

STUDY SESSION AGENDA

CITY COUNCIL CITY OF WHEAT RIDGE, COLORADO

7500 W. 29th Ave.
Wheat Ridge CO

June 17, 2019

6:30 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

Citizen Comment on Agenda Items

1. Outside Agency Program Review Committee Recommendations
2. Reappointment of Municipal Judge
3. Extended Stay Lodging Regulations
4. Lodging Facility Licenses
5. Code Enforcement Strategies
6. Staff Report(s)
7. Elected Officials' Report(s)

ADJOURNMENT



Memorandum

TO: Mayor and City Council

THROUGH: Patrick Goff, City Manager

FROM: Marianne Schilling, Assistant to the City Manager

DATE: June 17, 2019

SUBJECT: Outside Agency Program Review Committee Recommendations

ISSUE:

City Council created the Outside Agency Program Review Committee in June 2016 to review outside agency applications and present recommendations to City Council on the funding amounts each organization should receive. The purpose of creating this committee was to provide an additional opportunity for residents to participate in the budget process, and to give the committee members the opportunity to weigh community needs against available resources and provide recommendations to City Council.

BACKGROUND:

The total amount of funds distributed in 2019 was \$133,410. In April 2019, five new Wheat Ridge residents were appointed to serve on the committee for a two-year term to expire in July 2020. Moving forward each year, new members will join for a two-year term so that the committee will be comprised of both experienced and new members each year.

District I: Cheryl Brungardt
 District II: Kristine Disney
 District III: Margie Robinson
 District IV: Sunny Garcia

District I: Alejandra Major
 District II: James Skinner
 District III: Madelaine DeVan
 District IV: Christopher Schilling

RECOMMENDATIONS:

The committee reviewed applications and listened to presentations from 21 different community organizations, totaling \$183,800 in requests. This is a 15.9% decrease in the requests received as compared to last year, which is mostly due to applicants reducing request amounts based upon previous years' funding recommendations. There is one new applicant (Foundation for Advanced STEM Education) but two less overall compared to 2019.

The review committee is recommending granting \$133,800 to outside agencies in the 2020 budget, which is a \$390 increase to the program as compared to last year. The recommended budget is distributed between 21 agencies, with the highest increase for an existing applicant at \$800 for The Action Center.

Outside Agency Program Review Committee Recommendations

June 17, 2019

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Several members of the committee will be present at the June 17, 2019 Study Session to present the committee's recommendations and answer any questions from Council.

2020 Outside Agency Program Committee Recommendations				
Outside Agency Organization	2019 Requests	2019 City Council Awards	2020 Requests	2020 Committee Recommendation
Active Transportation Advisory Team	\$ 1,500	\$ 500	\$ 1,500	\$ 900
Audio Information Network	\$ 2,000	\$ 1,600	\$ 2,000	\$ 1,200
CASA of Jeffco	\$ 4,800	\$ 4,800	\$ 4,800	\$ 4,500
Chanda Plan Foundation	\$ 10,000	\$ 5,000	\$ 8,000	\$ 4,100
Community Table	\$ 15,000	\$ 11,500	\$ 15,000	\$ 12,100
Family Tree	\$ 10,000	\$ 5,600	\$ 10,000	\$ 6,200
Feed the Future (WR)	\$ 8,000	\$ 8,000	\$ 10,000	\$ 8,600
Foundation for Advanced STEM Education	\$ -	\$ -	\$ 19,400	\$ 8,400
Institute for Environmental Solutions (IES)	\$ 3,000	\$ 1,800	\$ 3,000	\$ 2,000
Jefferson Center for Mental Health	\$ 5,000	\$ 3,700	\$ 5,000	\$ 3,700
Jefferson County Library Foundation	\$ 1,310	\$ 1,310	\$ 2,900	\$ 2,000
Jewish Family Services	\$ 10,000	\$ 5,700	\$ 6,000	\$ 5,000
Outdoor Lab Foundation	\$ 22,700	\$ 18,500	\$ 20,000	\$ 17,400
Regional Air Quality Council	\$ 4,000	\$ 2,600	\$ 4,000	\$ 2,400
Seniors' Resource Center	\$ 32,000	\$ 26,000	\$ 30,000	\$ 21,900
Sunshine Home Share	\$ 25,000	\$ 2,500	\$ 5,000	\$ 3,000
The Action Center	\$ 5,000	\$ 3,000	\$ 5,000	\$ 3,800
Wheat Ridge Community Foundation	\$ 5,150	\$ 4,700	\$ 6,000	\$ 4,800
Wheat Ridge High School STEM program	\$ 20,000	\$ 18,100	\$ 20,000	\$ 17,500
Wheat Ridge Optimist Club	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Events				
Lutheran Med Center Found - Exempla Heroes of Hope	\$ 10,000	\$ 3,600	\$ 5,000	\$ 3,100
Total	\$ 218,750	\$ 133,410	\$ 183,800	\$ 133,800

Attachment(s):

1. Summary of each Outside Agency requesting funding

Outside Agency Program Applicant	Description of Program	Description of Request
Active Transportation Advisory Team	The Wheat Ridge Active Transportation Advisory Team serves and engages the community by connecting people of all ages, resources and abilities with positive opportunities to safely navigate the city without a car.	Request includes funding for: *bike parts, helmets, locks and lights *Bike to Work Day (breakfast & after party) *Promotion for events
Audio Information Network	AIRC is among the nation's leading resources for blind, visually impaired and print-disabled individuals. Providing its listeners with free access to recorded programming 24 hours a day, 7 days a week. Its services allow listeners to access audio programs online, through downloaded podcasts, on TV or over the phone. The statewide programs provide listeners with everything from national news to local news and community events.	Request includes funding for: *Furthering efforts to create collaborations with Wheat Ridge senior living facilities, other service providers and with city communications *Maintaining basic services, including broadcasting 24 hours a day/7 days a week in English and Spanish, on-demand podcasts, free listening equipment and program schedules in Braille, large print and audio flash formats.
CASA of Jeffco	CASA of Jeffco/Gilpin's mission is to recruit, train and manage volunteers who serve as independent lay advocates for children who are victims of neglect and physical and/or sexual abuse.	Request includes funding for: CASA Jeffco/Gilpin to recruit, train and manage 3 additional CASA volunteers, who in turn would advocate for approximately 4 child citizens of Wheat Ridge who have been abused or neglected.
Chanda Plan Foundation	Chanda Plan's mission is to provide access to integrative therapy, primary care, and other complementary services to improve health outcomes and reduce healthcare costs for persons with physical disabilities.	Funding request would support direct services at the Chanda Center for Health, including massage therapy, acupuncture, chiropractic, adaptive yoga, physical therapy, care coordination and behavioral health.
Community Table	Community Table strives to improve the quality of life for neighbors in need by providing the food and resources people need to lift themselves from poverty.	Request includes funding for: *Hunger Relief - A portion of funding will be used for emergency food assistance—Client Choice Pantry and Feeding the Future *Self-Sufficiency. The remaining funds will be used to support the emergency financial needs of struggling families and continued efforts to help them become self-reliant.
Family Tree	Family Tree's mission is to help Wheat Ridge children and families overcome child abuse, domestic violence and homelessness.	Funding request would help to support direct services to Wheat Ridge residents and foster positive, transformational impact in their lives and the community
Feed the Future (WR)	The program provides food to eligible elementary aged children throughout the school year. The program helps ensure that children have a healthy and reliable source of food over the weekend enabling them to come to school better prepared to learn.	All the money raised by the Wheat Ridge Backpack program is used to pay Community Table for the food provided the three-area Wheat Ridge Schools.
Foundation for Advanced STEM Education	FASE's vision is to provide open-ended, hands-on and team-driven STEM projects that encourage problem-solving for students in order to help them explore meaningful career paths to become passionate, contributing members of society.	Request includes funding for: *Horizon Grand Prix competition *Horizon Fuel Cell Elementary School Challenge
Institute for Environmental Solutions (IES)	IES tackles problems such as climate change, community health, ozone air pollution, and contaminants from pharmaceuticals and personal care products in waterways. IES designs and implements scientifically proven strategies to solve Colorado's most pressing environmental problems.	Funds would be used to plan and implement the Nature Play Connections Project (NPCP) in Anderson Park. IES will collaborate with Wheat Ridge Parks and Recreation District and Kullerstrand Elementary School to complete the project. Support from the Wheat Ridge Outside Agency Fund will pay for the educational personnel and supplies to develop and implement two workshops, two planting days, and the summer maintenance program.

