



**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, APRIL 26, 2010**

- I. **Executive Session**
At 6:00 p.m. in the City Council Conference Room and pursuant to C.R.S. 24-6-402-4(e), City Council will discuss a negotiations matter.
- II. **Sign Code - 6:30 p.m. in the Community Room**
City Council will discuss the Sign Code.
- III. **City Manager's Choice**
A. 4757 South Bannock Demolition.
- IV. **City Attorney's Choice**
- V. **City Council Choice.**

To: Mayor Woodward and Council Members
Thru: Gary Sears, City Manager
Alan White, Community Development Director
From: Tricia Langon, Senior Planner
Date: April 26, 2010
Subject: Sign Code Policy Direction

In preparation of amendments to *16-6-13: Signs* of the Englewood Municipal Code, staff considered current City sign regulations and those of other communities, the experience of staff development review planners, comments and concerns voiced by the business community through ACE, property owners and the Planning and Zoning Commission. The review identified the desire for amendments that would meet the needs of the business community, City administrative needs, and maintain community character.

The chart on pages 2 to 4 identifies topics and issues to be addressed during the amendment process. Several of the topics are organizational issues (formatting or housekeeping) that can be addressed administratively. The six gray shaded portions of the table identify more complex issues requiring policy direction from Council. Those topics are:

- Banners
- Murals
- New Technologies
- Portable/Temporary signs
- Signs in the Public Right-of-Way
- South Broadway Sign Area

Staff seeks Council's broad policy direction for these topics in order to continue with preparation of the Sign Code amendments. Council's direction on these six topics will also help form the regulatory details for these complex topics, as well as guide staff decisions on less complicated administrative issues.

Each topic contains a summary of the current UDC regulations, other pertinent information, major considerations, and possible options designed to stimulate discussion and assist in policy decisions. It should be noted that the provided options are not the only possibilities.

TOPIC	ISSUE	RECOMMENDED COURSE OF ACTION
Abandoned signs	<ul style="list-style-type: none"> ➤ Requires sign to be removed within 30 days ➤ No means to know if a sign is no longer applicable ➤ Lack of enforcement results in signs remaining long after a business is gone 	<ul style="list-style-type: none"> ➤ Coordinate with other Departments for notification of a closed business ➤ Improved enforcement
Administration	<ul style="list-style-type: none"> ➤ Code is not easy to use/follow ➤ Multiple contradictions and exceptions ➤ Numerous regulations based on content ➤ First amendment issues ➤ Prior restraint issues ➤ Sign Code Purpose statement limited to health and safety 	<ul style="list-style-type: none"> ➤ Simplify with fewer regulations and exceptions ➤ Clarify – reduce ambiguity ➤ Use more charts ➤ Content-neutral regulations: regulate sign by time [when], place [where] and manner [how], not by what it says) ➤ Clarify permit and provide procedural safeguards ➤ Prior restraint: no regulations that require approval in order to obtain a sign permit or give too much discretion or arbitrary approval to City ➤ Clearly state that one purpose of the Sign Code is aesthetics ➤ Create “Signs 101” handout
Banners	<ul style="list-style-type: none"> ➤ Permanent or temporary ➤ Business community wants signs that can easily be changed to reflect the market 	See Policy Direction Options – page 13
Billboards	<ul style="list-style-type: none"> ➤ Billboards currently prohibited in the City 	<ul style="list-style-type: none"> ➤ Continue prohibition to prevent visual clutter in the community and address off-premise sign issue ➤ Write regulations for NC billboards as off-premise signs ➤ Denver recently banned new LED billboards
Definitions	<ul style="list-style-type: none"> ➤ 60 definitions, terms or phrases related to signs in the current Code ➤ Some terms are outdated ➤ Some terms are not even used in the Code ➤ Some terms used in the Code are not defined ➤ Some terms are duplicates of others ➤ Sign definition – what is and is not a sign 	<ul style="list-style-type: none"> ➤ Housekeep the unnecessary definitions ➤ Update remaining definitions ➤ Add terms for new technologies
Enforcement	<ul style="list-style-type: none"> ➤ Difficult – some signs require a permit, some don’t ➤ Code far too complex to be easily enforced ➤ Zoning enforcement on complaint only basis causes inconsistent enforcement; angers those who receive notice 	<ul style="list-style-type: none"> ➤ Simplify regulations ➤ Establish record of existing signs
Exceptions	<ul style="list-style-type: none"> ➤ The word “except” is used 26 times in the Code ➤ One exception is an exception to the exception ➤ Exceptions tend to complicate and confuse ➤ Confusion may lead to legal liabilities 	<ul style="list-style-type: none"> ➤ Streamline regulations to reduce exceptions ➤ When an exception is necessary state it clearly
Flags	<ul style="list-style-type: none"> ➤ Flags by definition is used as symbol of government or its 	<ul style="list-style-type: none"> ➤ Clarify difference between ‘flag’ and ‘banner’

