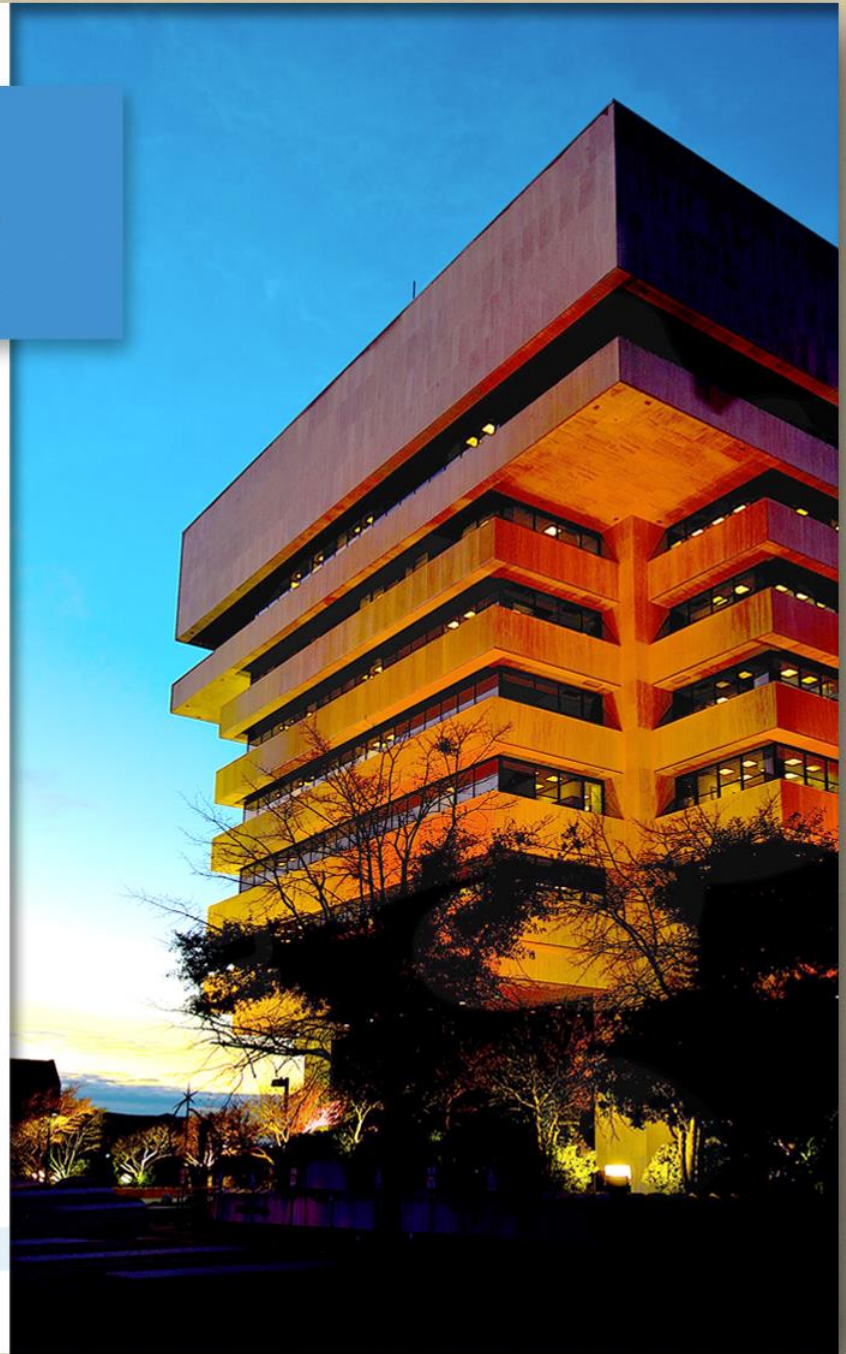


# HAMPTON VA

## Code Enforcement Briefing

City Council  
Sept. 25, 2019



# Purpose

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

# Agenda

- Codes Inspections Area Maps
- Property Maintenance
- City Codes
- Zoning Violations
- Court Process & Legal Limitations
- Opportunities

# Code Enforcement Area Maps



# Parcels Per Area

Code Enforcement Areas	Parcels Per Area
1A	7,719
1B	6,199
2A	7,439
2B	6,301
2C	7,649
3A	5,914
3B	5,982
3C	4,032

