

Code Enforcement

**Reducing Compliance Times –
Code Enforcement Actions,
Dangerous Building Demolition
Strategies & Nuisance Property
Management**

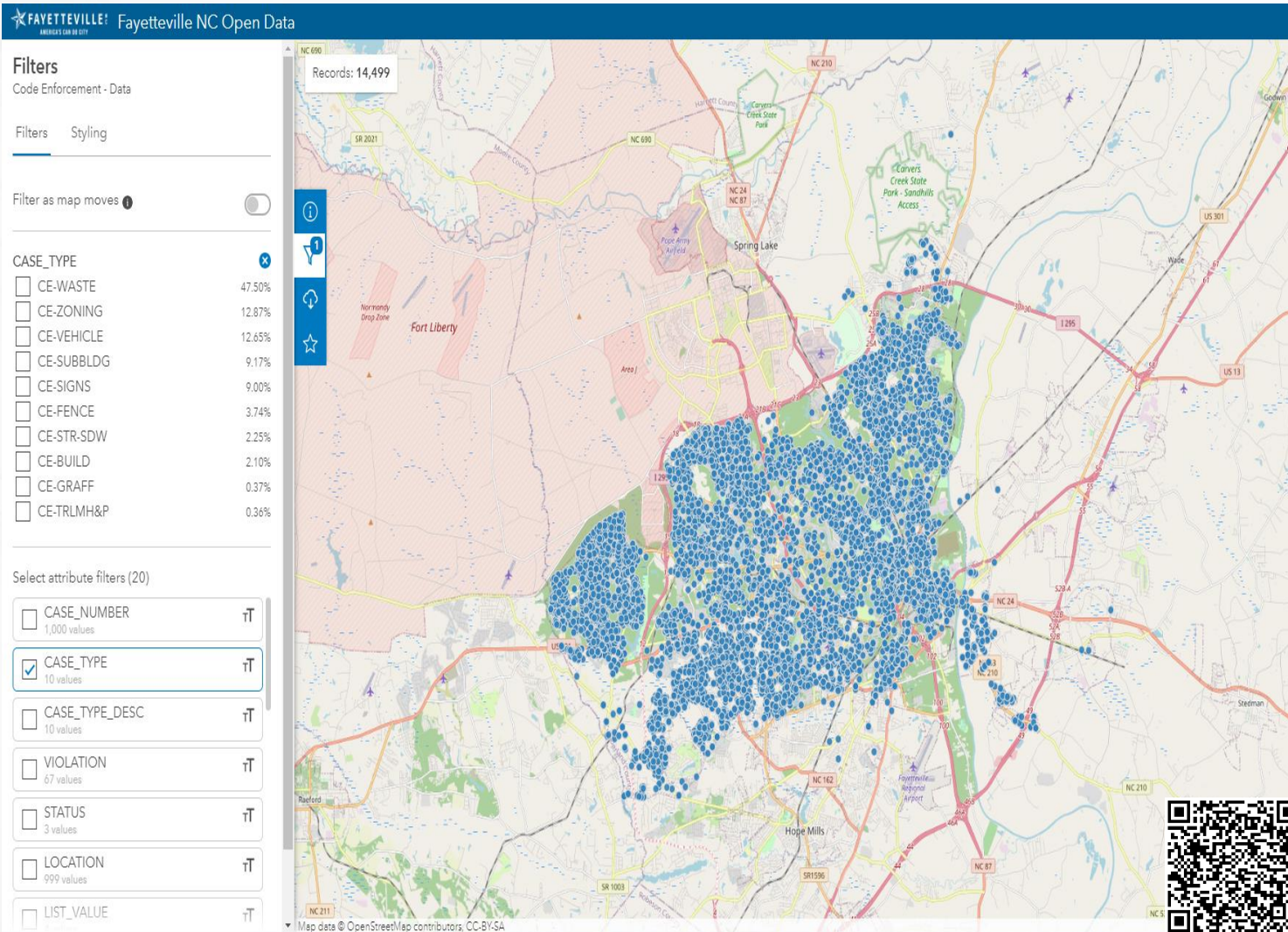
October 2, 2023



Reducing Compliance Times

At the August 7, 2023 work session, Council reached a consensus to ask staff to research shortening compliance time from the date the notice of violation is generated. At the October 4, 2021 City Council Meeting SPA presented research and options to council regarding Code Enforcement Abatement Time Reduction. City Council received the presentation and had no further direction to staff. Elements of that presentation remain valid and have been updated in this report.