Outside Agency Program Applicant	Description of Program	Description of Request
Jefferson Center for Mental Health	Jefferson Center provides a variety of outpatient programming for both groups and individuals; has established a presence in primary care offices across the area to offer integrate primary/behavioral healthcare; offers essential case management and public resource navigation services; and delivers effective substance use and withdrawal management services to the area.	Requested funding would be used to support the School-based Counseling program in three different Wheat Ridge schools: Stevens Elementary, Kullerstrand Elementary, and Everitt Middle School. Clinical services are offered at Everitt Middle School, and both clinical and preventive services are offered at Stevens Elementary and Kullerstrand Elementary.
Jefferson County Library Foundation	Jefferson County Library Foundation (JCLF) provides critical support to Jefferson County Public Library (JCPL), expanding free programs and services to all Jefferson County residents. Through public outreach, advocacy and fundraising JCLF strengthens JCPL and promotes greater awareness of its valuable resources and services, helping JCPL ensure free and equal access to information and great literature to all Jeffco residents.	Requested funding would be used to purchase a Discovery Mini for the children's area at the Wheat Ridge Public Library. This is a complete, self-contained activity center (designed for children ages 1-5) in a compact footprint.
Jewish Family Services	JFS helps seniors maintain a high quality of life, provides quality mental health counseling to children and adults, offers training and job placement to people with significant barriers to employment, and provides food and financial aid to individuals and families in crisis.	Requested funding would be used to support the Senior Solutions Center (SSC) to provide vital services that ensure the health, safety, and welfare of older adult residents of Wheat Ridge. SSC care managers offer information about, referrals to, and assistance connecting with community resources designed to help older adult residents in Wheat Ridge maintain their independence and quality of life.
Outdoor Lab Foundation	The OLS aims to develop stewardship of self, community and environment. It builds social cohesion among Wheat Ridge students by teaching and focusing on I CARE core values—Integrity, Commitment, Awareness, Respect, Empathy. OLS also improves students' physical health, health literacy and emotional well being through physical activity, self-care and healthy eating, and offers a 24-hour clinic led by a registered nurse. Finally, through its programs, the OLS is increasing students' passion and knowledge of STEM through daily activities in the natural environment.	The requested funding would support OLF in ensuring that all students have the opportunity to participate in programming, regardless of their ability to pay. Funding will be used to offset program costs for Everitt Middle School students qualifying for free and reduced-priced lunch (67%).
Regional Air Quality Council	The RAQC's program help ensure that citizens can enjoy the beautiful outdoors of Colorado by maintaining federal health standards for pollutants.	The RAQC uses the funding from its local government partners to implement air quality programs and to match federal grants that provide programs which allows the RAQC to provide services to Wheat Ridge and the nine-county Denver metro/North Front Range area including: Ozone State Implementation Plan work (compliance with federal air quality standards), Fuels and Motor Vehicle Work, Charge Ahead Colorado, Governor's ALT Fuels Program, Clean Air Fleets Program, Outreach and Public Education, Simple Steps. Better Air, Public alerts regarding high ozone days to citizens, Mow Down Pollution Residential Lawn Mower Exchange Program, Mow Down Pollution Commercial Program, Voluntary Optical Gas Imaging Camera Loan Program, Transportation/Air Quality Planning and Coordination work, Local Government Assistance.
Seniors' Resource Center	<p>The Seniors' Resource Center is dedicated to enhancing the independence, dignity and quality of life for seniors in the Metro Denver Area and surrounding communities.</p> <p>Services include transportation, in home care and adult daytime programs which provide life enriching activities and support both older adults and their caregivers.</p>	The funding request would be used to support its transportation (including rides on the circulator) and community services for older adults living within Wheat Ridge.

Outside Agency Program Applicant	Description of Program	Description of Request
Sunshine Home Share	Sunshine promotes aging in place through a safe, care-managed, home-sharing model that generates income and assistance for seniors while accessing untapped affordable housing for home seekers.	The requested funding would support a portion of the cost of the Executive Director/Program Manager positions for one year. These roles provide organizational development and client services.
The Action Center	The Action Center's mission is to provide an immediate response to basic human needs and promote pathways to self-sufficiency through a variety of client services. With the assistance of a dedicated staff and volunteer case management team, participant's needs are addressed and met.	The requested funding would go toward the operational costs of running the: *Food Rescue/Grocery - The grocery is designed with a Client Choice model where our neighbors can select a five-day food supply up to nine times per year, choosing from a variety of nutritious foods including fruits, vegetables, grains, meats and other proteins, and dairy items, along with dried and canned goods. *School Supply Distribution programs - Involves the distribution of grade-appropriate backpacks of supplies to as many students as possible.
Wheat Ridge Community Foundation	By enabling community organizations to accept charitable and tax-free donations, the Wheat Ridge Community Foundation directly supports the efforts of the participating organizations in their missions to improve the health, safety, welfare and quality of life for Wheat Ridge residents.	The funding requested would support: *Professional Accounting *Client Fund Manager *Saving Toward One Year's Accounting Expense in Reserve
Wheat Ridge High School STEM program	The STEM program educates students in Wheat Ridge and provides learning opportunities in the areas of design, manufacturing, assembly, multimedia, professional presentation practices, working in group situations and working with the community and City to allow for large hands-on open-ended projects.	The funding requested would support: *Help with material costs for next years projects (hydrogen fuel cell vehicles, NASA rover, mini battle bots, and a new rocket project) *Motors and engines for the hydrogen fuel cell vehicles, battle bots and rockets *Major sponsor of the golf tournament
Wheat Ridge Optimist Club	The Wheat Ridge Optimist Club focuses on providing services to Wheat Ridge youth, primarily through involvement with Wheat Ridge schools. Their motto is: "By Providing Hope and Positive Vision, Optimists Bring Out the Best in Youth, Ourselves and Our Community".	This funding will be used 100% for our Christmas program. The requested funding would support the Christmas Program. The Optimist Club provides gift certificates for clothing and food along with toys to Wheat Ridge families in need as chosen by Wheat Ridge school administrators.
EVENTS		
Lutheran Med Center Foundation Exempla Heroes of Hope	The Heroes of Hope race is Lutheran Medical Center Foundation's annual event to support Cancer Centers of Colorado at Lutheran. These funds help to provide patient navigation, survivor and nurse education, patient care for those facing a cancer diagnosis, advanced medical equipment and treatment options, and much more for our community members and families who are going through cancer treatment.	Requested funding would go toward the cost of the annual Heroes of Hope race. This race raises funds for Lutheran's cancer services program, including the Wellness that Works and Bridge to Wellness program for cancer patients.



City of Wheat Ridge Municipal Building 7500 W. 29th Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2835
F: 303.235.2829

June 04, 2019

Honorable Bud Starker, Mayor
Members of the Wheat Ridge City Council
Patrick Goff, City Manager
City of Wheat Ridge
7500 W. 29th St.
Wheat Ridge, CO 80033

Dear Mayor Starker, City Manager, and Members of City Council:

The City Charter creates a municipal court and directs the city council to appoint a presiding judge. The Charter requires that all municipal judges have been on the bench or have practiced law for a period of years. I have thirty-three (33) years in the practice of law and twenty-seven (27) years on the bench of which seventeen (17) have been as the presiding judge in Wheat Ridge.

The Charter states that Council shall appoint a presiding judge for a term of two (2) years. By charter, the duties of the judge are to supervise court personnel and submit a yearly budget. In practice, the Colorado Supreme Court establishes a mandate as well: to justly determine all municipal ordinance violations, ensure criminal law procedures, administer cases fairly, and follow city, state, and federal laws and constitutions. Over the past two years there has been an explosion of legislation directed at municipal courts. As a result, the presiding judge reviews and incorporates new legislation into the operation of the court.

The Colorado Code of Judicial Conduct (Code) guides judicial ethics and requires independence, impartiality, competence, and integrity. Inherent in the Code is the precept that judges must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

I began as Presiding Judge in Wheat Ridge in January 2002, pursuant to a services agreement and have been the Presiding Judge continuously for seventeen (17) years. Each services agreement is for a two-year term. My most recent two-year contract for services began July 2017 and ends June 2019. I am requesting renewal of the contract. Please see the enclosed Memo for information about court, accomplishments, projects, and goals.

I am not requesting a change in salary. I currently receive employee benefits. I am requesting a clarification that the Family Medical and Leave Act apply to my job classification.

I am classified as a thirty (30) hour per week employee, so am requesting that I be able to flex the hours worked per pay period. That is, hours worked over 30 hours one week could be added to hours worked under 30 hours another week. Due to the number of years I have worked here, personal time off would accrue at the sixteen (16) plus year level or 6.94 hours per pay period.

Year to date, I am working an average of thirty-two (32) hours per week. Regular court sessions take about twenty-four (24) hours a week. Most court days take ten hours to complete. Preparation for jury trials and the jury trials add a few days per year. Other work hours are related to new legislation, extended court sessions, managerial duties, director obligations, legal research, administrative matters, budget, personnel issues, and meetings.

This is an dynamic City with an interesting court docket. I enjoy the challenge and energy of the City and the court. I look forward to another two years to continue to provide service.

Sincerely yours,

/s/ Christopher D Randall

Christopher D. Randall
Presiding Judge
Wheat Ridge Municipal Court

Attachments:

1. Memo
2. Service Agreement



Memorandum

TO: City Council, Mayor, and City Manager

FROM: Christopher D Randall, Presiding Judge and Department Director

DATE: June 10, 2019

SUBJECT: Presiding Judge and Department Director Contract Renewal

BACKGROUND

I began as Presiding Judge and Department Director in 2002 and have been in that position continuously for seventeen years. I am requesting renewal of the current two-year contract that ends June 30, 2019.

COURT

The Colorado Constitution and City Code provide for the creation of a municipal court. Wheat Ridge Municipal Court is a court of record that handles a wide variety of mostly criminal matters. Appeals are taken to the Jefferson County District Court. Municipal court shall be presided over by a Presiding Judge. Court is in session on Mondays, Wednesdays, and Thursdays, so there are approximately 150 court-sessions per year. I work on non-court days as necessary for meetings, training, seminars, conferences, recruiting, warrants, affidavits, prisoners, and other court business.

QUALIFICATIONS

I have been licensed as an attorney in Colorado since 1987. I became an administrative law judge in 1991 and began judging in municipal court in 1992. Wheat Ridge City Council appointed me as the Presiding Judge and Department Director in 2002. I have lived in Wheat Ridge and currently live in Lakewood.

PHILOSOPHY

Municipal judges are obligated to follow the Constitution of the United States, the Constitution of Colorado, and the laws and ordinances of the City. Court rules, established by the Colorado Supreme Court, require that municipal court provide for the just determination of ordinance violations. Procedure is to be simple; the court administered fairly; and unjustifiable expense and delay eliminated. The court considers each case separately, and provides thorough, practical, and professional case management. The judiciary is independent of and acts as a check and balance on the executive (police) and legislative (city council) branches of government. A healthy and responsible government maintains an independent judiciary.