TOPIC	ISSUE	RECOMMENDED COURSE OF ACTION
	agency (nat'l, state or city, or part thereof) <ul style="list-style-type: none"> ➤ Flag definition uses the word 'banner' ➤ Commercial "flags" (corporate flag) ➤ Non-commercial ➤ Legal issues ➤ Patriotic issues 	
Materials	<ul style="list-style-type: none"> ➤ No regulation of or differentiation of materials between permanent and temporary signs 	<ul style="list-style-type: none"> ➤ Differentiate between allowed materials for permanent and temporary signs
Murals	<ul style="list-style-type: none"> ➤ Are they signs or works of art ➤ How big can they be ➤ Permit required ➤ How are they reviewed 	See Policy Direction Options – page 17
New Technologies	<ul style="list-style-type: none"> ➤ Flashing, Blinking, LED, Moving, ➤ LED (light emitting diode) and similar technologies ➤ Projected light 	See Policy Direction Options – page 20
Nonconforming signs	<ul style="list-style-type: none"> ➤ Code requires them to be removed within fixed timeframe from when the 1985 sign code was adopted ➤ Also requires removal for: any change to the sign; change in ownership, lessee or business; sign is damaged by more than 50%; sign is a hazard or a danger; permit for building façade improvements ➤ This was not enforced ➤ Many nonconforming signs still remain 	<ul style="list-style-type: none"> ➤ Colorado prohibits amortization of NC signs ➤ Inventory signs ➤ Incentive programs to remove NC signs <ul style="list-style-type: none"> ○ Catalyst program
Off-Premise signs	<ul style="list-style-type: none"> ➤ Are currently prohibited ➤ On-premise signs are an inseparable accessory use related to the business on site ➤ Off-premise sign is not related to the business on site and therefore is a separate use unto itself 	<ul style="list-style-type: none"> ➤ Maintain off-premise prohibition
Portable/ Temporary	<ul style="list-style-type: none"> ➤ Can easily be moved or removed to avoid enforcement ➤ Temporary – how long is temporary 	See Policy Direction Options – page 9
Quasi "Signs"	<ul style="list-style-type: none"> ➤ Not mentioned in current code ➤ Menu Boards ➤ Vending Machines ➤ Collection boxes 	<ul style="list-style-type: none"> ➤ Clarify if they are or are no signs and if they are, do they count toward signage calculations ➤ Establish accessory use category for collection boxes

Sign Area	<ul style="list-style-type: none"> ➤ Based on street frontage – larger property gets more sign area ➤ Every use guaranteed at least 80 square feet of sign area ➤ Directions on how to calculated scattered in Code 	<ul style="list-style-type: none"> ➤ Allowance generally in line with other communities ➤ Few issues/complaints regarding the size of allowed signs ➤ Simplify calculation explanation in Code ➤ Maintain current area maximums while easing/increasing opportunity for temporary signs ➤ Incentive for increased area for master sign plan ➤ Coordinate with South Broadway Sign Area amendments
Sign Number	<ul style="list-style-type: none"> ➤ Based on street (building) frontage –larger property (use) gets more signs ➤ Every use guaranteed at least 3 signs 	<ul style="list-style-type: none"> ➤ Allowance generally in line with other communities ➤ Few issues or complaints regarding the number of allowed signs
Signs in the public right-of-way	<ul style="list-style-type: none"> ➤ Conflict between Titles 16 and 11 ➤ Enforcement issue – who enforces and what is enforced 	<p>See Policy Direction Options – page 7</p> <ul style="list-style-type: none"> ➤
South Broadway Sign Area Provisions	<ul style="list-style-type: none"> ➤ Did not create desired outcome of more creative signs ➤ Exceptions cause confusion (double negatives included in Section K) 	<p>See Policy Direction Options – page 5</p> <ul style="list-style-type: none"> ➤
Window Signs	<ul style="list-style-type: none"> ➤ More difficult to enforce because of temporary or changing needs ➤ Current maximum window coverage is 25% ➤ Written exceptions allow more coverage ➤ Few business apply for permits 	<ul style="list-style-type: none"> ➤ Allow a maximum of 25% window coverage or each window or window grouping without permit ➤ Permit required to exceed the 25% limit

