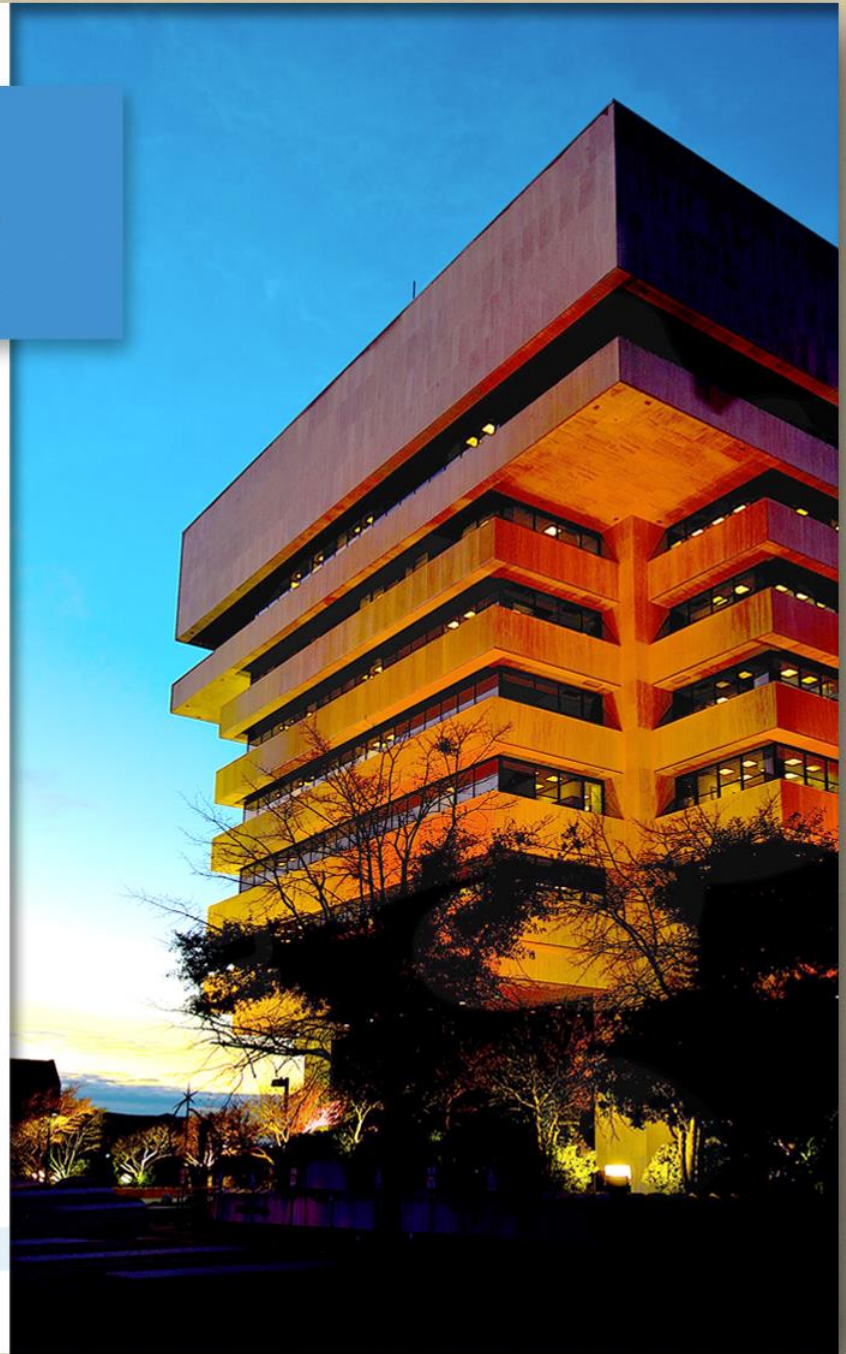


HAMPTON VA

Property Maintenance & Zoning Enforcement Briefing

**City Council
May 24, 2017**



Purpose

- To help the City Council and the public better understand the processes and challenges associated with Property Maintenance and Zoning Enforcement (PM & ZE)

Agenda

- Background
- Property Maintenance
- Inoperable Vehicles
- Weed & Debris
- Zoning Violations
- Roadside Memorials
- Court Process & Legal Limitations
- Opportunities & Challenges

Codes Enforced by the PM&ZE Division

- Zoning Ordinance
 - E.g., live entertainment, signs, uses of property, accessory structures (fences, sheds, etc.)
- Virginia Maintenance Code
 - Unsafe existing buildings or structures
 - Exterior and interior maintenance of existing structures per Building Code requirements
- High Grass and Weeds
- Debris
- Inoperable Vehicles
- Drug Blight in coordination with HPD
- Graffiti
- Cemeteries
- Wetlands
- Rental Inspections

Statistics

	April 2014- March 2015	April 2015- March 2016	April 2016- March 2017
3-1-1 calls investigated	2,388	2,489	3,093
Total inspections (3-1-1 and proactive)	18,962	20,408	20,157

***Chart includes property maintenance, high grass, debris, inoperable vehicles, and zoning enforcement**

- **PM&ZE staff are working with BasicGov to publish code enforcement statistics online so that citizens can track the process**

Property Maintenance Violations

- We cannot enforce based upon **aesthetics**, including:
 - Different siding colors
 - Different paint colors
 - Mismatched roof shingles
 - Messy/cluttered yards which are not debris
 - Overgrown bushes
- Many of these items give an appearance of blight but are not regulated by State Code as they do not address safety or deterioration.