SENTENCING

The city code provides for a general penalty of up to one year of incarceration or up to a one-thousand dollar (\$1,000.00) fine or both. A sentence of this severity however rarely befalls anyone. Restitution for pecuniary loss for victims is required pursuant to city ordinance and state statute. (Due to prohibitory legislation restitution usually goes unpaid since courts now have little recourse against nonpayers.) Probation is a possibility with most sentences.

The purposes of sentencing are as follows: to punish, assure fair treatment, assure consistent treatment, deter crime, promote respect for the law, promote rehabilitation, address the offender's individual characteristics, reduce the potential that the offender will reoffend, promote responsibility and accountability, provide restoration and healing for victims and the community, and address the offender's individual risks and needs. Judges use reason and common sense in sentencing. Each sentence is "custom tailored" for that person's background and circumstances.

DEPARTMENT DIRECTOR

The Presiding Judge in Wheat Ridge is also the Department Director. This expands the Presiding Judge's duties. The Department Director responsibilities require not only presiding on the bench three plus days a week, but administrative, operational, personnel, budget, security, legal, legislative, and purchasing issues. This adds to the complexity, responsibility, and work load of the Presiding Judge. As the Department Director, I also participate in various professional associations regarding education, advocacy, and court improvement.

WHEAT RIDGE MUNICIPAL COURT

Wheat Ridge is a somewhat unique city from a municipal court perspective. It is surrounded by and has traversing through it several major cities and thoroughfares. This leads to a robust traffic docket and the unsolicited entry of individuals from several surrounding jurisdictions. Our client base for the most part is the 2,900,000 people who live in the Denver metropolitan area. Due to the amount of retail business in Wheat Ridge, there are a significant number of theft summonses. Certain locations in the City attract a diverse and challenging population. Many persons have mental health and/or substance abuse issues. The Court sees in-custody persons (jail detainees) at least three times a week. There are court marshals for court security and prisoner transport. There is an active and challenging juvenile docket, mostly directed to substance use. Court also handles animal, zoning, building code, and nuisance violations. The adult docket is significant and features individuals with lengthy and/or violent criminal histories.

CHALLENGES FOR MUNICIPAL COURT

LOCAL CONTROL

State legislation over the last few years has diminished local control. It has impacted the ability to collect fines, fees, costs, and restitution. Attorney appointments are now mandatory for most persons who are in-custody. Certain criminal convictions must be automatically expunged. Courts are now mandated to release most persons on personal recognizance bonds, regardless of their violence level, safety, criminal history, or their number of failures to appear in court.

HOMELESSNESS

Homelessness has placed burdens on police calls for service, emergency rooms, detoxification facilities, treatment facilities, businesses, courts, parks, and trails.

DRUG ABUSE

Drug abuse is a prominent and daily factor when arraigning, sentencing, and supervising offenders. Many persons abusing substances also engage in other criminal activity. Many resist treatment and further harm themselves and society.

INABILITY TO COLLECT RESTITUTION

Legislation no longer permits the issuance of bench warrants for the arrest of persons who fail to pay for the loss and harm they have done to others. Victim's bills for property damage, medical treatment, and veterinarian care go unreimbursed.

JAIL BED LIMITATION

The Jefferson County Jail has limited the number of beds that each city can use. This can at times impact the type of and an appropriate sentence.

ACCOMPLISHMENTS

CITY-ORIENTED ACHIEVEMENTS

Continue improvements to the Performance Management Program
Instructor with the Wheat Ridge Civic Academy
Instructor with the Wheat Ridge Citizen's Police Academy
Past President of the Colorado Municipal Judges Association
Update municipal judges' lobbyist – Dentons LLC - on proposed legislation
Weekly Executive Management Team (EMT) meetings
Attend monthly state and local municipal judges meetings
Support the ACTION core values
Attend various City and community functions, events, and festivals
Attend various Jefferson County functions and events
Attend annual legislative dinner
Take advantage of the Wellness Program and take classes at the Recreation Center
Attend city sponsored trainings
Recommend improvements to NeoGov annual evaluation template
Welcome and assist new Administrative Services Director

COURT-ORIENTED ACHIEVEMENTS

The Employee Recognition Committee and the Executive Management Team awarded court staff the annual ACTION *Change* Award for 2018.

Help create annual goals and objectives for Performance Management Program (PMP)

Meet with some team members for PMP mid-year check in

Write or edit annual evaluations.

Provide information about court and proposed legislation to the Colorado Municipal League and state legislators

Revise job duties, screen, interview, and make offer for Court Marshal position

Mentor Deputy Court Administrator

Assist Court Administrator with budget

Hear cases involving persons in custody within two days; work on day off

Appoint attorneys for persons in custody on fast track basis

Develop process to collect fines, fees, and costs in light of oppositional legislation

Develop process to hold non-payers accountable for willful failure to pay restitution to injured victims.

Continue the “walk-in” court to allow people to resolve outstanding bench warrants

Expand and improve alternatives in sentencing including the payment plan process

Use web based databases to locate non-appearing defendants

Use web based databases to determine accuracy of applications for services or court appointed counsel

Maintain legal library, both hard copy and web-based

Continue to recommend special populations fund to help pay for sentencing requirements for indigents. City Council is commended for this unique and successful budget item.

Coach staff on an almost daily basis

Review motions (written requests) and issue written orders

Engage in legal research on an almost daily basis

Resolve old cases particularly those involving Department of Corrections (DOC) inmates

Contact DOC and City IT department to consider feasibility of audio-video connection with DOC

Improve court security with weekly meetings with marshals and security guard

Repair X-ray scanner

Review effectiveness of G4S security guard service

Streamline crowd movement in and out of court

Modify one court door to require electronic pass key

Improve and add flexibility to bail bond process; increased use of personal recognizance and low cash bonds

Monitor the appearance rate with various types of bonds

Assess defendant risks using statutory factors to determine bail bonds

Develop new court forms to improve accuracy and efficiency or to comply with new legislation

Individualize sentencing, especially for the low-functioning, transient, homeless, mentally ill, veteran, and substance abusing populations.

Attend legal and judicial seminars

Continue IGA that permits first time juvenile alcohol and marijuana users the ability to obtain drug and alcohol treatment and avoid a conviction and fine

Improve program for sealing and expungement of juvenile and adult criminal records

Respond to requests for criminal justice records

Work with police department on court/police issues

Work with police department on body camera introduction

Maintain electronic process for probable cause and arrest warrants on weekends
Meet with county law enforcement to discuss jail populations
Review files beforehand to make audio-visual detainee process more efficient and secure
Member of judges' legislative strategy committee
Moderate and attend monthly court staff meetings
Attend bi-annual Colorado Municipal Court Judges Association judicial conferences
Re-classify court clerks to judicial assistants.
Distribute and discuss WRPD Employee Safety bulletins
Organize team building events
Address protestors, auditors, and agitators
Attend annual employee awards breakfast
Modify two animal control violations to allow expedited plea and fine payment without court appearance
Amend and supplement personnel policy
Revise jury instructions

Note: I did not accomplish these things alone. Most of these accomplishments would not have been possible without the assistance of the court administrator, court staff, IT, or city staff.

2019 PRIORITIES

Obtain training and create strategic plan with Leadership Foundation Program.
Become fully staffed - recruit Court Marshal.
Plan for retirement of a judicial assistant.
Plan for loss of probation officer.
Retain good employees.
Renovate judicial assistant work space.
Improve courtroom security; add bullet resisting material to witness box.
Replace courtroom seating
Investigate and possibly add a collection agency
Go live with on-line payments
Research and implement a formal risk assessment tool for bond selection and sentencing
Comply with new legislation; comply with proposed legislation.
Amend personnel policy and guidelines.
View other teen courts; possibly implement in Wheat Ridge
Investigate more services for probationers, particularly veterans.
Improve sealing and expungement of records.
Train staff and seek outside training opportunities.
Provide input to Colorado Municipal League, Dentons LLC (judges' lobbyist), elected officials, and interested others on proposed legislation.
Work with administrative staff
Work with police department
Have administration and police department evaluate court

PROFESSIONAL MEMBERSHIPS

Colorado Supreme Court (1987-2019)
Colorado Municipal Judges Association (1992-2019)
Municipal Judges of Jefferson County monthly meetings (2016-2019)

Quarterly legislative strategy sessions with municipal judges (2017-2019)

PROFESSIONAL BOARD MEMBERSHIPS

Board of Governors for the First Judicial District Bar Association (2014-2015)

Board of Directors and President of the Colorado Municipal Judges Association (2009-2015)

OTHER BOARD MEMBERSHIPS

Belmar (Lakewood) Row Homes, Home Owner's Association – Secretary

INTERNAL RECOGNITION

I have given and received several “Give-A-Wow” awards. These recognize employees for contributions to the ACTION core values of accountability, change, teamwork, integrity, opportunity, and now! These are available for review.

CUSTOMER COMMENTS

The court makes available to the public court evaluation forms. The comments below are available for review. Comments about the Presiding Judge include:

Judge was courteous, respectful, and knowledgeable.

The court experience was excellent.

Everyone was courteous and helpful.

Judge was fair.

This judge was way better than the Westminster judge.

Staff patient, courteous, and did their jobs well.

Judge had excellent demeanor. I was impressed with the court's professional demeanor, the speed of the court, and the cleanliness of the building.

Everyone is very nice.

I liked how well they all worked together to make my court and problems go [unreadable].

