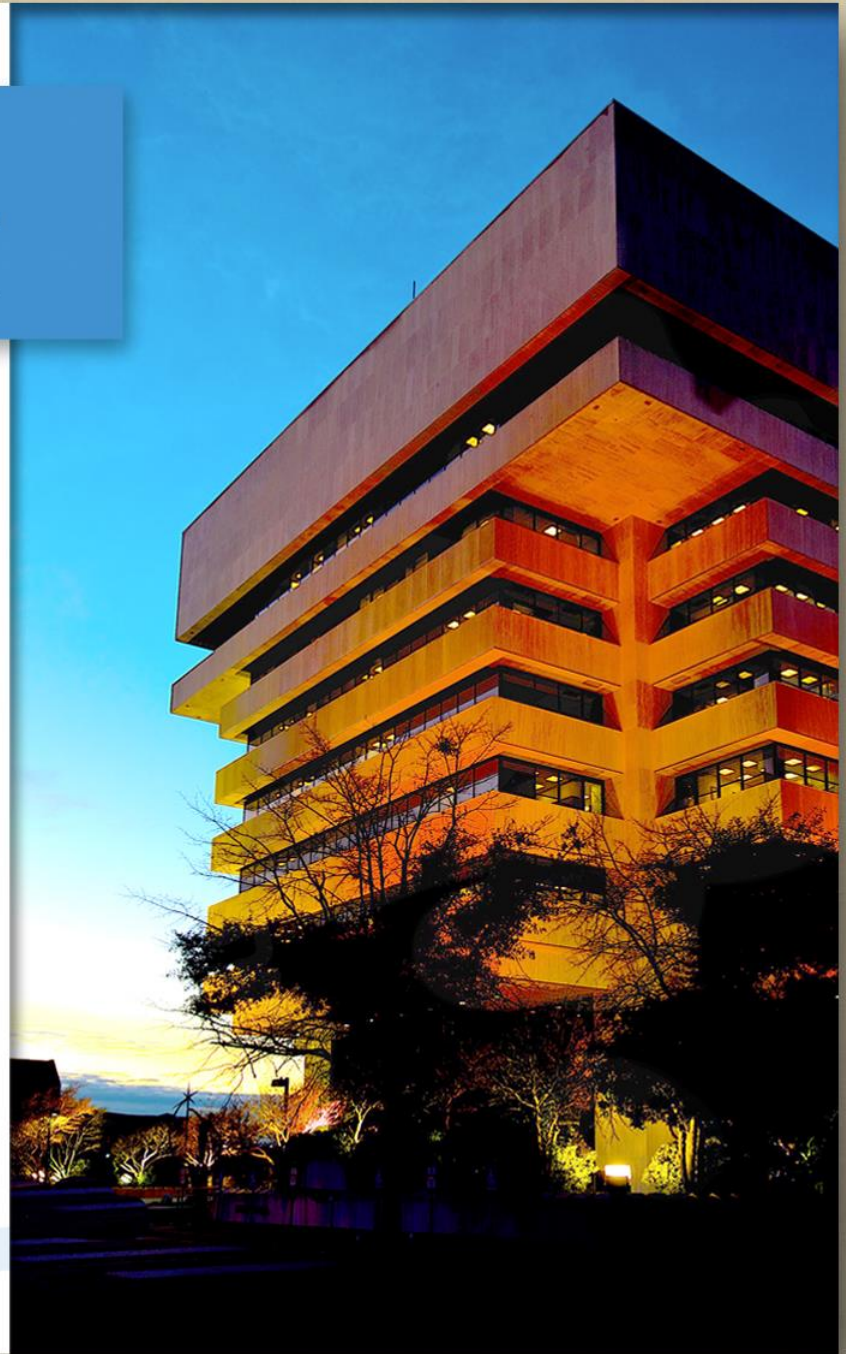


HAMPTON VA

Code Enforcement Briefing

City Council
Sept. 26, 2018



Purpose

- To help the City Council and the public better understand the processes and challenges associated with Property Maintenance and Zoning Enforcement (PM & ZE), the challenges with enforcement for Public Works, Solid Waste and HPD enforcement of parking

Agenda

- Background
- Property Maintenance
- Inoperable Vehicles
- Weed & Debris
- Zoning Violations
- Roadside Memorials
- Court Process & Legal Limitations
- Opportunities & Challenges
- Public Works/ Solid Waste Enforcement
- Hampton Police Dept. Parking Enforcement 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
- Criminal Blight in coordination with HPD
- Graffiti
- Cemeteries
- Wetlands
- Rental Inspections

Statistics

	April 2015- March 2016	April 2016- March 2017	April 2017- March 2018
3-1-1 calls investigated	2,537	3193	3196
Proactive inspections	5228	4522	5,054
Total inspections (3-1-1 and proactive, re- inspections)	20408	20157	21,077

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

- **PM&ZE violations are 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

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 was legal but with our Jan 1, 2018 code change, is also a violation.



