday, July 18, 2024
- Thursday, September 19, 2024
- Thursday, November 21, 2024