CLASSIFICATION

I work an average of thirty-two (32) hours per week. I am classified for benefits purposes as a 30-hour per week employee. I receive benefits for the most part as if I were a regular employee. Regular court sessions take about twenty-four (24) hours a week. Preparation for jury trials and the trials add a few days per year. Other hours are related to longer court sessions, managerial duties, legal research, administrative matters, budget, personnel, recruiting, interviewing, legislation, training, and meetings.

CONTRACT

There is no request to modify the hourly pay rate. Although I believe that the Family and Medical Leave Act currently applies to my employment classification, I am requesting that it be included in the contract. Due to longevity (16+ years), personal time off would accrue at the 16-year level (6.94 hours per pay period). Additionally, since I occasionally work under 30 hours some weeks and over 30 hours some weeks, I request that I exercise flex time to accrue 60 hours per (two week) pay period.

CONCLUSION

I request reappointment and would be honored to continue to sit as the Presiding Judge and to act as the Department Director for the Wheat Ridge Municipal Court.

/s/ Christopher D Randall

CHRISTOPHER D RANDALL

June 04, 2019

**CITY OF WHEAT RIDGE
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

THIS PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT is entered into and effective as of the 1st day of July 2019 ("Effective Date"), by and between the **CITY OF WHEAT RIDGE, COLORADO** (the "City") and **CHRISTOPHER D. RANDALL**, ("Presiding Judge"), together referred to herein as the "Parties." In consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

ARTICLE 1 – SERVICES

Pursuant to Chapter VIII of the Wheat Ridge Home Rule Charter (the "Charter"), Presiding Judge shall have the following duties:

- A. Ensure the presence of a municipal judge at all Wheat Ridge Municipal Court ("Municipal Court") cases, by either presiding over such cases personally or by scheduling an Associate Judge to hear such case(s) and by establishing an on-call municipal judge schedule;
- B. Formulate and amend the local rules of the Municipal Court with the approval of the Colorado Supreme Court;
- C. Supervise the Associate Judges, if any, and all Municipal Court personnel; serve as Department Head for the Municipal Court staff; attend Department Director meetings, in person or by designee, and meetings with the City Manager, City Attorney and City Council as needed; and
- D. Responsible for preparation of annual department budget, monitoring of operational expenses and overall delivery of court services.

ARTICLE 2 – QUALIFICATIONS

The Presiding Judge shall continuously maintain the following qualifications:

- A. Licensed to practice law in all Colorado courts, including the U.S. District Court for the District of Colorado; and
- B. Resident within 40 miles of the Wheat Ridge Municipal Court.

ARTICLE 3 - TERM; TERMINATION

Pursuant to Section 8.3 of the Charter, this Agreement shall be for a two (2) year term, ending on July 1, 2021. This Agreement may be terminated during its term for any of the reasons enumerated in Section 8.3 of the Charter.

ARTICLE 4 – COMPENSATION, PERFORMANCE

The Parties agree that Presiding Judge shall be compensated at **\$98.97** per hour for services rendered under this Agreement. Presiding Judge may also be compensated for reimbursable expenses properly invoiced to the City as set forth below. For purposes of this Agreement, "reimbursable expenses" shall mean those expenses directly incurred by Presiding

Judge in the performance of his duties under this Agreement, including mileage and travel expense.

Presiding Judge shall be paid via the current City system for recording and compensating hourly employees.

A. Funding.

This Agreement is specifically subject to the provisions of Section 2-3(c) of the Code of Laws of the City of Wheat Ridge, which limits the amount for which the City shall be liable to the amount expressly appropriated by the City Council, either through budgeted appropriation, or contract or bid appointment. The Parties further recognize and agree that the City, as a political subdivision of the State of Colorado, is subject to the Constitution and laws of the State of Colorado. Notwithstanding any provision of this Agreement to the contrary, the obligation of the City to make payment to Presiding Judge is expressly subject to annual appropriations by the City of funds for the next ensuing budget year.

B. Performance

Pursuant to Section 8.3 of the Home Rule Charter, Presiding Judge is appointed for a two year term. In contrast to other employees of the City, the Judge's compensation is set by the Council by ordinance, rather than through the annual performance review process for other city employees. Also, the Presiding Judge is not an at-will employee as all other city employees are. In recognition of these distinctions, the parties agree that the Council functions as the performance review body for the Presiding Judge, exercising that authority by ordinance as required by the Charter.

ARTICLE 5 – INDEMNIFICATION, INSURANCE AND BENEFITS

- Pursuant to the Colorado Governmental Immunity Act, §§ 24-10-101 *et seq.*, C.R.S., Presiding Judge is an appointed official of the City entitled to any and all benefits of law pertaining to judicial or sovereign immunity and to coverage by the City's insurance applicable to persons holding such a position for claims brought against him in his official capacity or arising out of his performance of his official duties as described. Presiding Judge shall be eligible to participate in the following insurance and benefit programs available to City employees, at a level equal to the average number of hours of work per week performed by the Presiding Judge, which for purposes of this Agreement, the Parties agree shall be a minimum of **thirty (30)** hours per week:

- Benefits as outlined in the 2018 Employee Benefits Guide or as revised for 2019 or 2020. The City agrees to pay the applicable premium for the rate level, consistent with the City insurance plan as amended from time to time.;

- Official holidays (6 hours of holiday pay per holiday recognizing ten (10) holidays per year per the most current City Personnel Policies);

- Personal time off (PTO) leave accrued per pay period dependent upon the number of hours of work per week: a 30-hour per week employee with the Presiding Judge's current longevity receives 6.94 hours of PTO leave per pay period;

- Jury duty pay;
- Family Medical and Leave Act coverage;
- As a department head, Presiding Judge receives the annual allowance for cellular telephone use.

For all such insurance and benefit programs, to the extent the programs or any of their features are altered, amended, or eliminated with respect to all eligible City employees, such alteration, amendment or elimination shall also apply to Presiding Judge in the same manner.

ARTICLE 6 – CHARTER, LAWS AND ORDINANCES

Presiding Judge shall at all times during the performance of this Agreement, strictly adhere to all applicable federal, state and local laws, rules, regulations, and ordinances that affect or govern the work as herein contemplated.

ARTICLE 7 – EQUAL EMPLOYMENT OPPORTUNITY

The Presiding Judge shall not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, or national origin. The Presiding Judge shall adhere to acceptable affirmative action guidelines in selecting employees and shall ensure that employees are treated equally during employment, without regard to their age, race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

ARTICLE 8 – JUDICIAL INDEPENDENCE

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a vital role in preserving the principles of justice and the rule of law. Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Presiding Judge is expected to uphold these principles.

ARTICLE 9 – JUDICIAL IMPARTIALITY

Presiding Judge shall uphold and apply the law, and shall perform all duties of judicial office impartially. Impartially means absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before the judge. Presiding Judge shall perform the duties of the judicial office, including administrative duties, without bias or prejudice. Presiding Judge shall not be swayed by public clamor or fear of criticism. Presiding Judge shall not permit social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. Presiding Judge shall not convey or permit others to convey the impression that any person is able to influence the judge.

ARTICLE 10 - EX PARTE COMMUNICATION

Presiding Judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning pending or impending matters.

ARTICLE 11 – LAW AND VENUE

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The Parties agree that venue and jurisdiction for disputes regarding any aspect of this Agreement is proper and exclusive with the District Court of Jefferson County, Colorado.

ARTICLE 12 – NOTICES

Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below. Such notice shall be deemed to have been given when deposited in the United States Mail.

If to the City: City Manager
7500 W 29th Avenue
Wheat Ridge, CO 80033
Fax: (303) 234-5924

With a copy to: City Attorney
7500 W 29th Avenue
Wheat Ridge, CO 80033
Fax: (303) 234-5924

If to Presiding Judge: Christopher D. Randall, Esq.
7500 W. 29th Avenue
Wheat Ridge, CO 80033
Fax (303) 980-1721

ARTICLE 13 – ASSIGNMENT AND SUBCONTRACTORS

The duties and obligations of Presiding Judge may not be assigned, delegated, or subcontracted except with the express written consent of the City.

ARTICLE 11 – SEVERABILITY

To the extent that the Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

ARTICLE 12 – INTEGRATION OF UNDERSTANDINGS

This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall

have any force and effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in writing and signed by Presiding Judge and an authorized representative of the City.

ARTICLE 13 – AMENDMENTS

The City may, from time to time, require changes in the scope of services of the Presiding Judge to be performed herein. Such changes, including any increase or decrease in the amount of the Judge's compensation, must be mutually agreed upon in writing by the City and the Presiding Judge, as an amendment to this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement in two (2) copies, each of which shall be deemed an original, as of the day and year first written above.

ATTEST:

CITY OF WHEAT RIDGE, COLORADO

Janelle Shaver, City Clerk

By: _____
Bud Starker, Mayor

Seal

APPROVED AS TO FORM:

Gerald E. Dahl, City Attorney

PRESIDING JUDGE

Christopher D. Randall



Memorandum

TO: Mayor and City Council

THROUGH: Patrick Goff, City Manager

FROM: Kenneth Johnstone, Director of Community Development

DATE: June 11, 2019 (for June 20, 2019 City Council study session)

SUBJECT: Extended Stay Lodging regulations

ISSUE:

Municipal Code is currently silent to the topic of extended stay lodging facilities, except in the City Mixed-Use (MU) zoning districts, where they are a permitted use. Hotels/motels are regulated in the Code and are defined as follows: “A building containing 16 or more transient guest rooms in which lodging for compensation is provided, with or without meals.” The code is silent to what constitutes “transient.” Hotels/motels are a special use in Commercial-One, Commercial-Two and Industrial/Employment zone districts.