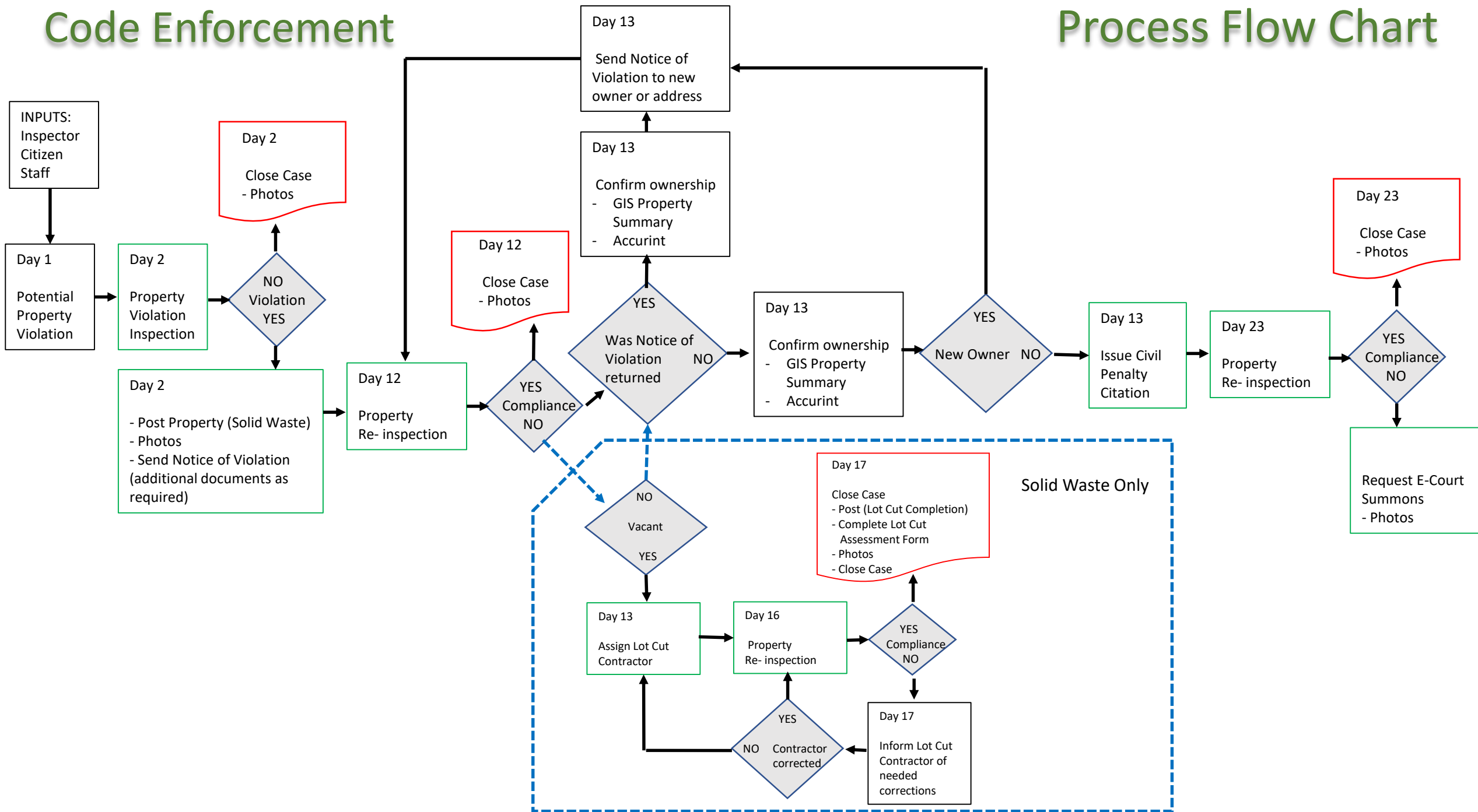


Code Enforcement Active Data Map

- 9 inspectors
- 14,499 cases for past calendar year
- 9,695 Officer initiated cases
- 2,970 Citizen initiated Complaint
- 153 Council member initiated
- Brochure for public reference