Examples

What we **can** enforce



What we **cannot** enforce



Examples

What we **can** enforce



What we **cannot** enforce



Interior Property Maintenance

What we **can** enforce, if invited inside



Interior Property Maintenance

What we **can** enforce, if invited inside



Property Maintenance Violations Process

- **Inspector finds violation**
 - Proactive drive through a neighborhood and/or citizen complaint
- **Notice of Violation (NOV) issued**
 - Given 14 days to appeal NOV and 30 days to correct
- **Inspector re-inspects property**
 - If repairs are made, the violation is cleared. Subsequent violations restart the process
 - If repairs are not made and no appeal is pending, staff requests a criminal summons
- **Court process for uncorrected violations**
 - If the summons is able to be served timely, the first court date is approximately 4 weeks after summons is obtained
 - Best case scenario: 60 days for court process

Property Maintenance Violations Penalties

- **Initial Conviction**
 - Fine of up to \$2,500; abatement within six months shall be ordered by the Court. Time can be shortened by the court for good cause shown.
- **Failure to Abate Once Convicted w/ Abatement Order**
 - Each day uncorrected is a separate violation subject to a fine of \$1,000-\$2,500
- **Enhanced Fines for 2nd, 3rd, and subsequent violations within 10 years**

Inoperable Vehicles

Which vehicle is inoperable?



Inoperable Vehicles

Which vehicle is inoperable?



Inoperable Vehicles

Did you pick this one?



Inoperable Vehicles

This vehicle has both expired tags and state inspection, which on private property makes it a violation.



Inoperable Vehicles

This vehicle has current tags but expired state inspection, which on private property is legal but is a violation on a public highway.



Inoperable Vehicle Violations Process

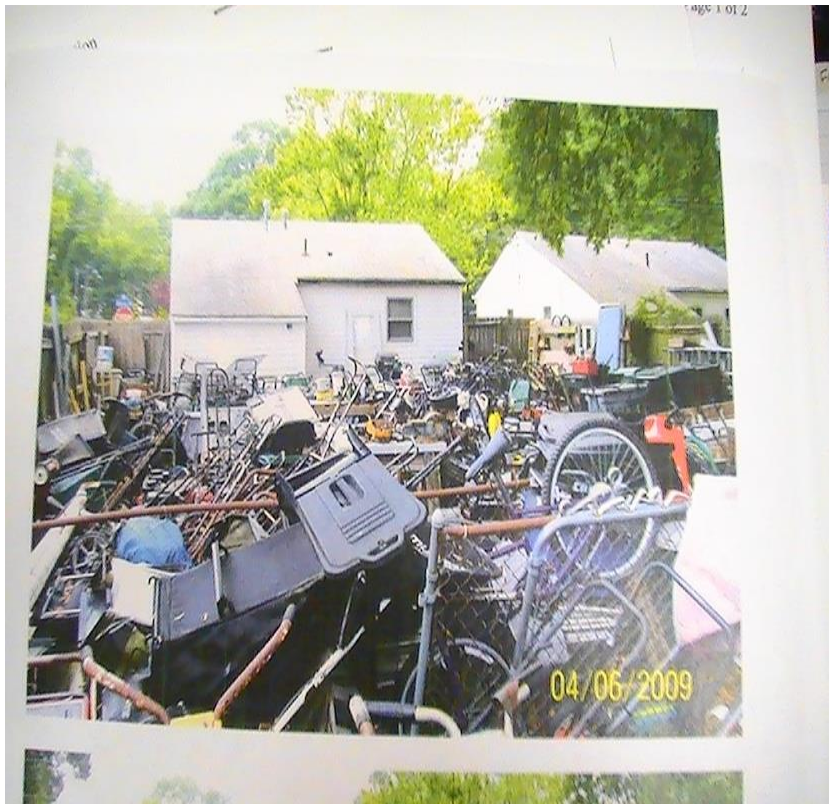
- **Inspector finds violation**
 - Proactive drive through a neighborhood and/or citizen complaint
- **Notice of Violation (NOV) issued**
 - Given 60 days to correct violation
- **Inspector re-inspects property (1)**
 - If not corrected, 10-day NOV issued
- **Inspector re-inspects property (2)**
 - If not corrected, vehicle towed by contractor or, if unable to gain access to vehicle, summons issued to property owner
- **Court process for uncorrected violations**
 - If the summons is able to be served timely, the first court date is approximately 4 weeks after summons is obtained
 - Best case scenario: 100 days for court process