Some cities differentiate a traditional hotel/motel from extended stay lodging and may prohibit one or the other in certain districts or further regulate them in certain manners. The attached memo from the City Attorney’s office offers some examples of the different ways extended stay lodging could be defined and regulated.

BACKGROUND:

The City has several hotels throughout the City, with a cluster of them located around the I-70/Kipling interchange. The City collects lodger’s tax for all hotel/motel rooms and a portion of those revenues are dedicated to police department and code enforcement activities in and around the City’s hotels/motels. Historically, the City has experienced higher demands for police and code enforcement service calls in and around hotels/motels.

As part of the City’s hotel/motel code enforcement program, every hotel/motel room is inspected on an annual basis. Those inspections typically include several staff members: community services officers, uniformed police, building inspectors and fire inspectors. In staff’s observations during said inspections, it is apparent that many of the hotels/motels are occupied by individuals and in some cases families who are using these facilities as a more permanent housing solution. In some cases this results in public safety concerns related to excessive occupancy levels, the adequacy of cooking facilities and excessive storage, impacting egress.

The potential to define and regulate extended stay lodging has been on City Council’s list of potential regulatory changes for some time. With that in mind, the City Attorney’s office has done research of various options for City Council to consider to further regulate this land use.

Further regulating extended stay lodging and distinguishing it from more typical transient occupancy of a standard hotel/motel room has some potential advantages, such as:

- Ensuring that if extended stay lodging were to be allowed in certain areas, that such facilities have adequate design considerations, such as cooking/cleaning facilities designed for longer term stays, proper room size, potential for certain common area elements that are common in most high quality extended stay lodging facilities elsewhere in the metro area and across the country.
- Giving the City enforcement tools to ensure that existing hotels/motels in the City, which are not generally designed for extended stays no longer be permitted to operate in such a manner.

It would also have some likely impacts that should be given ample consideration.

- As previously noted, certain individuals and in some cases families are currently using existing hotels/motels as longer term housing solutions, in some cases because they may have few other options. If the City were to prohibit certain hotels/motels from continuing to operate in this manner that would have impacts on those individuals.
- Existing hotel/motel owners and operators may have their business models impacted by such a regulatory approach.

RECOMMENDATIONS:

Staff would like direction from City Council if an ordinance should be drafted to differentiate between traditional hotel/motel uses from extended stay lodging and, if so, how extended stay lodging should be regulated.

ATTACHMENTS:

1. Extended Stay Lodging Memo – Nina Williams and Jerry Dahl

MEMORANDUM

TO: Mayor Bud Starker and Wheat Ridge City Councilmembers
FROM: Nina P. Williams, Gerald E. Dahl
DATE: June 17, 2019
RE: Extended Stay Lodging Options

Options for an Extended Stay Lodging Ordinance

- Definitions:
 - o “An establishment that provides temporary lodging used only for transient occupancy in units of one or more rooms which may contain a bathroom and kitchen with limited cooking facilities, and in which daily housekeeping services and 24-hour front desk services shall be available.”
 - o Where a person stays in same hotel, motel or establishment for longer than X days
 - o The long-term habitation in facilities not designed for long-term residential living
 - o The duration of occupancy is calculated based upon the number of nights in the establishment as a whole, not the number of nights of occupancy of a single room
- Prohibit (or significantly limit) extended stay lodging within City?
- Exceptions to prohibition (or limitation) can include:
 - Families in crisis receiving temporary housing assistance from a governmental, charitable or insurance agency
 - A relocation service as part of a business relocation
 - A specific business entity for a business purpose which requires extended temporary occupancy
 - Written contract between hotel/motel for on-site resident manager or employee to live at the hotel/motel
- Limit duration?
 - o Not permitted for more than 59 days in a calendar year
 - o Not permitted for over 180 days in a year
 - o No longer than 29 days in a 60-day period
 - o No longer than 90 consecutive days in one visit
 - o No longer than 120 days in a consecutive 150-day period
 - o No time limitation, but if over 30-60 days, require additional amenities
- Require amenities within extended stay lodging facilities, such as:
 - o Minimum square footage for the unit
 - o Minimum square footage for a living room
 - o Kitchen separate from sanitary facilities equipped with a full-sized refrigerator and built-in cook-top or stove unit

- Hot plates, griddles, microwaves or similar devices should not be considered cooking appliances for this purpose
 - Two sinks – one for cooking and one for the lavatory
 - Adequate natural lighting
 - Adequate ventilation
 - Adequate living and storage space
 - Business center
 - Fitness center
- Additional restrictions and requirements can include:
 - No more than 20-30% of available rooms within an establishment are permitted for extended stay
 - The units available for long-term occupancy must be designated for such use on a building floor plan
 - No more than 2 occupants per bedroom
 - Prohibit storage of personal items outdoors, on porches or balconies, or in common areas of the hotel or motel
 - Prohibit storage other than occupant's personal or business belongings within unit
 - Units cannot be converted into a multi-unit or multi-family dwelling, or to any other form of permanent residence
 - Report extended stay lodging to the city monthly at the same time the establishment reports lodging tax information
 - Owner of establishment must maintain list of occupants of each unit
 - Require guest register, with name of occupant, signature, and room number, which is open to inspection of any guest or police or public officer of City

Memorandum

TO: Mayor Bud Starker and City Council

THROUGH: Patrick Goff, City Manager

FROM: Daniel Brennan, Chief of Police

DATE: June 17, 2019

SUBJECT: Lodging Facility Licenses

ISSUE

The City has looked at a variety of options to address the issues of crime and quality of life at certain hotels/motels. Some of these facilities generate a disproportionate number of calls for service (CFS) concerning crime and disorder compared to similar businesses. Staff is proposing a lodging facility license to help reduce the occurrences of criminal activity at these establishments.

BACKGROUND

Numerous communities across the country that share similar crime and disorder problems with older hotels/motels have adopted a lodging license approach. Recently, the City of Lakewood approved a lodging licensing ordinance, which requires every lodging facility in the City to be licensed. The ordinance is similar to laws found in other states that create a process to review the number of CFS to the total number of rooms at that particular location. A standard ratio of CFS vs. the number of rooms is created based on CFS data. Moving forward, that CFS/room ratio is compared to the current ratio based on available data. If a hotel/motel has a higher ratio of CFS per room than allowed, the lodging facility could be subject to mediation with the City or a business license revocation.

There are additional requirements and conditions that could be imposed on lodging facilities through a proposed ordinance that are addressed in Ms. Williams's memorandum. The Crime Prevention Team has encouraged these businesses to adopt similar practices through the Hotel/Motel program with a varying degree of success.

RECOMMENDATIONS

Staff believes that adopting a lodging licensing process would help in addressing the disproportionate number of CFS at these facilities. Staff would like to receive direction from City Council on pursuing a lodging licensing ordinance.

ATTACHMENT:

1. Lodging Facility Licenses – Nina Williams and Jerry Dahl
2. City of Lakewood Staff Memo – Lodging Facility License, dated February 11, 2019
3. City of Lakewood Lodging Facility License Code

MEMORANDUM

TO: Mayor Bud Starker and Wheat Ridge City Councilmembers
FROM: Nina P. Williams, Gerald E. Dahl
DATE: June 17, 2019
RE: Lodging Facility Licenses

Options for a Lodging Licensing Ordinance

- Require every lodging facility in City to get licensed
- Give 90 days after adoption of ordinance to apply for lodging license
- For the first year, lodging facilities that have over X calls for service per room for the previous 12 months (based upon data provide by Police Department) must meet with PD to discuss measures to mediate criminal activity
- After first year, at renewal, if the calls for service ratio is over X calls for service, lodging facility goes in front of a hearing and license can be revoked/suspended/on probation
- If a “significant criminal act” occurs at the lodging facility, the City does not need to wait a year, the license may be revoked/suspended
 - o Defined as an “act that causes serious bodily injury or death”
 - Eg: police officer who got severely injured at scene
- License may also be revoked/suspended if there are:
 - o Orders from County Health Dept or Fire Dept which are 60 days past cure date
 - o Delinquent taxes
 - o Operation of the lodging facility has negatively impacted the health, safety or welfare of the guests, residents or businesses of the neighboring community
 - o Applicant knowingly made a false application on the application
 - o The calls for service ratio is at or above X per room for any 12 month period
- “Calls for Service” includes, but is not limited to, any and all calls to law enforcement that result in a representative being dispatched or directed to the lodging facility. Does not include traffic citations.
 - o Also includes:
 - Call to emergency services that results in a response by a law enforcement representative to the lodging facility
 - Any police-initiated call for service to the lodging facility that results in a criminal report

- Any call to emergency services or police-initiated call for service within the lodging facility's surrounding neighborhood regarding activity that results in a criminal report, when such activity is associated with lodging facility staff and/or lodging facility guests and/or visitors
- Other municipalities have used the following "calls for service" ratio:
 - 1.2
 - Indianapolis, Indiana
 - Columbus Ohio
 - 1.89
 - Lakewood, CO
 - Wheat Ridge Police Department has data to calculate appropriate ratio
- Follow City's general business licensing procedures when considering revocation or suspension of a lodging facility license
 - Also consider putting license on probation, with specific conditions, for the rest of the year
- Additional possible requirements/conditions for lodging facilities:
 - Require a valid credit card for check-in
 - Facility required to hire, at hotel's expense, off-duty police officer overnight
 - Facility must install security measures and surveillance equipment

STAFF MEMO

DATE OF MEETING: February 11, 2019

AGENDA ITEM NO. _____

To: Mayor and City Council

From: Daniel McCasky, Police Chief, 303-987-7171

Subject: **LODGING FACILITY LICENSE**

SUMMARY STATEMENT:

A working group was formed to review escalating criminal activity at Lakewood hotels and motels and to make recommendations as to how the occurrences of criminal activity can be reduced.