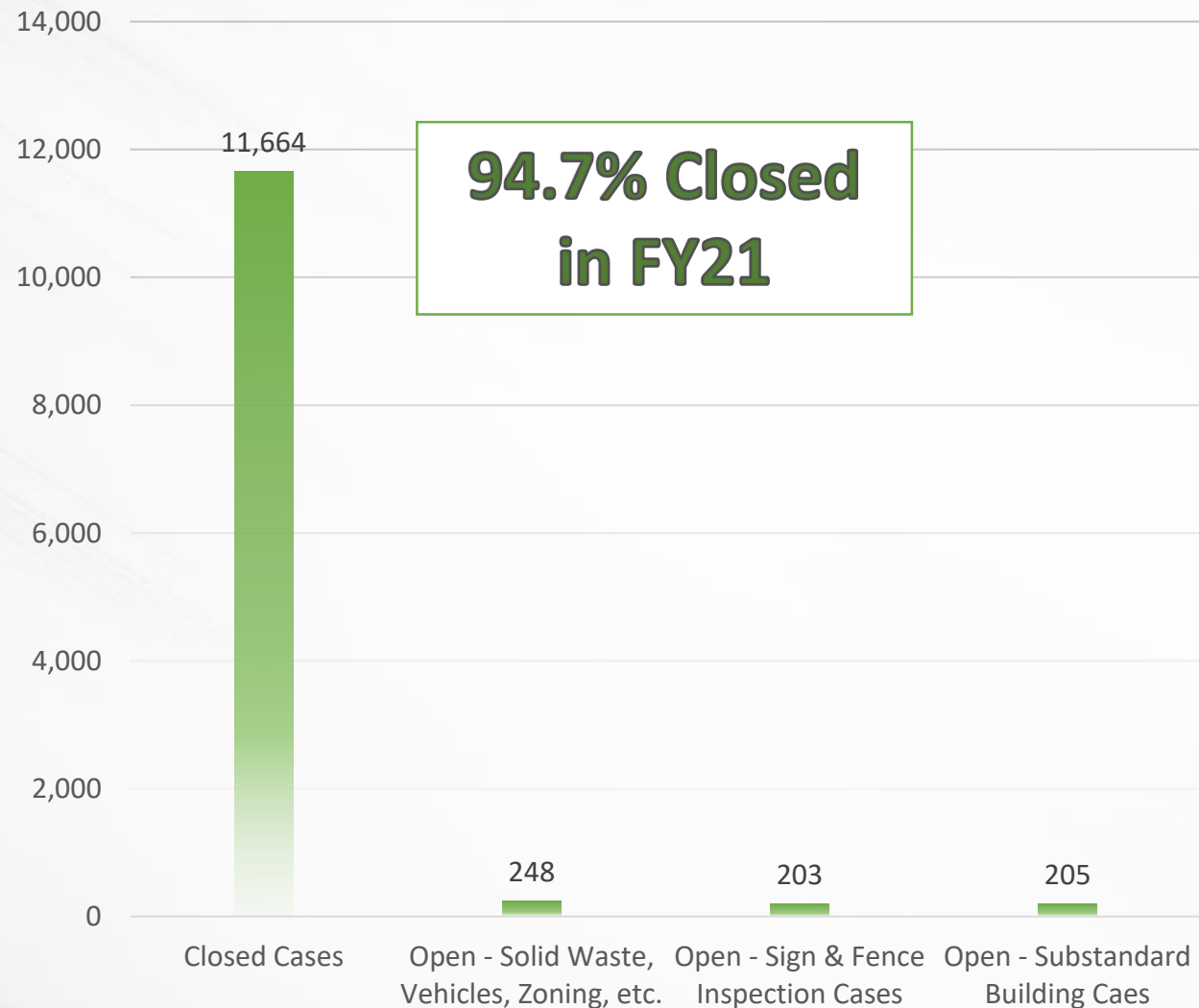
Process Flow Chart



2021 QuEST Options

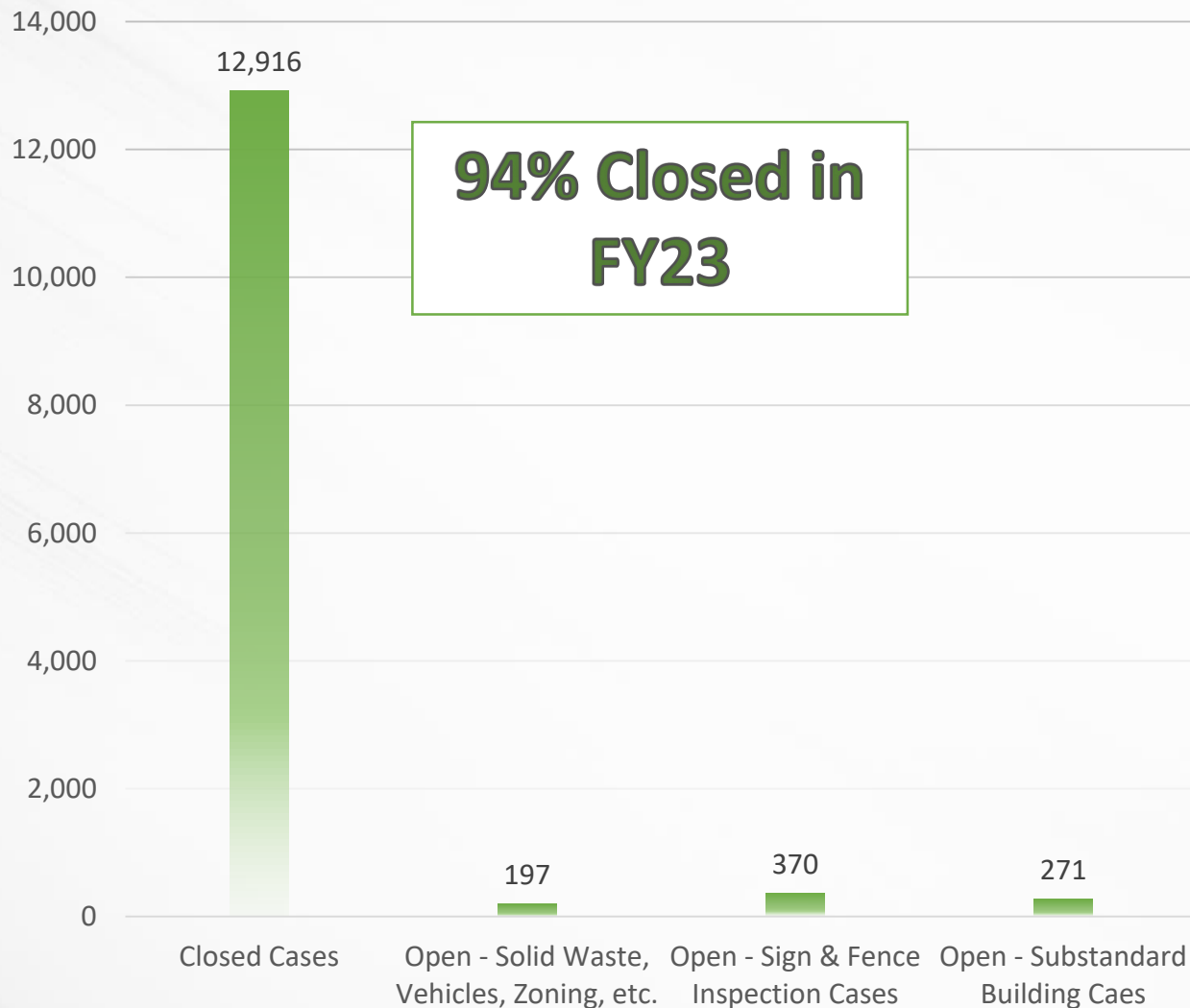
- 1 - Let Employees, Public and others know to use the FayFixIT app or SeeClickFix website to put in ALL request instead of emailing individuals.
- 2 - Appropriations of more Funds to abate problem properties including demolition.
- 3 - Shorten the established compliance time periods for violations (14 days to 7 days).
- 4 - Eliminate All extension periods.
- 5 - Extend all compliance periods to 30 days and do not offer any extension periods.
- 6- Use City employees to clean up vacant properties instead of contracting out to 3rd party.

CASES CLOSED / OPEN



- Closed Cases Avg. Days Open: 29
Open Cases Avg. Days Open: 153
- 1 in 7 cases investigated is **NOT** a City Ordinance **Violation** (1,782 Cases, 14.5%, About 1.5 FTE)
- **Substandard Structures**, Zoning, Fence often have required longer correction protections by laws