Inoperable Vehicle Violations Process

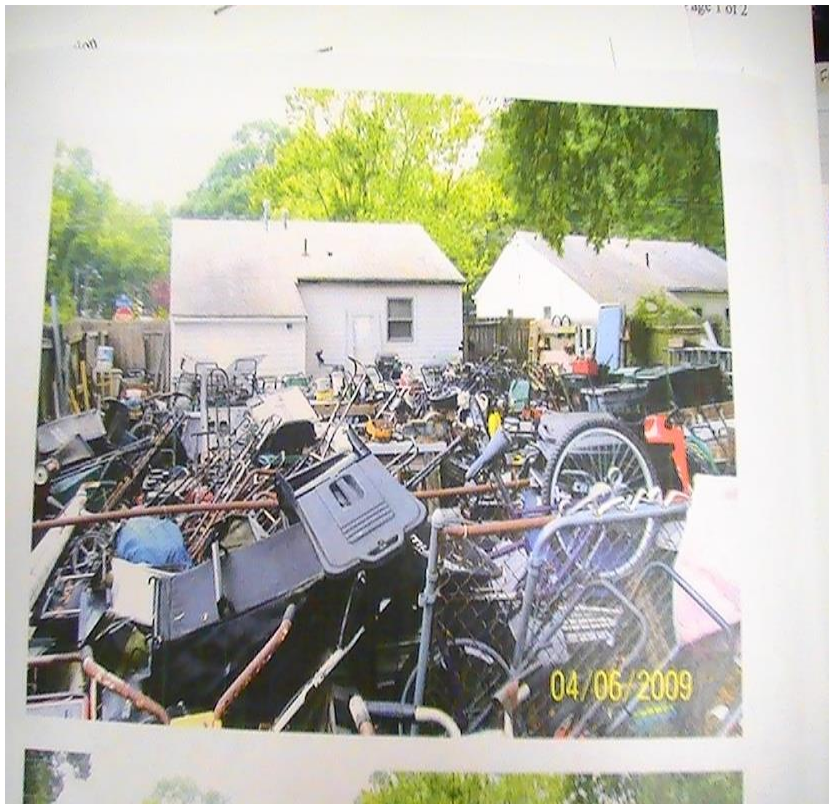
- **Inspector finds violation**
 - Proactive drive through a neighborhood and/or citizen complaint
- **Notice of Violation (NOV) issued to the property owner**
 - Given 10 days to correct violation which means the vehicle must have both current tags and inspection (if required)
- **Inspector re-inspects property (1)**
 - If not corrected, and we have not received any contact from the property owner or tenant, we send it for towing. Since Jan 1, 2018, through Aug 21, there have been 1063 IV's written up as violations. Of those, 104 were towed by the city contractor and 55 were brought into compliance. The remaining 49 we never claimed. Per our new contract, the contractor has 24 hrs from the next business day to remove the vehicle. Also, the contractor is not allowed to tow the vehicle back, unless it meets the code
- **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. We have issued 18 summons as of Aug 21, 2018

Inoperable Vehicle Violations Penalties

- **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: 50 days for court process
- **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
- **Each option has pros and cons and would require staff and public vetting**

Codes Academy

- 2018: Virginia General Assembly approved authorization for Hampton to utilize citizen codes inspectors
 - Community Development and City Attorney's office are developing a curriculum for Citizen Codes Academy
- November 2018: Presentation to the Neighborhood Commission
- January 2019: First class begins

Codes Academy

- Classes will cover legal foundations, categories of code enforcement, specific roles of citizen inspector
- In addition to class work, also ride-along and field work
- Only graduates of Academy will be eligible to become inspectors
- Will select initial pilot area with select number of inspectors to try the program out

Approximations of Solid Waste Collection Services

- 42,000 solid waste customer
- 11,000 refuse collections “per day”
- 650 special collections for disabled customers
- 38,000 tons of refuse collected per year
- 8,000 tons of recycling material collected per year, including yard waste, metal, and tires
- 50,000 tons of bulk trash per year

Solid Waste Services

- ✓ Safeguard life, limb, property, and public health by regulating the disposal of solid waste and hazardous materials
- ✓ Prohibit the accumulation of litter in the City of Hampton
- ✓ Provide a system of collection and disposal of solid waste and recyclable materials
- ✓ Maintain a system of fees and charges necessary to offset costs associated with collection and disposal
- ✓ Establish penalties for failing to comply with the provisions of this chapter

Collections Only from Authorized Containers

- Collections will be made only from authorized containers with valid serial numbers.