BACKGROUND INFORMATION:

Staff was asked to look at solutions to address the inordinate number of calls for service concerning crime and disorder occurring at various hotels and motels located in the City of Lakewood. A working group comprised of members of the Lakewood Police Department and the City Attorney's Office was formed. The working group looked to other jurisdictions for examples of how to regulate establishments that have a substantial amount of criminal activity. Ultimately, the committee decided to propose a lodging facility license.

Under the proposed ordinance, all existing and new hotels and motels must apply for a lodging facility license through the City Clerk's Office within 90 days of enactment. The City Clerk will have the authority to administratively approve or deny a license application. Grounds for denial of a license are stated in the proposed ordinance. If the City Clerk denies a license, the applicant will have the opportunity to request an appeal hearing with the Lodging Facility Licensing Authority ("Authority"). All licenses will be valid for one year.

The City Clerk will have the authority to administratively approve and issue license renewals. If the City Clerk fails to approve a renewal application, the applicant will have the opportunity to request an appeal hearing with the Authority.

A license may be suspended or revoked, after a hearing with the Authority, if the Authority finds any of the following:

- the lodging facility has outstanding orders from the Jefferson County Department of Health;
- the lodging facility has outstanding orders from West Metro Fire;
- the calls for service ratio is at or above 1.89 per room for any twelve month period;
- a significant criminal act has occurred on the lodging facility's premises;

February 11, 2019

- the operation of the lodging facility has negatively impacted the health, safety and/or welfare of its guests, or the residents or businesses of the neighboring community;
- the lodging facility is delinquent to the City for any taxes imposed;
- the lodging facility fails to conform to City zoning requirements;
- the applicant knowingly made a false statement on the application; or
- the applicant has had a lodging facility license revoked or suspended within five years prior to the application.

The Authority will adopt sanction guidelines for use if a licensee is found to be in violation of any of the above items. The proposed sanction guidelines are modeled from information the Lakewood Police Department has learned concerning best practices to reduce criminal activity at hotels and motels.

BUDGETARY IMPACTS:

A member of the City Clerk's Office will review and process license applications. The City Clerk's Office will hire a hearing officer(s) to conduct hearings of the Lodging Facility Licensing Authority. Members of the Lakewood Police Department's Crime Analyst Unit will spend approximately 260 hours per year reviewing calls for service, at an estimated rate of \$37.00 per hour. Members of the Lakewood Police Department's Community Action Team will spend approximately 1040 hours per year conducting inspections, educating hotel and motel operators on best practices, and other tasks as needed, at an estimated rate of \$43.00 per hour. The estimated cost for Lakewood Police Department Personnel is \$54,000.00.

To help off-set some of these costs, there will be an initial application and license fee of \$750 and an annual license renewal fee of \$400.

STAFF RECOMMENDATIONS:

Staff recommends that the City of Lakewood adopt the proposed Lodging Facility License Ordinance.

ALTERNATIVES:

Few options exist to address the concerns expressed by City Council regarding criminal activity at hotel and motel businesses. A review of current City of Lakewood Municipal Code nuisance ordinances found they do not address the types of activity that occur at these establishments which cause the significant use of Lakewood Police Department resources. Contact with other jurisdictions with a lodging license has indicated a stand-alone ordinance is much more efficient and effective in deterring criminal activity at these establishments.

PUBLIC OUTREACH:

On November 1, 2018, the Lakewood Police Department hosted a meeting for Lakewood hotel and motel owners and operators. Approximately 22 people attended the meeting, with 18 businesses represented. Members of the Lakewood Police Department presented information on the lodging facility license, gave attendees a copy of the draft lodging facility license, and provided an opportunity for attendees to ask questions about the proposed license. Feedback from the meeting was considered by the committee. Approximately one week after the meeting, an email was sent to attendees with answers to various questions and information about best practices for hotels and motels.

ATTACHMENTS:

Redlined Lodging Facility License Ordinance

February 11, 2019

Lodging Facility License Ordinance

Sanction Guidelines

Questions from lodging facility owners and answers provided

Information regarding lodging facility “best practices”

Questions from City Council and answers

Links to information regarding lodging licenses in other jurisdictions

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney

Chapter 5.55

Lodging Facility License

Sections:

5.55.010	Definitions
5.55.020	License required; Licensing Authority Established
5.55.030	Application for New License
5.55.040	Application Fee
5.55.050	Investigation
5.55.060	Decision – New Applications; Appeal
5.55.070	Hearings
5.55.080	License Revocation, Suspension or Nonrenewal
5.55.090	Manager; Change
5.55.100	Transferability; Change of ownership
5.55.110	License renewal
5.55.120	Severability

5.55.010 Definitions.

As used in this chapter, the following terms are defined as follows:

- A. “Authority” means the Lodging Facility Licensing Authority of the City.
- B. “Calls for service” (CFS) means and includes, but is not limited to, any and all calls to law enforcement that result in a representative being dispatched or directed to the lodging facility.
 - 1. Calls for service includes:
 - a. A call to emergency services that results in a response by a law enforcement representative to the lodging facility.
 - b. Any police-initiated call for service to the lodging facility that results in a criminal report.
 - c. Any call to emergency services or police-initiated call for service within the lodging facility’s surrounding neighborhood regarding activity that results in a criminal report, when such activity is associated with lodging facility staff and/or lodging facility guests and/or visitors.
 - 2. Calls for service shall not include traffic citations in which the lodging facility property address is used as the location of violation.
- C. “Calls for service ratio” means the number of calls for service divided by the number of rooms in service at the lodging facility.

- D. "Police Chief" shall mean the chief of police of the Lakewood Police Department.
- E. "City Clerk" means the City Clerk or his or her designee.
- F. "Inspector" means a member of the Lakewood Police Department.
- G. "Investigator" means a member of the Lakewood Police Department.
- H. "License" means the license required pursuant to this chapter.
- I. "Licensee" means the individual or entity to which a license is granted under this chapter.
- J. "Lodging facility" means a hotel, motel, motor hotel, inn, lodging house or other similar facility that: (i) has lodging rooms; (ii) is located within any commercial or mixed use zone district in the city; and (iii) accommodates one or more guests under any rental agreement, concession, permit, right of access, license to use or other agreement, whether written or verbal, where the rental period of any lodging room is less than thirty (30) consecutive days.
- K. "Lodging room" means and includes any room, guestroom or sleeping accommodation that accommodates one or more guests.
- L. "LPD" means the Lakewood Police Department.
- M. "Manager" means the person who manages, directs, supervises, oversees and administers the acts and transactions of, and the acts of employees of, a lodging facility.
- N. "Owner" means any person that is the record owner of real property as listed with the Jefferson County, Colorado Assessor upon which a lodging facility is located. "Owner" shall also mean any part owner, joint owner or lessor of the whole or part of the land or buildings situated on such real property.
- O. "Operator" means any person who is the proprietor of a lodging facility, whether in the capacity of owner, lessee, receiver, sublessee, franchisee, manager or mortgagee in possession thereof, or agent of any aforementioned, who offers and accepts payment for any lodging rooms, or board and lodging, and retains the right of access to, and control of, the lodging facility or lodging room.
- P. "Person" means an individual, firm, association, partnership, company, sole proprietorship, corporation or similar entity.

- Q. "Significant criminal act" means an act or acts that causes serious bodily injury or death to any person or an act or acts that requires a law enforcement specialized unit or tactical response team.

5.55.020 License required; Licensing Authority Established.

- A. It is unlawful for any person to maintain or operate a lodging facility without first obtaining a license from the City Clerk's Office.
- B. All lodging facilities existing within the City upon the effective date of this ordinance shall apply for a license within ninety (90) days of the effective date of this ordinance. All lodging facilities existing within the City upon the effective date of this ordinance that have, based on data provided by the Lakewood Police Department, 1.89 or more calls for service per room for the previous twelve (12) month period shall meet with representatives from the LPD to discuss measures to mitigate criminal activity occurring on the lodging facility's premises. Such meeting shall occur before a lodging facility license is granted.
- C. Lodging Facility Licensing Authority (hereinafter, the "Authority") shall have and is vested with the authority to grant or deny licenses; conduct investigations; and suspend or revoke licenses for cause.
- D. The Authority shall consist of a Hearing Officer chosen by the City Clerk.
- E. The Authority may adopt reasonable fines, rules and regulations, in conformity with applicable statutes, ordinances and the City's home rule charter, governing its internal operations and for carrying out the provisions of this chapter.
- F. The City Clerk shall serve as the official secretary of the Authority, may attend the meetings of the Authority and shall be responsible for posting and/or publishing all public notices.

5.55.030 Application for New License.

- A. All applicants for a license shall file an application for a license with the City Clerk on forms provided by the City Clerk.
- B. The City Clerk shall accept no application that is not complete in every detail. If any application is deposited with the City Clerk and found, upon examination, to contain any omission or error, it shall be returned to the applicant for completion and correction without further action by the Clerk or Authority. All licenses granted shall be valid for a period of one (1) year from the date of issuance unless revoked or suspended for cause. No application shall be deemed complete unless accompanied by the following:
 - 1. If the applicant is:

- a. An individual, the individual shall state his or her legal name and any aliases;
 - b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and provide a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process;
 - d. A limited liability company, the company shall state its complete name, the date of its formation, evidence that the company is in good standing under the statutes of the State of Colorado, or in the case of a foreign company, evidence that it is currently authorized to do business in the State of Colorado, the name of the manager, and the name of the registered agent and the address of the registered office for service of process.
2. One or more statements as to whether:
- a. The applicant or any other individual listed pursuant to subsection B(1) of this Section has:
 - i. Previously operated, is currently operating, or has been employed at a lodging facility;
 - ii. Had a previous lodging facility license under this Chapter, or other lodging facility license ordinances, resolutions or other regulations from another city or county, denied, suspended or revoked, or declared a public nuisance, including the name and location of the business for which the license was denied, suspended, revoked, or declared a public nuisance, as well as the date of the denial, suspension, revocation or declaration as a public nuisance.
 - b. The applicant or any other individuals listed pursuant to Subsection B(1) of this Section has been a partner in a partnership or an officer or director of a corporation or manager of a limited liability company of a business whose lodging facility license has previously been denied, suspended, revoked, or declared a public nuisance including the name and location of the business for which the license was denied, suspended, revoked, or

declared a public nuisance as well as the date of the denial, suspension, revocation, or declaration as a public nuisance.