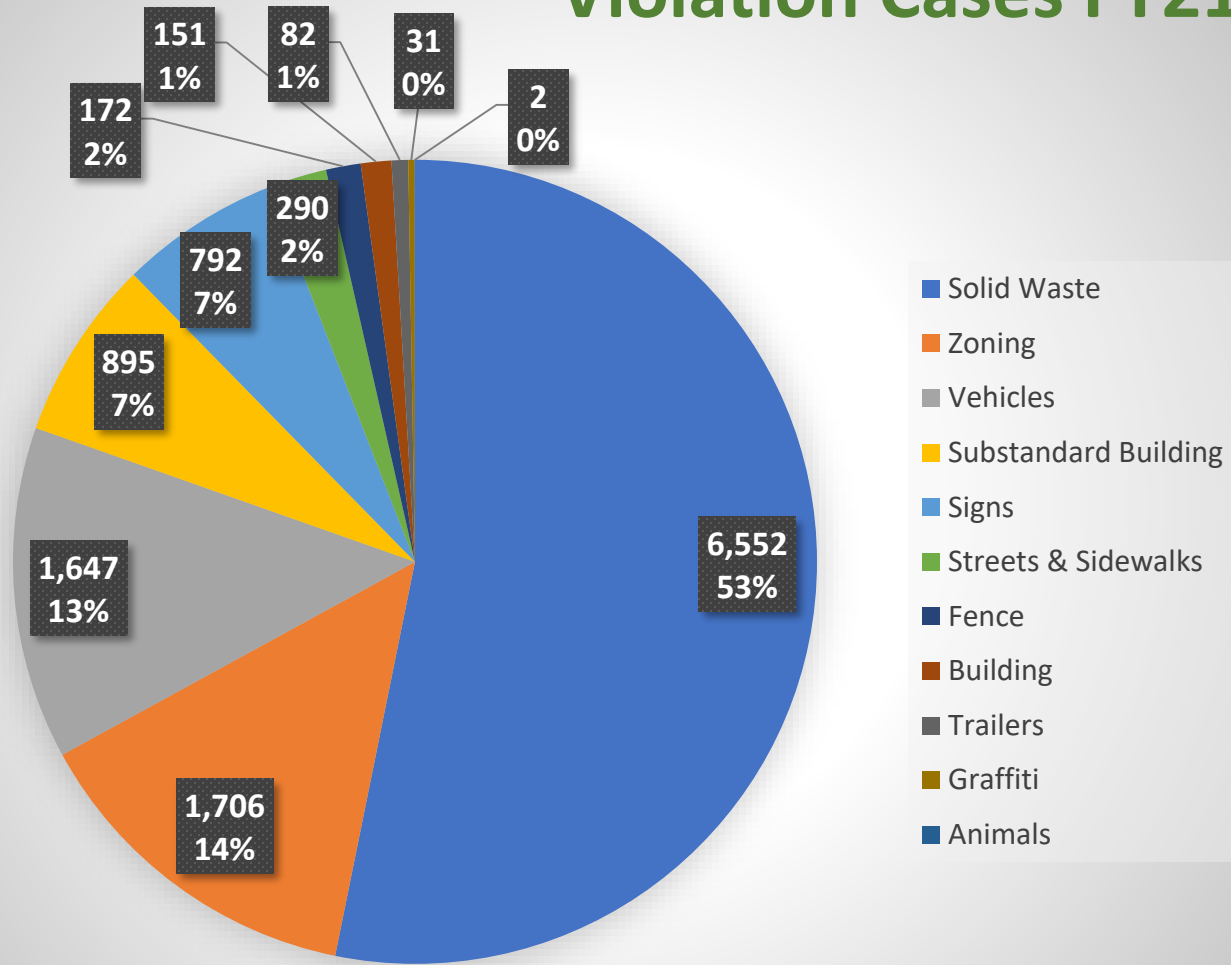
CASES CLOSED / OPEN



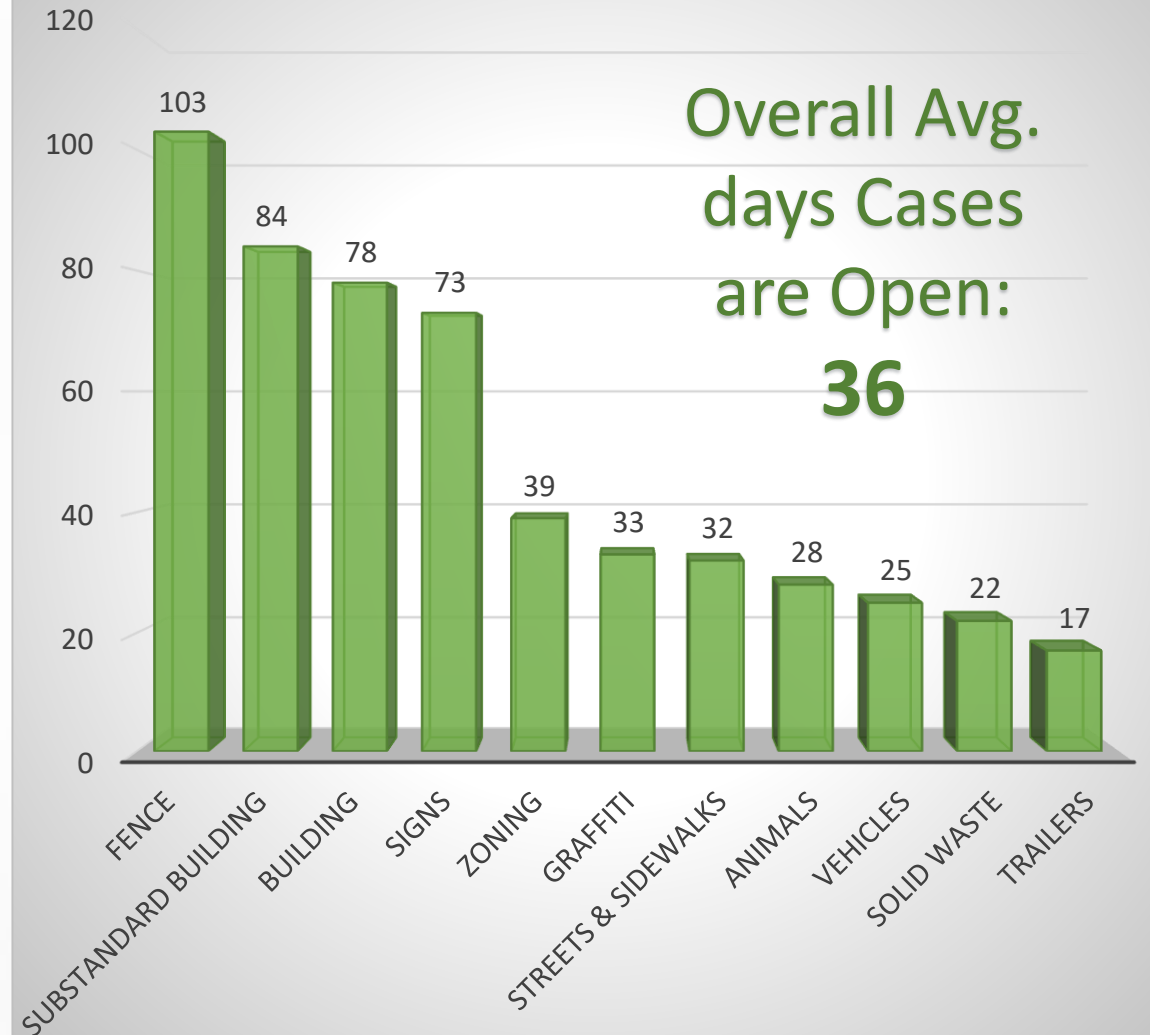
- Total Cases in FY23 – 13,754
- Closed Cases Avg. Days Open: 31.2*
Open Cases Avg. Days Open: 169.2
- 1 in 7 cases investigated is **NOT** a City Ordinance **Violation** (1,978 Cases, 14.4%, About 1.8 FTE)
- Substandard Building and Fence/ Sign Inspection cases have much longer compliance periods compared to other violation types