Inoperable Vehicle Violations Penalties

- **Initial Conviction**
 - Fine up to \$500; abatement shall be ordered by the Court
- **Failure to Abate Once Convicted w/ Abatement Order**
 - Can request a Show Cause summons for violating the order
- **Subsequent convictions**
 - Fine up to \$1,000

Debris Violations

What we **can** enforce



What we **cannot** enforce



High Grass Violations

What we **can** enforce



Grass in excess of 10" within 150' of structures

What we **cannot** enforce



High grass to filter stormwater runoff in ditches is an exemption

Weed/Debris Violations Process

- **Inspector finds violation**
 - Proactive drive through a neighborhood and/or citizen complaint
- **Notice of Violation (NOV) issued**
 - Given 7 days to correct violation
 - One-time high grass NOV per season
- **Inspector re-inspects property**
 - If corrected, NOV is cleared. Subsequent violations restart the process for debris.
 - If not corrected:
 - Vacant lots and lots with vacant structures given to contractor to cut – \$200 minimum lien placed on property
 - Occupied structures taken through the court process or given to contractor (concern for conflict)

Weed/Debris Violations Process

- **Court process for uncorrected violations**
 - If the summons is able to be served timely, the first court date is approximately 4 weeks after summons is obtained
 - Best case scenario: 45 days from beginning to end
 - Each day the violation is continuing shall constitute a separate offense

Weed/Debris Violations Penalties

- **Initial Conviction**
 - Fine up to \$1,000; abatement shall be ordered by the Court
- **Failure to Abate Once Convicted w/ Abatement Order**
 - Can request a Show Cause summons for violating the order
- **Subsequent convictions**
 - Same as initial conviction

Zoning Violations

Hedges/Bushes

What we **can** enforce



What we **cannot** enforce



Zoning Violations

Right-of-Way Signs

- Signs located on a public right-of-way or other city-owned property without a permitted encroachment agreement, which are subject to immediate removal without notice.
- Enforced the same regardless of content, all must be treated the same



Zoning Violations Process

- **Inspector finds violation**
 - Proactive drive through a neighborhood and/or citizen complaint
- **Notice of Violation (NOV) issued**
 - Given 30 days to correct violation or appeal NOV
- **Inspector re-inspects property**
 - If corrected, NOV is cleared. Subsequent violations on the same property may be issued a summons
 - If not corrected or appealed, summons issued to property owner or other person responsible for violation
- **Court process for uncorrected violations**
 - If the summons is able to be served timely, the first court date is approximately 4 weeks after summons is obtained
 - Best case scenario: 60 days from beginning to end

Zoning Violations Penalties

- **Initial Conviction**
 - Fine of up to \$1,000; abatement shall be ordered within a time period established by the court
- **Failure to Abate Once Convicted w/ Abatement Order**
 - Failure to abate = fine up to \$1,000
 - Every 10-day period left uncorrected after abatement period is punishable as a separate violation and subject to a fine of up to \$1,500

Roadside Memorials

- In July 2016, the Public Works Department implemented a roadside memorial policy modeled after VDOT guidelines
- Family members of victims of human fatalities that occur on the city highway system and family members of victims of homicides may apply
- Memorials remain in place for one (1) year from the date of installation
- The City is responsible for fabrication, installation, maintenance, and removal of the memorial sign

Court Process & Challenges

- Must allow approximately 4 weeks after violation deadline for court date due to time it takes to serve a summons
- Court has the power to grant continuances
- Court normally will grant defendant their first request for continuance
- This causes time delays in the corrective action when a defendant exercises these options

Other Legal Limitations

- **Must comply with the 4th amendment**
 - What can we see from the public street, or with consent of the property owner?
 - May need a search warrant to use certain equipment
- **Must strictly comply with all notice procedures**
 - E.g., addresses, code section citations, etc. must be correct
- **Criminal summons must be served by a law enforcement officer in the jurisdiction where the defendant is located**

Opportunities and Challenges

- Overall goal of code enforcement is to enhance the appearance of neighborhoods, increase property values, and protect the public health, safety, and welfare
- Hampton's housing stock is older and requires more maintenance, but the housing crisis impacted ability to maintain structures
- Opportunity to amend city code within current state code authority and/or request the General Assembly and/or Board of Housing and Community Development to amend state law as needed

Opportunities – Vehicle Related

- **The City could consider:**
 - Limiting the number of vehicles on residential property:
 - That may be parked within the front yard
 - That may be parked outside of a garage or enclosure
 - Requiring vehicles to be parked on an improved surface
 - Requiring both valid license plates AND current inspection decal, if required, in order to be considered operable
 - Shortening the Notice of Violation period for inoperable vehicles and/or short-term, recurring zoning violations
- **Each option has pros and cons and would require staff and public vetting**

Questions