South Broadway Sign Area

Current Codes:

Regulations for the South Broadway Sign Area were adopted in 2000. What became known as the “Creative Sign Code” was intended to give height, area, and location bonuses to businesses fronting on South Broadway in the hope that they would install creatively designed commercial signage that could enhance and revitalize the corridor. Bonuses in the “Creative” code increased:

- Minimum sign area from 80 to 100 square feet
- Maximum height of a ground sign from 20 to 25 feet
- Distance from the building that a sign could project from 30 to 42 inches.

In addition, if the signage plan was reviewed and approved by the City Manager or designee the following signs were also allowed if they met the area and number requirements:

- Animated signs
- Flashing and blinking signs
- Roof signs
- Wall murals

Policy Considerations:

The South Broadway Sign Area regulations were designed to enhance the South Broadway corridor with “creative” signs that would enliven the corridor. For the most part, this desired result has not occurred; only in a few instances can new signs be called unique. Over the past ten years businesses have used the regulations for standard signs that are merely bigger and taller rather than truly innovative or imaginative.

1. Bonus for particular areas/corridors or increase allowances for all areas.
2. Limitations to the types of signs allowed in particular areas.

Policy Options:

1. Maintain the status quo.
Keep the separate sign regulations for properties along South Broadway.

Result: Essentially two Sign Codes. Preserves sign allowance bonus based only on address. Constant question, “Why can’t I do that on Hampden, (Tejon, Evans, etc)?”

POLICY DIRECTION OPTIONS

2. Eliminate the South Broadway Sign Area provisions.

Return to a single Code with the same sign regulations for all commercial and industrial zones.

Result: Signs approved in the past ten years along South Broadway may be nonconforming if the business used the “Creative” code standards.

3. Extend some of the “Creative” bonuses in commercial and industrial zones.

Allow some of the South Broadway height, location or area bonuses in other zones.

Result: Provides a more flexible and equitable Sign Code based on the characteristics of a zone rather than a property address.

4. Extend all of the “Creative” bonuses to all commercial and industrial zones.

Allow all of the South Broadway bonuses and the additionally allowed types of signs (animated, flashing, roof, and mural) in all commercial and industrial zones.

Result: Does not consider if bonuses or additionally allowed signs are appropriate for all zones.

Signs in the Public Right-of-Way

Current Codes:

Title 16 16-6-13: Signs

- Administered by Community Development
- Regulations apply in all zone districts
- A zone district includes all land within its boundaries—private, public, roads, waters, etc.
- Signs must be located on the same property as the permitted use unless otherwise permitted (i.e. traffic, street, public signs)
- The Sign Code prohibits off-premise (signs that do not refer to a business, product or service on the property)
- These regulations do not waive the provisions of Title 11 that apply to signs.

Title 11 11-3: Street and Sidewalks

- Administered by Public Works
- Exempts public-purpose signs (i.e. street signs, stop signs, etc)
- Prohibits signs on public sidewalks or streets. For the purpose of this section, the street includes the actual roadway and everything between the property line and road.



Both Title 11 and 16 prohibit signs in the right-of-way except public signs (i.e. traffic, street signs) or signs licensed by the City (i.e. bus bench and shelter ads).

Policy Considerations:

1. Courts have typically ruled that a municipality may prohibit the posting of all signs on public property. Regulations that provide exceptions or exemptions are often subject to heightened scrutiny.
2. Which Code is responsible for signs in the public right-of-way?



Policy Options:

1. Place regulations for all signs in the public right-of-way within Title 11.*

Result: Resolves conflict between Codes 16 and 11.