*Wilmington NC average is 51.1 days to close.

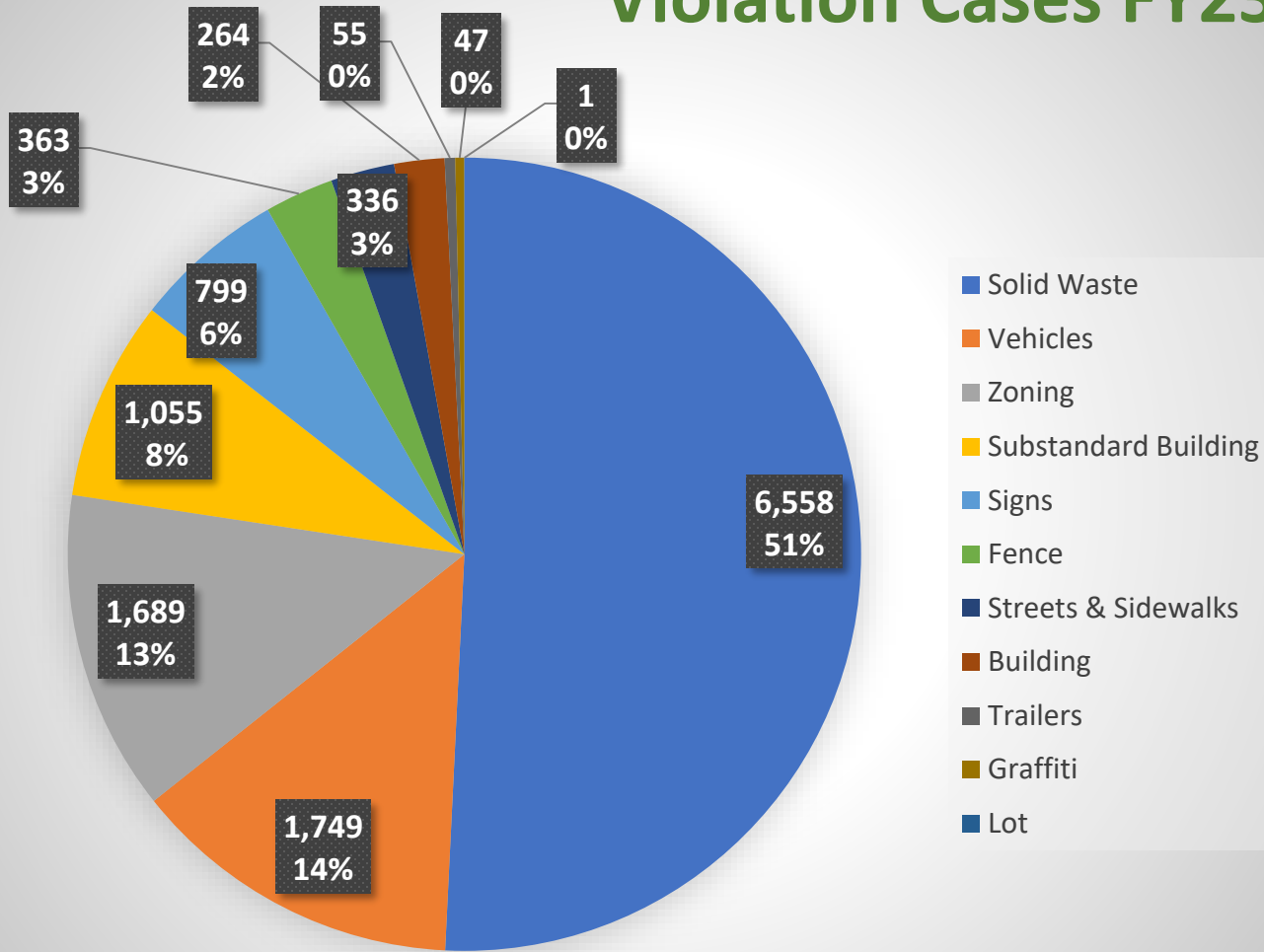
Violation Cases FY21



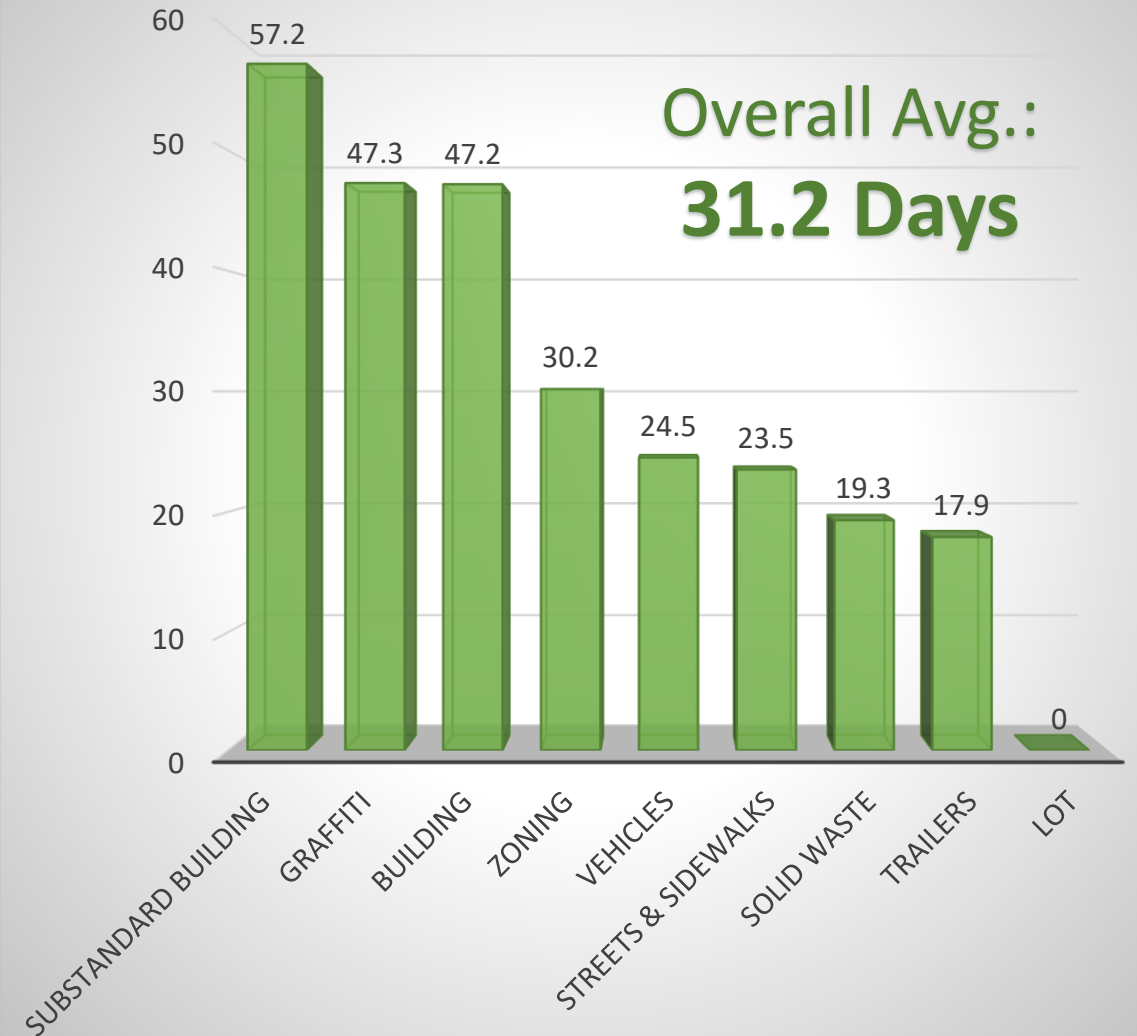
Avg. Days Cases are Open



Violation Cases FY23



Avg. Days From Open to Close



2021 Peer City Statistics

2021 Peer City Comparison				
	Population	FTE's	Cases	Cases / FTE
Fayetteville	191,304	13	14,383	1,106
Charlotte	885,708	61	55,085	903
Durham	278,993	13	6,543	503
Greensboro	296,710	19	8,702	458
Raleigh	474,069	29	3,572	123

Total Peer Cities Avg: 497 Cases/FTE
Fayetteville Average: 1,106 Cases/FTE

2023 Key Statistics

	Fayetteville	Greensboro	Wilmington
Total City Residents	208,873	301,115	120,324
Number of Single Family Homes	58,275	-	-
Total Number of Dwellings	91,054	-	60,415
Number of Parcels in the city	80,868	-	-
Total miles of streets and roads	1,189	-	-
Total miles of sidewalks	297	-	-

Code Enforcement Division Staff	Fayetteville	Greensboro	Wilmington
Total	13	19	9

FY23 CE Cases	Fayetteville	Greensboro	Wilmington
Total Cases Managed	13,754	9,418	3,088
Cases per staff member	1,058	495	343

Reducing Compliance Times - Solutions

- 1-Pursue an ordinance change for compliance from ten business days to ten calendar days. This would remove approximately four days from the compliance period.
- 2-Pursue an ordinance change to require compliance time from ten business days to eight business days.
- 3- Pursue an ordinance change to allow city the option to go straight to abatement and bill/lien property using powers granted to the city in the General Statute.
- 4-Pursue an ordinance change to allow city the option to issue citations for verified violations without prior issuance of a NOV.
- 5-Utilize provision in current city code to assess the Administrative Fee of \$200 on all Chapter 22 (Solid Waste) violation cases that are not in compliance by the compliance date.
- 6-Remove some or all extensions in compliance times that are not required.