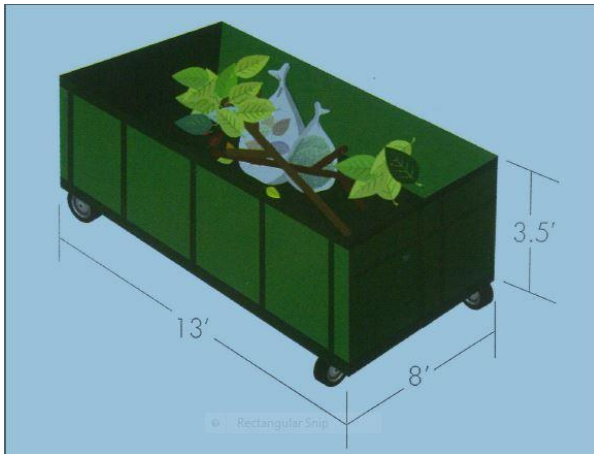
Materials Not Collected & Special Preparation

Includes an expanded list of materials that will not be collected and a section for proper disposal of each non-collectable material for the safety of city employees. For example:

- ✓ **Bulk waste in excess of 10 cubic yards**
- ✓ Industrial Waste
- ✓ Construction Demolition
- ✓ Hazardous Waste
- ✓ Land-Clearing
- ✓ Propane Tanks
- ✓ Chemicals
- ✓ Medical Waste



What is 10 Cubic Yards?

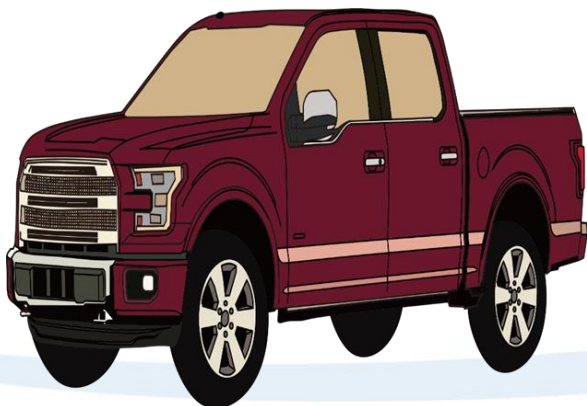


=

21 Containers



OR



Building Materials

Building materials not collected:

- ✓ Roofing, Gutters, Shingles, Insulation
- ✓ Concrete, Bricks, Cinder Blocks
- ✓ Walls, Decks, Sheds
- ✓ Flooring & Carpet

Construction debris may be contaminated with asbestos or other hazardous materials.



Evictions

To align with state code:

- ✓ Personal property may be placed in public way.
- ✓ Tenants may remove property within prescribed time period, which state code currently sets as 24 hours.
- ✓ Owner's failure to remove after expiration of 24-hour period will result in a special collection and disposal fee.



HPD Parking Enforcement

CITY OF HAMPTON
PARKING TICKETS ISSUED
2017 & YTD 2018 (JAN. 1-AUG. 23)

CHARGE DESCRIPTION	2017	TYD 2018
BLOCK TRAFFIC, ALLEY OR DRIVEWAY	42	28
BLOCKING ACCESS TO PARKING SPACE	8	2
DOUBLE PARKING	26	15
FAILURE TO DISPLAY CITY TAG	3	0
IMPROPER OR ILLEGAL PARKING	1,044	1,011
LEAVING KEYS IN IGNITION (UNATTENDED)	37	34
OFFICER ERROR - NOTHING CHECKED	15	2
OVERTIME PARKING	249	96
OVERTIME PARKING RES - 2 HOURS,TRUCKS, VAN (>1 TON) ETC	33	49
PARK TRAILER ON CITY STREET	51	90
PARKING FIRE HYDRANT (15')	73	70
PARKING FLASHING BEACON, STOP SIGN, CONTROL SIGNAL(30')	65	17
PARKING IN FIRE LANE	67	55
PARKING IN HANDICAPPED ZONE	105	75
PARKING IN LOADING ZONE	10	2
PARKING IN NO PARKING ZONE	498	403
PARKING LEFT TO CURB	698	494
PARKING OR STOPPING ON SIDEWALK, WALKWAY OR CROSSWALK	106	40
PARKING OVER WHITE LINE	68	39
PARKING SAFETY ZONE (30')	3	2
PARKING TOO FAR FROM CURB (12")	334	179
PARKING WITHIN INTERSECTION (20')	69	43
TRAFFIC HAZARD	19	12
Total	3,623	2,758

COMMERCIAL VEHICLE PARKING REGULATIONS

- Current City Code 21-136 regulating the parking of large or commercial vehicles on City streets is difficult to enforce.
 - Requires Officers to know zoning regulations.
 - Requires Officers to observe a vehicle for one hour.
 - Provides a complete exception for commercial zoning districts.
- Virginia Code currently restricts our ability to change this ordinance.

Questions