\*\*\* Average Parcels each inspector is responsible for: **6,404**

# Statistics

	April 2016- March 2017	April 2017- March 2018	April 2018- March 2019
<b>311 Calls</b>	3,193	3,196	<b>4,194</b>
<b>Proactive inspections</b>	4,522	5,054	<b>4,854</b>
<b>Re-inspections</b>	12,442	12,827	<b>14,405</b>
<b>Total inspections</b>	20,157	21,077	<b><u>23,453</u></b>

- **PM&ZE violations are online so that citizens can track the process**

# Inspection Priorities

1. Complaints/ 311 calls
2. Re-inspections
3. Strategic enforcement issues
4. Proactive inspections

# Codes Enforced by the PM&ZE Division

## Zoning Ordinance

- ✓ Live entertainment
- ✓ Signs
- ✓ Uses of property
- ✓ Accessory structures (fences, sheds, etc.)
- ✓ Chesapeake Bay Preservation Districts

## Virginia Maintenance Code

- ✓ Unsafe existing buildings or structures
- ✓ Exterior and interior maintenance of existing structures per Building Code requirements

## City Codes

- ✓ High grass & Debris
- ✓ Inoperable vehicles
- ✓ Graffiti
- ✓ Wetlands
- ✓ Rental inspections



# General Code Violations

- We cannot enforce based upon **aesthetics**, including:
  - Different siding colors
  - Different paint colors
  - Mismatched roof shingles
  - Structures that are covered in algae/dirt on the outside (need to be power washed)
  - Clutter
  - Overgrowth
- 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



# Clutter vs. Debris



# Overgrowth



# Overgrowth



# Property Maintenance Enforcement

- General Requirements (Interior & exterior structure, pools, handrails, exterior property areas, pest infestation, etc)
- Light, Ventilation and Occupancy Limitations
- Plumbing Requirements
- Mechanical and Electrical Requirements
- Fire Safety Requirements

# Exterior Property Maintenance





# Exterior Property Maintenance



# Interior Property Maintenance

What we **can** enforce if invited inside, or with an administrative search warrant



# Interior property Maintenance



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# 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 closed. 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 2<sup>nd</sup>, 3<sup>rd</sup>, and subsequent violations within 10 years**

# City Code Enforcement

- Inoperable Vehicles
  - Debris
  - High grass
  - Graffiti
- 

# Inoperable Vehicles

- What we look for to determine if a vehicle is inoperable:
  - Is it not in operating condition? (Ex. Flat tires, major engine components removed, wrecked, etc.)
  - Does it have current registration, and an inspection that is not more than 60 days past due?
  - \*\*Some out of state vehicles do not require an inspection sticker (Still require current registration)
  - \*\*Vehicles with antique tags are not required to have a current registration or inspection

# Inoperable Vehicles

Is this vehicle inoperable?





# Inoperable Vehicles

This vehicle has current tags but an expired state inspection, therefore it is inoperable. (The damage to the front of the vehicle does not necessarily make it inoperable)



# 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)
  - Otherwise be in operating condition
- **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.
  - Per our new contract, the contractor has 24 hrs from the next business day to remove the vehicle.
  - 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.

# 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: 40 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

- It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, occupied or vacant including the area adjoining such property extending to the **curb line** or the paved portion of the roadway and or the **center line of an abutting alley**, to permit grass, weeds and other foreign growth on such property to **exceed a height of ten (10) inches, within one hundred fifty (150) feet of any residential or commercial structure, or any structure designed for use in connection therewith.**

# High Grass We Do Not Enforce

1. Chesapeake Bay Preservation Areas
  2. Vegetated Wetlands
  3. Stormwater water management areas (banks of detention ponds, drainage easements, streams, and other bodies of water)
- 

# 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 (March 1<sup>st</sup>-November 30)
- **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

# Graffiti

- “The existence of graffiti within the city limits in violation of this article is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article”

# Graffiti



# 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

# Court Process

- 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



# Legal Processes

- **Must comply with the 4<sup>th</sup> amendment**
  - What can we see from the public street, or with consent of the property owner/neighbor?
  - Many people who call in complaints want to remain anonymous, therefore we lose the ability to see what they see from their property or get further pertinent information
- **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

- 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

# Questions