Dangerous Building Demolition Strategy

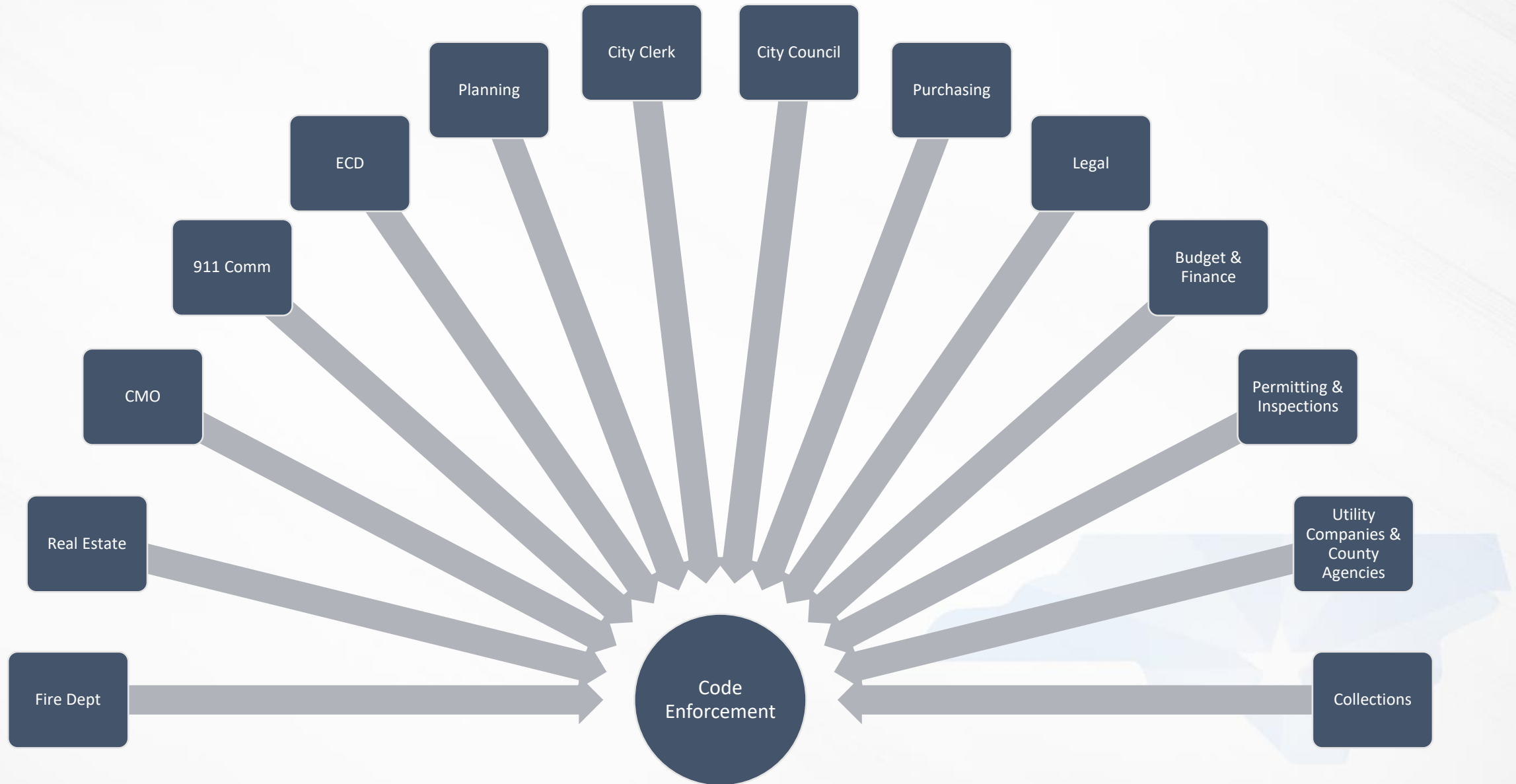
At the March 6, 2023 City Council work session, Code Enforcement presented the Dangerous Building Demolition process. The presentation shared that an average of 140 new cases are generated each year and that 150 to 170 remain open at any one time. There are currently 130 cases open. The core of the presentation was coverage of the 47 steps typically needed to conduct a Dangerous Building Demolition. A list of six opportunities that could shorten the process were shared. City Council received the presentation and had no further direction to staff.

- Since 2015 Code Enforcement staff has managed 978 Dangerous/Blighted building cases.
- Code Enforcement brings an average of 23 properties to City Council each year for a demolition ordinance.
- Code Enforcement demolishes an average of 15 buildings per year.
- Average of 140 new cases per year with 150-170 open at any one time.
- All work in Code Enforcement is performed by Division Manager, Supervisor and OAI in addition to primary job responsibilities.
- Many other departments/agencies must contribute work for a city caused demolition or Dangerous Building Demolition (DBD).

Fire Damage (most common)



Others Providing Data, Actions, Approvals or Work Product During a Dangerous Building Demolition case



DBD Process/Steps Up to Hearing Order Compliance Date

- 1- Detection of Dangerous Building, Inspection, Posting of Notice, Photos 2days
- 2-Case generated in Cityworks 1 day
- 3-Case extension (time for owner to repair or bring into compliance) 30-90 days
- 4-Case packet generated 1 day
- 5-Title search requested 7-14 days
- 6-Inspection report completed 1 day
- 7-Title search results reviewed for content 1 day
- 8-Packet forwarded to Hearing Officer to review 1 day
- 9-If needed, Hearing advertised 4-11 days
- 10-Hearing notices produced, mailed and posted, time to hearing 11 days
- 11-Service confirmed on hearing notices 0 days
- 12-Hearing conducted and order issued, mailed and posted 1 day
- 13-Hearing order compliance date 90-180 days

DBD Process/Steps After Compliance Date Up to Council Ordinance Adoption

- 14- Inspection for compliance with hearing order 1 day
- 15-If under repair permits case extension 90 days
- 16-City Council package and CCAM prep begins 15-60 days
- 17-Information requests sent to PWC, 911, Zoning, ECD 5 days
- 18-Folders and data are complied and presentation generated 2 days
- 19-Lis Pendens created and recorded 1 day
- 20-Lis Pendens mailed first-class and certified 1 day
- 21-Granicus item generated, CCAM and documents loaded 1 day
- 22-Granicus approval sequence launched 1 day
- 23-Notice sent to owner advising of upcoming council item 1 day
- 24-Council is briefed at session Wednesday before Council Meeting 5 days
- 25-Council meets and votes on ordinance 5 days
- 26-Council could defer item or pass with future effective date 0-90 days
- 27-Printed copies of ordinance given for signature 1 day
- 28-Signed ordinance returned 7-14 days
- 29-Ordinance recorded 1 day
- 30-Adoption letter generated and mailed 1 day

DBD Process/Steps After Adoption to Completion of Building Demolition

- 31-Asbestos inspections requested and conducted 10 days
- 32-Asbestos inspection report returned 7-14 days
- 33-Bid request is prepared and sent to purchasing 1 day
- 34-Purchasing requests bids, generates bid tabulation 30-60 days
- 35-Purchasing conducts contracting and contract routing 60-90 days
- 36-Purchase orders are requested 1 day
- 37-Purchase orders are generated and issued 30-60 days
- 38-Contractor given notice to proceed 1 day
- 39-Contractor conducts demo 30-60 days
- 40-Site inspection for approval of demo payment 1 day