2. Create new section within 16-6-13: Signs dealing with signs in the public right-of-way.*

Result: Resolves conflict between Codes 16 and 11.

- * These options should be based on discussions and recommendations by the Community Development and Public Works Departments



Portable/Temporary Signs

Current Sign Code:

A portable sign is any sign that is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicle.

Since 1984 (earlier in some districts) the Sign Code has prohibited “portable” signs.

Though portable signs are often used in a “permanent” manner, they are designed to be temporary in nature because by definition they are not permanently mounted to a building or the ground.



This photo of a portable sign was taken outside a municipal building!

POLICY DIRECTION OPTIONS

A temporary sign is a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and which is designed or intended to be displayed for a short period of time. The topic becomes more complicated by the many different types of temporary signs, some of which are allowed, some require permits, and some are prohibited.

Pennants



Holiday Decorations



Real Estate



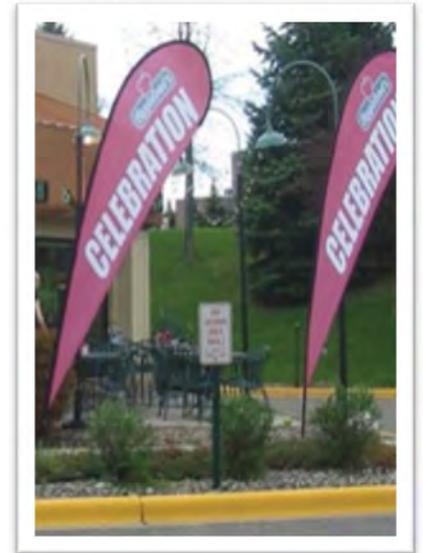
Election signs



Flags



Wind



Contractor



Policy Considerations:

Temporary versus Permanent. Identifying all signs as either permanent or temporary will simplify regulations and enforcement options and avoid possible prior constraint issues. Temporary signs can be regulated based on time, place & manner only, provided that all temporary signs are regulated the same. Courts have typically ruled that a municipality may not impose time limits on political signs only or prohibit real estate signs, or prohibit residential signs that carry political, religious, and personal messages.

Temporary signs are typically made of less durable materials than permanent signs. One way to differentiate the two may be by construction material.

It is difficult to permit and track temporary signs because they come and go quickly.

How long is temporary? And when does a temporary sign become permanent?

Number: How many temporary signs can be displayed at one time?

Location: On site (the property) or in the public right-of-way.



Treat all non-permanent signs (those that are not structurally affixed to a building or the ground) as temporary with the same standards to avoid legal concerns over content-based regulations.

Policy Options:

1. Maintain the status quo.

All portable/temporary signs are prohibited.

Result: Does not address business community's desire for small, easily changed signage for sales or events.

2. Allow "A-frame" portable signs and continue to prohibit certain temporary signs.

Result: Permit tracking and follow-up nightmare.

3. Allow all types of portable and temporary signs.

Result: Permit tracking and follow-up nightmare.



POLICY DIRECTION OPTIONS

Banners

Current Sign Code:

Banners have been prohibited in all zone districts since at least 1984 with the following exception:

Short-term advertising sign allowed:

- business and industrial districts;
- up to 50 sf on a wall or 20% of a window coverage;
- permit required;
- two week period
- up to 6 times a calendar year.

BANNER EXAMPLES



POLICY DIRECTION OPTIONS

The same banner:

Westbound



Eastbound



Another banner example:



POLICY DIRECTION OPTIONS

Banner Survey of Other Communities:

Municipality/ Agency	Permit Required	Location	Max Area	Max Number	Display Period	Setback Req'd	Other Requirements
Arvada	N	Wall	40	1			Special provisions for community services, farmers markets, city festivals
Aurora	N	Wall Window Pole Ground	200	2	15 days, 4X (max 60 D)	10'	No lighting 11PM to 6AM Allows <i>Community events banners</i>
Boulder	Y		50	1	30 days, 1X (max 30 D)		Height: Max 20' Firmly attached on at least all four corners
Co. Springs	Y	Wall	*		30 days, 4X (max 120)		*0.75 square foot for each linear foot of exterior wall
Denver	N	Wall Windows	**		45 days		Ground level walls or windows. Permit required in Cherry Cr North area. **50% of permitted sign area plus up to max of 75 sf more
Englewood	Y	Wall Window	50 sf 20%		14 days, 6X (max 84 D)	N	Short-term Advertising only
Fort Collins	Y		40	1	20 days		Additional 20 days for non-profits and new businesses in 1 st year. If banner is put up without permit, no banners allowed for remainder of calendar year
Golden	Y						Count toward allowed square footage
Greeley	Y		50		40 days/yr		Anywhere on site if meets code
Lakewood	Y	Wall Fence	40	1	90 days/yr	Same as bldg	Called a special event banner
Littleton	Y				60 days		Special permit by City mgr. 2 per year cumulative 60 days
Longmont	***		32		30 days/ 3 mo, w 2 wks in between (max 90 days)		Height: Max 25' ***Approval by Downtown Dev. Authority
Parker	Y	Wall	40	1	15 days, 4X (max 60 days)		Provision for 40 sf banner while await permitted permanent sign. Lighted signs prohibited
Thornton	Y	Wall Other permanent structure	60	1	****	25'	****Grand Opening: 1 per business for 30 days within 60 days of the issuance of CO. Going Out of Business: 1 per business for 30 days, beginning no earlier than 27 days in advance of the event. Must be removed 3 days after event
Westminster	Y	Wall - flat on bldg	40	1/street, 2 max	30 days, max 60 days/yr	Same as bldg	Height: not above roofline
Wheat Ridge	N	Wall	1/2 allow- ance	1			Banners may be placed only on walls facing a public street or major interior drive.
Mesa, AZ	Y				30 days		
Portland, OR		wall	32 *****	3			Banners can be used as permanent signs but count toward sign allowance. Temp signs do not count *****1 additional banner (32-50 sf) for 180 days
Napier IL (PAS street Graphics)	Y		32		7 days, 4X (Max 28 days)	10'	Remove 5 days after event
CO Model Code		Wall Sign or light poles		1/ street	30 days, 2X (max 60 days)		

Policy Considerations:

1. Where/How are banners displayed
 - a. Building wall
 - b. Freestanding, tied on poles or between trees
 - c. Window
 - d. Fence
2. Time
 - a. Single short period each year (i.e. 1 week or 1 month)
 - b. Multiple short periods each year (i.e. 2 weeks, 6 times per year)
 - c. Unlimited
3. Enforcement

Policy Options:

1. Maintain the status quo by prohibiting all banners except "short term advertising" banners.

Only "short term advertising" banners would be allowed with a Permit, subject to maximum size, location and time limit of 6 banners for 2 weeks each (can run consecutively).

Result: No change; does not address business community concerns for flexible, easily changed signage. Requires code enforcement verification of every banner for permit and expiration date.

2. No banner restrictions.

Allow banners anywhere for any amount of time without Permit.

Result: Banners essentially become permanent signs. No review for safety. Aesthetic issues of what could be viewed as visual clutter.

3. Allow 1 banner for every use.

Allow each use to have one banner, no permit required provided it meets minimal safety and aesthetic and maintenance standards (i.e. safely affixed to building, material, does not cover windows, etc.)

Result: This basically allows one free banner (sign) per use. It allows advertising flexibility as it can be changed out as needed. No Permit required. Easy to enforce: if more than 1 banner is present, it is a Code violation. No need to check for Permit or expiration date.

Murals

Current Sign Code:

Murals are:

- Regulated by the Sign Code
- Subject to maximum size limits

Murals are permitted:

- Only on properties fronting on South Broadway
- Only 1 is permitted per principal building
- Only on the wall of a principal building
- Only on a side or rear wall of a principal building
- With a 2 square feet sign identifying the artist or sponsor

Murals may not:

- Be painted on accessory structures (shed, garage, fence)
- Be illuminated
- Advertise or draw attention to a product



A mural is “a picture painted on any exterior wall of a principal building...”. Because this example is constructed of high-relief material and not painted on the wall, it is not a mural. It is however a “work of art”.

