

Presentation to CANN

March 9, 2018

Code Enforcement

The Code Enforcement program's goal is voluntary compliance with applicable City Municipal Codes and the 2015 International Property Maintenance Code, all of which are intended to protect the health, safety and welfare of the public and our community. In those instances where compliance is not voluntary, civil and criminal penalties may result.

The types of cases are generally divided between the Todd Parks City COE and Hal Davis contract COE. The contracted Code Enforcement Officer requires sign off of citations by the City Code Enforcement Officer. The Division reports directly to the Public Works Director.

- Parks: Property Clean Ups (weeds, grass, vegetation; rubbish accumulation; board ups; upholstered interior furniture), unfit for human occupancy (utility cut offs), emergency repair situations.
- Davis: Abandoned and unregistered vehicles; repairs to structures.

Process:

1. Identification of a violation (patrol, complaint).
2. Notice of violation.
3. May meet with or talk on phone with property owner to clarify violation and what must be done and/or discuss extension.
4. Inspection after 30 days (20 days if inoperable vehicle, 8 days if weeds/rubbish/furniture)
5. Extension(s) for some varying amount of time depending on judgement of CEO and progress of work.
6. Follow-up inspections periodically (not fixed intervals) to determine whether commitments are met and/or work is continuing.
7. Citations issued as early as end of first notice of violation deadline or at point in time that COE thinks property owner is not meeting commitment or has taken an unreasonable amount of time to complete work. However, there are no standards or thresh holds. The citation with a letter is sent to the property owner and includes a fine. A copy of the citation is sent to City Hall/Finance to collect.
8. Subsequent citations with fines are issued as frequently as one per day as each day that the violation continues, and each day is deemed a separate violation. Frequency is up to the COE. Bundling of violations into one citation commonly occurs – with the first citation amounting to 10 days of violation, therefore \$1000. There does not seem to be standards for assigning additional citations or for how

long. With each citation, a letter plus citation sent to property owner with copy to City Hall/Finance to collect.

9. Notice of violations for abandoned/inoperable vehicles – if not abated – result in orders to tow and bills for towing plus administrative costs.
10. Notices of violation for property clean up - (grass), board ups and demolition orders – if not abated – result in City paid abatement and bills to the property owner for the cost of abatement plus administrative fees. The bill is sent to owner with copy to City Hall. If not paid, they are sent to Circuit Court and automatically become liens against the property.
11. Citations for all other code violations which are sent to City Hall to process:
 - a. If paid within 30 + 8 days, the violation is closed.
 - b. If not paid, the citation is sent to District Court and scheduled for a hearing before a judge.
12. At Court, the City requests an affidavit of judgement for the citation/fine or citations/fines if there are multiple for same violation. The judge may:
 - a. award the City with an affidavit of judgement which then becomes a lien against the property and usually does if the property owner does not appear;
 - b. award the City even if the property owner does appear but does not convince the judge of willingness to abate the violation – this seldom occurs;
 - c. refuse to consider multiple citations for the same violation, even though City Code authorizes such;
 - d. continue the case to give time to the property owner to abate, usually resulting in dismissal of fine except for the administrative fee;
 - e. dismiss the case altogether.

Staff Resources:

Code Enforcement is a division of the Public Works Department. It is made up of:

1 FTE employee/CEO

1 30/hr wk contract CEO

1/5 FTE employee secretary.

In 12-month period 3/1/17 – 2/28/18

| Categories of violations | Total # Violations | % of total violations | Total Closed | % Closed | Total Open | # of open violations that were open 30+ days | % of open violations = open for 30+ days | # open but property is abandoned |
|---|--------------------|-----------------------|--------------|----------|------------|--|--|----------------------------------|
| Repairs + removal of illegal accessory buildings | 621 | 27% | 218 | 35% | 403 | 341 | 85% | ? |
| Property Clean Up (weeds/grass, trees/shrubbery, furniture) | 1300 | 59% | 1292 | 99% | 8 | 4 | 50% | |
| Abandoned and unlicensed vehicles | 226 | 10% | 208 | 92% | 18 | 2 | 11% | |
| Unfit for Human Occ. (water/electric cut off) | 97 | 4% | 73 | 75% | 24 | 16 | 67% | |
| All | 2244 | 100% | 1791 | 80% | 453 | 363 | 80% | |

Of the 114 open repairs and illegal accessory buildings “cases” - which can include more than one violation:

- 45 cases open for 6 months+ or more divided by 114 *open* repairs & accessory building cases = 39%
- 45 cases open for 6 months+ or more divided by 168 *total* repairs & accessory building cases = 27%

Distribution of violations:

The maps of “closed cases” show that most property repairs violations are identified in the 1st and 3rd wards. The property clean-up violations are identified in all wards, but still mostly in the 1st and 3rd wards. However, citizen complaints involving code enforcement, have come primarily from Ward 1.

Going Forward:

Management Audit to be presented to Council and discussed in work session between March 12 and March 26th.

Several recommendations:

- 1. Priority on repairs to structures over property clean-up and abandoned vehicles
- 2. Modification of staff assignments to match priorities and use of temporary staff for property clean-up patrol/citations
- 3. Process improvements
- 4. Consultation with the Court to enlist more cooperation.
- 5. Adoption of a Performance Based Code Enforcement for Rental Housing:
 - a. Interior and exterior inspections
 - b. Landlord incentives as well as sanctions
 - c. Gradual implementation to encourage code compliance
- 6. Additional staff resources to supervise division and implement rental housing program.
- 7. Match low-income home owners with DHCD grants and loans.