- 41-Contractor supplies project documents
- 42-Demolition Assessment form is completed
- 43-Contractor payment packet sent to collections
- 44-Request to pay PO submitted
- 45-Folder completed
- 46-Folder documents scanned to E-drive
- 47-Cases updated and closed in Cityworks



- Reduce time from discovery to action
- Length of hearing orders beyond minimum required by state law
- Automatic advertising of all hearing notices
- Elimination of extensions specifically after Council has approved ordinance
- Taking action notwithstanding issued permits or ongoing work
- Council accepting consent items at more meetings
- Lis Pendens filed on all properties upon discovery
- Dedicated inspector, administrative staff and hearing officer

Current Dangerous Building Status

1- Pending Dangerous Building Cases 130

2- Cases -already under ordinance, pending ordinance or owner demo 28

3- Cases - structure under repair 25

4-	FY24 Budget	\$160,000
	Expended	\$ 20,300
	Available	\$139,700
	ECD contribution	\$ 30,000
	Total	\$169,700

5- Estimated Demo expense thru 2023 $\$243,900 - \$169,700 = \text{Shortage } \$74,200$

6- Estimated Demo expense thru FY24 $\$528,000 - \$169,700 = \text{Shortage } \mathbf{\$359,200}$

Current Case Status

Category	Number
1-Ordinance passed City demo pending	8
2-Ordinance passed ECD demo pending	7
3-Ordinance passed demo delayed due to extension/hold	6
4-Pending council approval September	5
5-Pending council approval October	6
6-No compliance available to take to council	7
7-Hearing order compliance past, repairs being conducted	6
8-Hearing order compliance pending	0
9- Hearing Notice pending	17
10-Correction Notice compliance pending	1
11-Pending title search request, return, Notice mailing	41
12-Owner Demo Pending	7
13-Under repair no hearing	19
Total	130

Nuisance Properties

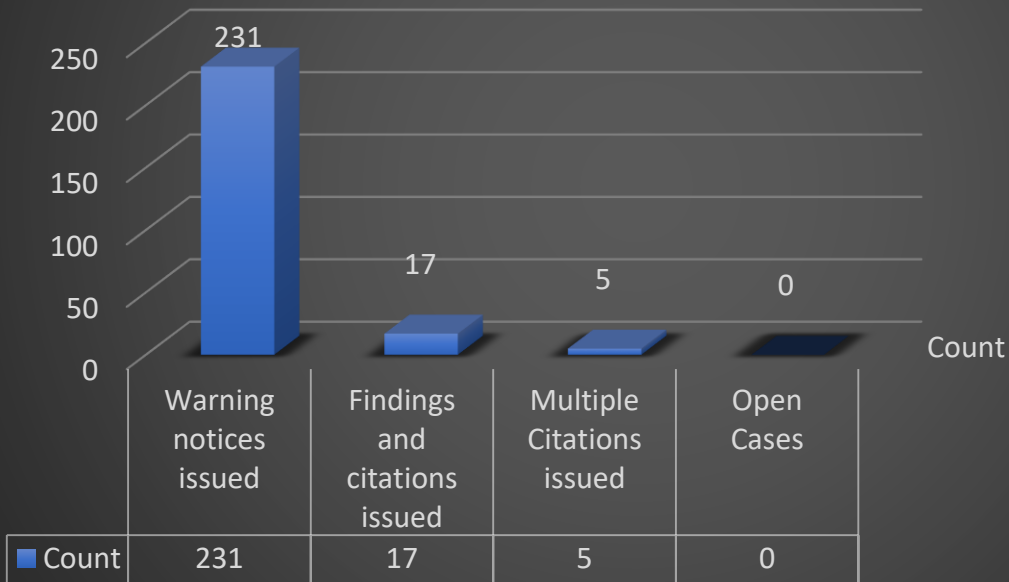
In 2019, City Council amended the code of ordinances to add a section to Chapter 14 to establish accountability for property owners with repeated violations. Chapter 14-131 states a Nuisance Property means with the exception of un-developed lots as defined in Chapter 22, Section 22-3, any property that has been found with more than three verified violations (for specific Chapter 22, Solid Waste or Chapter 16, Vehicles violations) in the previous 12-month period, whether those violations have been resolved by corrective action or not. A nuisance property is no longer a nuisance property when there have been no verified violations within 12 months of the last verified violation.

Nuisance Property Code Key Points

Chapter 14 Article VII

- Number of Violations in 12-month period 4 or more
- Multiple violations on same day count only as one
- Does not apply to vacant lots
- Does not apply to illegal dumping
- Solid Waste Chapter 22-16a and 22-16c violations apply
- Vehicles Chapter 16-354a, 16-355a and 16-356a violations apply
- If Finding is not appealed, then \$500 civil penalty is issued
- \$1000 civil penalty for violations 5+

Nuisance Properties Since 2019



■ Warning notices issued ■ Findings and citations issued
■ Multiple Citations issued ■ Open Cases

Each month a scan of all qualifying case types is conducted to determine if any properties have reached three violations in the previous 12-month period.

If found, a case is opened and a warning notice is issued. If a fourth violation is verified in the 12-month period, a Finding of Nuisance Property Notice is issued.

If the Findings Notice is not appealed, then a civil penalty is issued per the code.

Work with Law Enforcement

Code Enforcement works with Law Enforcement to pursue Nuisance Properties.

Code Enforcement staff members have participated in several search warrants in the past year.

As a result, numerous code violations were discovered and acted upon.

Three of the search warrants have resulted in dangerous building actions being brought against the property owners.

Law Enforcement has pending investigations that could lead to Nuisance Abatement cases.

Options

- 1 - City Council moves to decline further action on proposed strategies;
- 2 - City Council moves to accept all proposed strategies;
- 3 - City Council moves to accept proposed strategies with modifications;
- 4 - City Council moves to accept only specific strategies;
- 5 - City Council moves to accept only specific strategies with modifications;
- 6 - City Council moves to return this time to staff with requests for additional information.



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