Policy Considerations:

1. Design review by committee should be avoided as prior restraint.

2. Legally the Sign Code is unable to regulate “content” as a First Amendment freedom of speech issue.

3. Difference between:
 - mural that does not advertise a business, product or service and
 - mural that does not



4. If a mural advertises a business, product or service, is it a sign? (this mural is on the wall of a travel agency)



5. Limits on size or number (i.e this example is over 30' tall)



Policy Options:

1. Keep murals in the Sign Code - maintain the status quo.

Murals would remain in the Sign Code subject to all current Sign Code regulations: i.e. allowed only along South Broadway, permit required, subject to maximum size, number and location limits.

Result: No change; does not address size limit or location issues.

2. Keep murals in the Sign Code - exempt them from all sign regulations.

Murals would remain in the Sign Code but would not be subject to any Sign Code regulation.

Result: Murals allowed anywhere without restriction.

3. Differentiate between murals as art and murals as commercial signage.

Consider a mural created for the purpose of artistic expression along with paint schemes and neon lighting strips a “building enhancement”. Consider a mural created to advertise a business, service or product a sign, and establish regulations specific to “wall mural signs” that are separate from standard wall signs.

Result: Regulates murals based on non-commercial versus commercial speech.

If a mural does not contain commercial speech (advertises goods or services for economic gain) it is not a sign and is unregulated as a work of art.

If a mural contains commercial speech - advertises goods or services for economic gain using words, logos, trademarks - it is considered a sign subject to “wall mural sign” regulations (i.e. size, number location, allowed district, etc.)

4. Remove murals from the Sign Code - Work of Art.

Consider all murals a “work of art” whether they contain commercial or non-commercial speech.

Result: No regulation.



New Technologies

Current Codes:

Scoreboards and time and temperature devices are permitted anywhere.

Flashing and blinking signs are permitted in the South Broadway Sign Area if they do not flash more often than every 2 seconds.

The Code is silent on electronic message boards with changeable copy.



Policy Considerations:

1. Electronic Message Boards (EMB) can be static or scroll, roll, flash and may not be appropriate in all zones.
2. Update Code for new technologies including large scale projected images on buildings and changeable messages boards.
3. Additional research required.



Policy Options:

1. Regulate such signs by appropriate zone district.
2. Regulate by:
 - size
 - brightness
 - frequency





MEMORANDUM

TO: Michael Pattarozzi, Fire Chief
FROM: ✓ Lance Smith, Chief Building Official
DATE: April 22, 2010
SUBJECT: Council Request #10-079

10-079 (4757 S. Bannock Follow-up) Request for a follow-up and status report on the abandoned property at 4757 S. Bannock.

In December of 2009, the Building Division issued a Notice of Violation and attempted to contact the owner, Brian H. Rosene, via Certified Mail and general delivery. Both letters were returned as undeliverable.

Since it was unknown if Mr. Rosene was refusing mail service or was no longer at the last known address, a Kansas Process Server was hired to serve the NOV. There were two attempts by the process server to contact Mr. Rosene and both attempts were unsuccessful. It was reported by the server that the property had been vacated and that a forwarding address was not available. The 2006 International Property Maintenance Code considers the mailings and subsequent posting of the property as being properly served and allows the city to proceed with abating the violation.

IPMC 107.3 Method of service. *Such notice shall be deemed to be properly served if a copy thereof is:*

- 1. Delivered personally;*
- 2. Sent by certified or first-class mail addressed to the last known address; or*
- 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.*

Over a period of 20+ years, this property has been allowed by the owner to deteriorate to a point that under the provisions of IMPC Section 110 it would be appropriate to demolish the structure as an emergency measure. Sections 110.1 and 110.3 grant authority to the code official to cause the abatement of the violation through demolition of the structure.

110.1 General. *The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.*

110.3 Failure to comply. *If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.*

As discussed at the Study Session of December 7, 2009, the costs of causing such demolition could be in the \$14,000 to \$18,000 range depending on the level of asbestos abatement that may be required. This estimate is based on the costs associated with the City when ordered demolition of 3750 So. Cherokee took place in September, 2009.

Another option would be to continue to monitor the structure until such time that the foundation fails and damages the structure beyond repair and then proceed with the demolition of the structure. If a failure were to occur, the structure is not located near property lines or the public way and would not jeopardize public safety. Construction fencing should, however, be placed on the south side of the structure to keep any persons from approaching the structure.

All costs associated with either option would be charged against the property in the form of a lien.