- c. The applicant or any other individual listed pursuant to Subsection B(1) of this Section holds any other licenses under this Chapter or other similar lodging facility license ordinances from another city or county and, if so, the names and locations of such other licensed businesses;
3. The location of the proposed lodging facility, including a legal description of the property, street address and telephone number;
4. Proof of the applicant's right to possession of the premises wherein the lodging facility will be;
5. The applicant's mailing address and residential address;
6. The applicant's social security number and/or federally issued tax identification number;
7. A floor plan of the lodging facility that specifies the number of rooms contained in the lodging facility. The floor plan need not be professionally prepared;
8. Evidence from the City that the proposed location complies with all requirements of the zoning ordinance;
9. Payment in full of City license and application fees.

5.55.040 Application Fee.

The City shall impose fees, adopted by City Council resolution, necessary to defray the costs of processing the documentation of the activities of lodging facilities as allowed by law including, but not limited to, fees for a new license and renewal of a license.

5.55.050 Investigation.

- A. Such individual(s) as the Police Chief may designate shall be the Inspector, who shall perform the inspection duties set forth in this Chapter and such other duties as the Police Chief may reasonably direct. Prior to any lodging license being approved, denied, suspended or renewed, the Inspector may inspect the premises for conformance with all applicable laws and all orders from the Authority.
- B. The City Clerk may cause to be conducted any other investigation deemed necessary by the City Clerk to determine the application's conformance with any

requirement of this Chapter, including, but not limited to, investigation of the proposed lodging facility's conformance with the Lakewood Zoning Ordinance or other applicable laws.

- C. Any reports of the results of any investigation conducted by any City department shall be delivered by the respective departments or officials to the City Clerk. Not less than ten (10) business days prior to the date of the hearing, if any, on the application, the City Clerk shall mail the report of findings based on the investigation to the applicant and, upon request, to other interested parties.

5.55.060 Decision – New Applications; Appeal.

- A. An application with a completed investigation shall be administratively approved or denied by the City Clerk within thirty (30) days of the date of the filing of the complete application. The City Clerk shall deny a license application if:
 - 1. The application or any City investigation demonstrates or establishes that the proposed lodging facility fails to conform to any requirement of this Chapter, the Lakewood Zoning Ordinance, Lakewood Subdivision Ordinance, or other applicable law;
 - 2. The applicant knowingly made a false statement or knowingly gave false information in connection with the application;
 - 3. The individual applicant, or a director or officer of a corporation, partner of a partnership, manager of a limited liability company or manager of the lodging facility, has had a lodging facility license revoked or suspended within five (5) years prior to the application;
 - 4. The individual applicant, or a director or officer of a corporation, partner of a partnership, manager of a limited liability company or manager of the lodging facility, has operated a lodging facility that was determined at any time to be a public nuisance.
- B. If the application is based upon the sale of an existing lodging facility, and if the existing lodging facility's CFS ratio is at or above 1.89 calls for service per room or the lodging facility has other compliance issues, the applicant must provide, as a prerequisite to being granted a license, a remedial plan to reduce the CFS ratio or resolve the other compliance issues. The applicant must reduce the CFS ratio or resolve the issues within 180 days after license is issued or be subject to license suspension or revocation.
- C. In the event the City Clerk approves a license application, the City Clerk shall make a written finding that the application conforms to the requirements of this Chapter based on the information available and the investigation performed by

the City. The City Clerk may make additional findings as deemed necessary to identify the City Clerk's basis for approval.

- D. In the event the City Clerk denies a license application, the City Clerk shall prepare written findings of fact stating the reasons or basis for the denial. The City Clerk shall, within ten (10) days after the date of the City Clerk's denial, send a copy of the City Clerk's findings by certified mail, return receipt requested, to the address of the applicant.
- E. In the event the City Clerk denies a license application, the applicant shall have the right to request a public hearing before the Authority. The applicant shall, within ten (10) days of the date of the mailing of the City Clerk's written findings and denial of the license application, make a written request to the City Clerk for a hearing. The hearing shall be conducted within thirty (30) days of the City Clerk's receipt of the written request for a hearing unless a later date is requested by the applicant in writing. If the applicant fails to request a public hearing within the allotted time, the City Clerk's decision to deny a license application shall become final.

5.55.070 Hearings.

- A. Notice. When the Authority issues an order to show cause why a license should not be suspended or revoked, the Authority shall give the licensee reasonable advance notice of the time and place of the hearing, nature thereof, the authority and jurisdiction under which it is to be held and the violation(s) alleged in the complaint. The City Clerk shall mail such notice to the licensee by first-class mail and shall cause the notice to be served personally on the licensee at its last known address. At least ten (10) days prior to the hearing, the City Clerk shall prepare and post the licensed premises with a sign that contains notice of the hearing date, time and location.
- B. Hearing Procedure. The Authority shall establish procedures for all hearings in conformity with the laws of the state and ordinances and resolutions of the City.
- C. Subpoenas.
 - 1. The Lakewood City Attorney's Office and the applicant shall have the power to issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing the Authority is authorized to conduct. It is unlawful for any person to fail to comply with any such properly issued subpoena.
 - 2. Subpoenas shall be served in accordance with the Colorado Rules of Civil Procedure.

3. Upon failure of any witness to comply with such subpoena, the Lakewood City Attorney's Office may petition any judge of the Lakewood Municipal Court, setting forth that due notice had been given of the time and place of attendance of the witness and that service of the subpoena was proper, and requesting the court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify, or to produce books, records or other evidence, under penalty of punishment for contempt in the event of willful failure to comply with such order.

D. Oaths. The City Clerk shall have the power to administer oaths.

E. Continuance. The Authority may continue the hearing to a date certain as may be required to gather necessary facts and evidence and to permit witnesses to testify.

F. Decision. The Authority shall render a written decision and order no later than thirty (30) days after the conclusion of the show cause hearing.

G. Appeals. The Authority's order shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure § 106(a)(4).

5.55.080 License Revocation, Suspension or Nonrenewal.

A. The Authority may suspend, revoke or not renew a license upon a finding of one or more of the following:

1. The lodging facility has outstanding official orders from the Jefferson County Department of Health;
2. The lodging facility has outstanding official orders from West Metro Fire;
3. The calls for service ratio is at or above 1.89 or more calls for service per room for the previous twelve (12) month period;
4. A significant criminal act has occurred on the lodging facility's premises;
5. The operation of the lodging facility is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or businesses of the neighboring community;
6. The lodging facility is delinquent to the City for any taxes imposed pursuant to Lakewood Municipal Code Chapter 3.01 or 3.03;
7. An investigation performed by the City demonstrates or establishes that the lodging facility fails to conform to any requirement of this Chapter, the

Lakewood Zoning Ordinance, Lakewood Subdivision Regulations, or other applicable law;

8. The applicant knowingly made a false statement or knowingly gave false information in connection with the application;
 9. The City Clerk determines that the individual applicant, or a director or officer of a corporation, partner of a partnership, manager of a limited liability company or manager of the lodging facility, has had a lodging facility license revoked or suspended within five (5) years prior to the application;
 10. The City Clerk determines that the individual applicant or a director or officer of a corporation, partner of a partnership, or manager of a limited liability company or manager of the lodging facility has operated a lodging facility that was determined to be a public nuisance.
- B. If the Authority finds a licensee to be in violation of 5.55.070(A)(3), and if it is the licensee's first violation, the Authority shall place the licensee on a twelve (12) month probationary period. The Authority shall impose mandatory restrictions on the licensee to help reduce criminal activity at the lodging facility.

5.55.090 Manager; Change.

- A. A registered manager shall be on the premises of a lodging facility at all times. A lodging facility may have more than one registered manager. It is unlawful for any person to work as a manager of a lodging facility without first registering with the City Clerk.
- B. In the event a licensee changes the manager of a lodging facility, the licensee shall immediately report such change and register the new manager, on forms provided by the City Clerk, within thirty (30) days of such change.

5.55.100 Transferability; Change of ownership.

- A. No license under this Chapter shall be transferable to another person or any other group acting as a unit.
- B. No license under this Chapter shall be transferred to another hotel name or franchise, or hotel location or building.

5.55.110 License renewal.

All license renewal applications shall be submitted to the City Clerk on the prescribed forms no later than forty-five (45) days prior to the date upon which the license expires, except that the City Clerk, for good cause, may waive the time requirement set forth herein. The forms shall be accompanied by all required fees and

such additional materials as the City Clerk deems necessary. The City Clerk shall accept no renewal application that is not complete in every way. The City Clerk shall not grant any renewal unless the licensee has paid all applicable fees. The City Clerk may administratively approve and issue all license renewals. In the event the City Clerk fails to approve a renewal application, it shall be set for a public hearing before the Authority.

5.55.120 Severability

Should any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or application thereof to any person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Chapter, or its application to any other person or circumstance, and to this end, the provisions of this Chapter are declared to be severable.



Memorandum

TO: Mayor Bud Starker and City Council

THROUGH: Patrick Goff, City Manager

FROM: Daniel Brennan, Chief of Police

DATE: June 17, 2019

SUBJECT: Code Enforcement Strategies

ISSUE

The City has made significant strides in responding to, addressing, and resolving issues related to nuisance and property code enforcement concerns. Staff has provided updates to City Council regularly regarding nuisance code enforcement, the administrative citation process, and recommended strategies and programs to improve education and enforcement efforts. In addition, Staff has previously discussed some of the challenges in addressing certain quality of life issues that negatively affect neighborhoods, and often result in citizen complaints to elected officials and the Police Department. The scope of these issues frequently goes beyond the Police Department and the Community Services Team, involving Community Development and Public Works as well.

BACKGROUND

During a study session on July 2, 2018, members of the Police Department presented a staff report to City Council that updated council on code enforcement efforts in 2017, and made recommendations for 2018. The discussion that followed resulted in the City Manager, Community Development Director, and me to begin meeting with Ms. Nina Williams from the City Attorney's Office to discuss a wide variety of issues related to code enforcement. These issues included identifying code enforcement strategies that would help address nuisance property maintenance and code enforcement efforts, ideas on improving the administrative citation process and strengthening our current ordinances.

Over the past year, this team has met regularly to further develop recommendations for City Council's consideration. Ms. William's memorandum outlines considerations for various nuisance related issues encountered by code enforcement that could be addressed through amendments to the existing Code of Laws. The memorandum provides a summary of the city's existing Code of Laws and examples of other local ordinances for Council to consider. Staff would like to receive some direction from City Council on the options presented.

RECOMMENDATIONS

Staff believes the recommendations made will provide the clarification and tools necessary for staff in the Police Department and Community Development Department to more efficiently respond to citizen complaints in these areas, as well as provide clarification to community members and businesses around the aforementioned issues.

Staff Report: Code Enforcement Strategies

June 17, 2019

Page 2 of 2

ATTACHMENT:

1. Nuisance, Property Maintenance, Code Enforcement Memo – Nina Williams and Jerry Dahl

MEMORANDUM

TO: Mayor Bud Starker and Wheat Ridge City Councilmembers
FROM: Nina P. Williams, Gerald E. Dahl
DATE: June 17, 2019
RE: Nuisance, Property Maintenance, Code Enforcement options

Staff has thoroughly researched areas of the Code which may be updated to achieve various goals concerning property maintenance. Detailed, clear and specific code language is necessary for the proper and legal enforcement of those objectives. Staff now needs direction from Council before proceeding with an ordinance amending the Code.

Options for Code Amendments concerning Nuisance issues

Below you will find a list of reoccurring or reported nuisance issues within the City. Under each topic, we listed how Wheat Ridge currently addresses the problem, followed by examples of neighboring communities' municipal code approach.

- Inoperable Vehicles
 - o Wheat Ridge
 - Allows one non-operative vehicle outside in residential district, if covered
 - o Other local codes:
 - Allows one inoperable vehicle in residential district, which must be stored inside an enclosed garage. Cannot be stored in street or driveway
 - Completely prohibits inoperable or abandoned vehicles on private property for more than 72 hours
 - Inoperable vehicles cannot be stored outside
- Outside storage (in residential districts)
 - o Wheat Ridge
 - Unlawful to store upon property any “junk” unless the junk is completely contained within a house, garage or permanent building
 - “Junk” defined as scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used conduit or conduit fittings, automobiles in nonoperative condition, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition
 - Unlawful to store upon property or allow to be viewed by general public any goods, materials or substances not otherwise specifically defined as

junk, trash or garbage, but which are a kind not commonly associated with the zoning classification or permitted use of the property

- Other local codes:
 - Items intended for indoor use such as upholstered furniture and household appliances may not be stored outside
 - Tools, equipment and supplies utilized for automobile repair and construction may not be stored outside
 - Items may not be stored outside, such as furniture, mattresses, household appliances, wrecked or inoperative vehicles, car parts, salvage, tires, construction materials
- Refuse and Rubbish
 - Wheat Ridge
 - Unlawful to store trash or garbage on property more than 7 days
 - Other local codes:
 - Unlawful for occupant/owner to permit refuse or rubbish to accumulate on any part of the property
 - Owner/occupant shall not permit deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended
- Trash Containers
 - Wheat Ridge
 - Unlawful to permit garbage except in a covered metal or plastic container, or in a sealed plastic bag, awaiting pickup and disposal
 - Other local codes:
 - Unlawful for occupant/owner to permit refuse or rubbish to accumulate on any part of the property
 - Responsibility of occupant/owner to have trash removed weekly
 - Trash must be in an approved, secure trash container
 - Trash containers must be screened from view from adjacent streets and be stored in the rear or side yard only
 - All moveable trash containers and recyclable materials shall be kept in a storage area except on collection day, or within twelve hours preceding the time of regularly scheduled collection from the premises, when they may be placed at the curb or upon the edge of the alley. Following collection, they must be returned to the storage area the same day

- Maximum Height of Grass Permitted (not applicable to ornamental grasses)
 - o Wheat Ridge
 - 12 inches
 - o Other local codes:
 - 6 inches
 - 8 inches
 - 12 inches only allowed on undeveloped property
- Weeds
 - o Wheat Ridge
 - Owners/occupants shall prevent property from becoming overgrown with weeds
 - No weeds more than 12 inches on the adjacent street or right-of-way
 - o Other local codes:
 - No weeds of any kind over X inches
 - Weeds outside rear and side fences to the curb and from rear yard to center line of the alley must also be cut and removed, no matter the height
- Noxious Weeds
 - o Wheat Ridge
 - N/A
 - o Other local codes:
 - Unlawful to permit growth of noxious weeds, as designated by Colorado Weed Law or [Jefferson County Invasive Species Management], regardless of height
- Fence and Wall Maintenance
 - o Wheat Ridge
 - Unlawful to allow property to have “substantial peeling or faded paint, broken shutters or facia, bent, broken or rusted gutters, broken windows or screens, detached doors or screens, broken or damaged fencing, damaged or dead landscaping, cracked and/or potholed cement or asphalt paving, presence of weeds in gravel or paved parking areas”
 - o Other local codes:
 - All fences and walls shall be structurally sound and maintained in good repair so that there are no broken, loose, damaged, removed or missing parts (ie: pickets, slats, posts, wood rails, bricks, panels). Repair of

fences and walls shall be made with materials that are comparable in composition, color, size, shape, design and quality to those originally used to construct the fence or wall being repaired

- All structures and accessory structures must be maintained in a state of good repair, weather tight and painted
 - All exterior portions on any structure, including exterior walls, windows, doors, molding, roofing, gutters must be in a state of good repair
 - All paintable surface deteriorated more than 30% is a violation
- (eg: neighbor using plywood for fences)

Options for Code Amendments concerning Administrative Citation Enforcement

- We recommend amending Wheat Ridge City Code section 2-93, to clarify existing procedures and to allow stronger enforcement of the City's administrative citation enforcement, as shown below:

Sec. 2-93. - Failure to pay fines.

- (a) The failure of any responsible party to pay the fines assessed by an administrative citation within the time specified on the citation or administrative enforcement order, if an administrative hearing was held, may result in the imposition of a late fee of fifty dollars (\$50.00), a twenty (20) percent charge to defray the cost of collection, and interest at a rate of ten (10) percent per annum on all unpaid amounts.
- (b) In the event of failure to pay all fines assessed **within thirty (30) days of assessment**, the manager may refer the matter for collection by whatever means are available to the city.
- (c) In the case of delinquent charges, assessments or taxes, including fines and the costs of nuisance abatement, the manager shall, pursuant to C.R.S. § 31-20-105, certify the same to the treasurer of the county to be collected and paid over by the treasurer of the county in the same manner as taxes are collected.
- (d) An action or other process provided by law may be maintained by the city to recover or collect any amounts, including late fees, interests, and administrative costs, owing under this article.
- (e) **In the case of violations associated with real property, the City shall have as security for the collection of such late fees, penalties, interests, and administrative costs a perpetual lien on such real property. Such lien shall be automatically perfected and shall have priority over all other liens except general taxes and prior special assessments.**

- (f) **Until civil penalties not pending appeal that are owed to the City have been paid in full, the City shall not issue or renew any license or permit of any kind to a responsible party, and failure to pay outstanding amounts is grounds for suspension or revocation of any City license, except where the City deems those licenses or permits necessary for City purposes.**

Options for Code Amendments concerning “Disorderly House” section

- Staff recommends amending Wheat Ridge City Code section 15-26, as pasted below, to clarify existing procedures and to allow stronger enforcement of the City’s process.
- One recommendation is to clarify that three notices of violation in one year would violate the section, if the property has been under continuous ownership or control
- Calls or reports generated to the Community Services Team should be included (in addition to law enforcement calls)
- Community Services Team and law enforcement will compile research to establish what calls are “disproportionate” to other properties

Sec. 15-26. - Disorderly house.

“The keeping of any dwelling, boardinghouse, rooming house or other residential property in violation of any provision of this chapter or of chapter 26, including any violation of maximum occupancy limitations imposed by that chapter or any condition of approval of the use of property imposed by action of the city, is a nuisance. A disorderly house shall also include keeping any such property in a condition or manner which generates law enforcement calls disproportionate to other properties in the neighborhood or which negatively affects neighboring properties and/or residents, whether by continuous or excessive noise or by maintenance of the property in an unsightly or unwholesome manner, noxious or offensive to others or injurious to public health, safety or welfare.”