

Work Session

May 30, 2017

OVERVIEW: CODE ENFORCEMENT & CONCERNS IN ARLINGTON



WORK SESSION PURPOSE



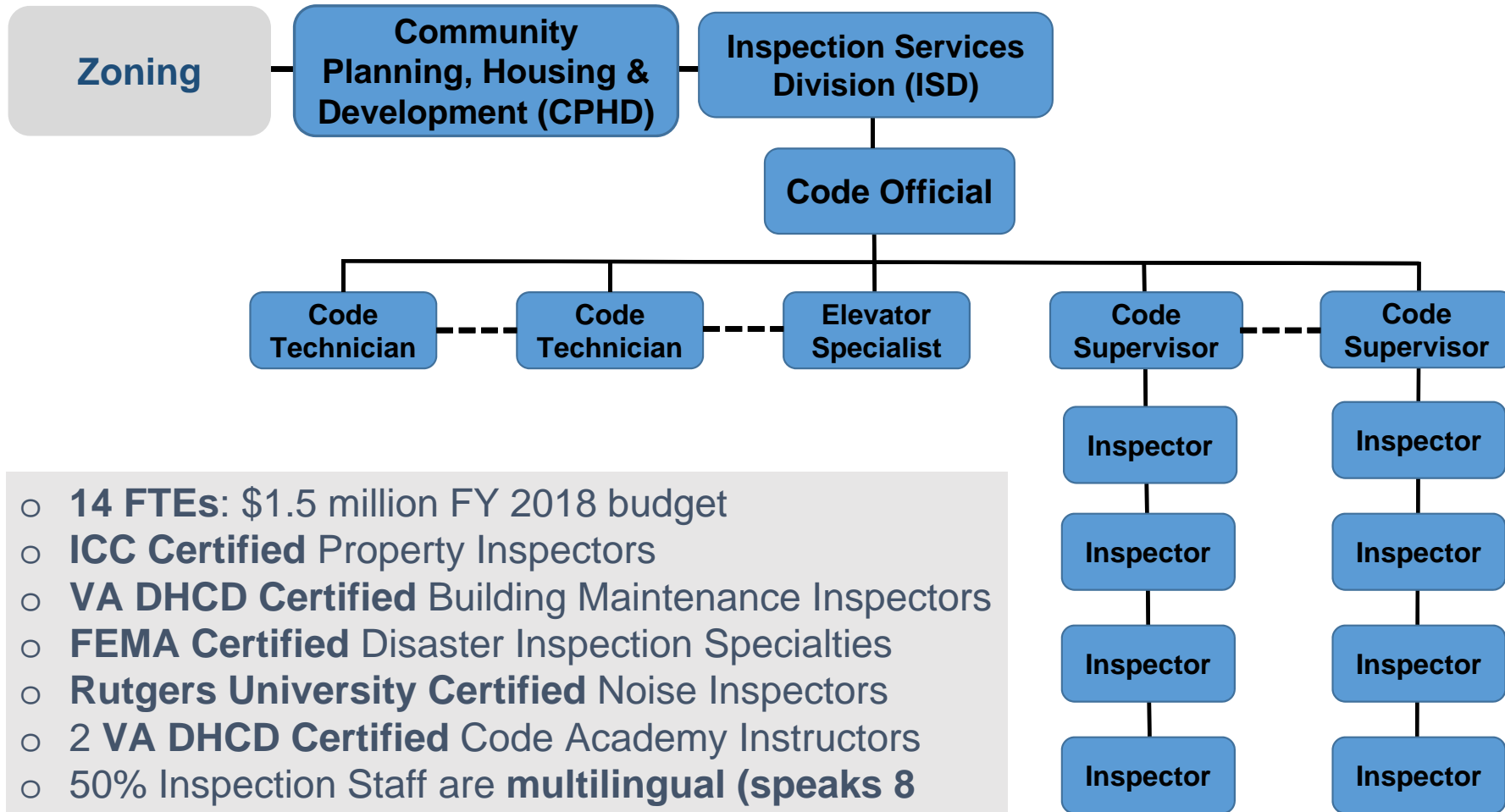
- To provide an overview regarding the County's enforcement agencies, with special focus on the legal authority for operation, organization, inter-agency relationships and protocols
- Discuss issues that have been raised recently by County Boardmembers and the community

WORK SESSION OVERVIEW



- Background
- What we do
- What we don't do
- Challenges to our effectiveness
- Concerns that have been raised
- Conclusions

WHO WE ARE



- 14 FTEs: \$1.5 million FY 2018 budget
- ICC Certified Property Inspectors
- VA DHCD Certified Building Maintenance Inspectors
- FEMA Certified Disaster Inspection Specialties
- Rutgers University Certified Noise Inspectors
- 2 VA DHCD Certified Code Academy Instructors
- 50% Inspection Staff are multilingual (speaks 8 languages)

Background

What we do

What we don't do

Challenges to our effectiveness

Concerns that have been raised

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CODE ENFORCEMENT LEGAL AUTHORITY

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ARLINGTON
VIRGINIA

SITE SPECIFIC ORDINANCES

Use Permits
Variances
Site Plan Conditions

LOCAL ORDINANCES

***Condition of Private Property Ordinance**
***Noise Control Ordinance**
***Sidewalk Snow Removal Ordinance**
***Blight Ordinance**
***Building Standards**
Zoning Ordinance

STATE

***Virginia Maintenance Code**
***Virginia Uniform Statewide Building Code**
Virginia Public Health and Food Codes

FEDERAL

Constitutionals, ADA, FOIA, FDA, EPA, ATF Laws

***Code Enforcement
Legal Authority**

ZONING ENFORCEMENT LEGAL AUTHORITY

Background

- Code Enforcement is complaint-based and proactive.
- Zoning Enforcement is complaint-based.

What we do

What we don't do

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SITE SPECIFIC ORDINANCES

- *Use Permits
- *Variances
- *Site Plan Conditions

LOCAL ORDINANCES

- Condition of Private Property Ordinance
- Noise Control Ordinance
- Sidewalk Snow Removal Ordinance
- Blight Ordinance
- Building Standards
- *Zoning Ordinance

***Zoning Enforcement Legal Authority**



CODE ENFORCEMENT | ZONING

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CODE ENFORCEMENT

ZONING ENFORCEMENT

Structures and conditions of properties

Land use concerns

Appeal to Board of Building Code Appeals, Virginia Technical Review Board or County Manager

Appeal to Board of Zoning Appeals, tickets appealed to General District Court

Building safety

Building restrictions

Average compliance 47 days

Average compliance 33 days

Notices issued upon verified violation

Verbal warnings issues & documented

Criminal/civil enforcement limited with provisions to correct violation

Civil enforcement until \$5,000 max reached then becomes criminal

Proof beyond reasonable doubt

Preponderance of evidence

Search Warrants required when request for inspection are refused

Search Warrants required when request for inspection are refused

ENFORCEMENT WORKLOAD

Background

What we do

What we don't do

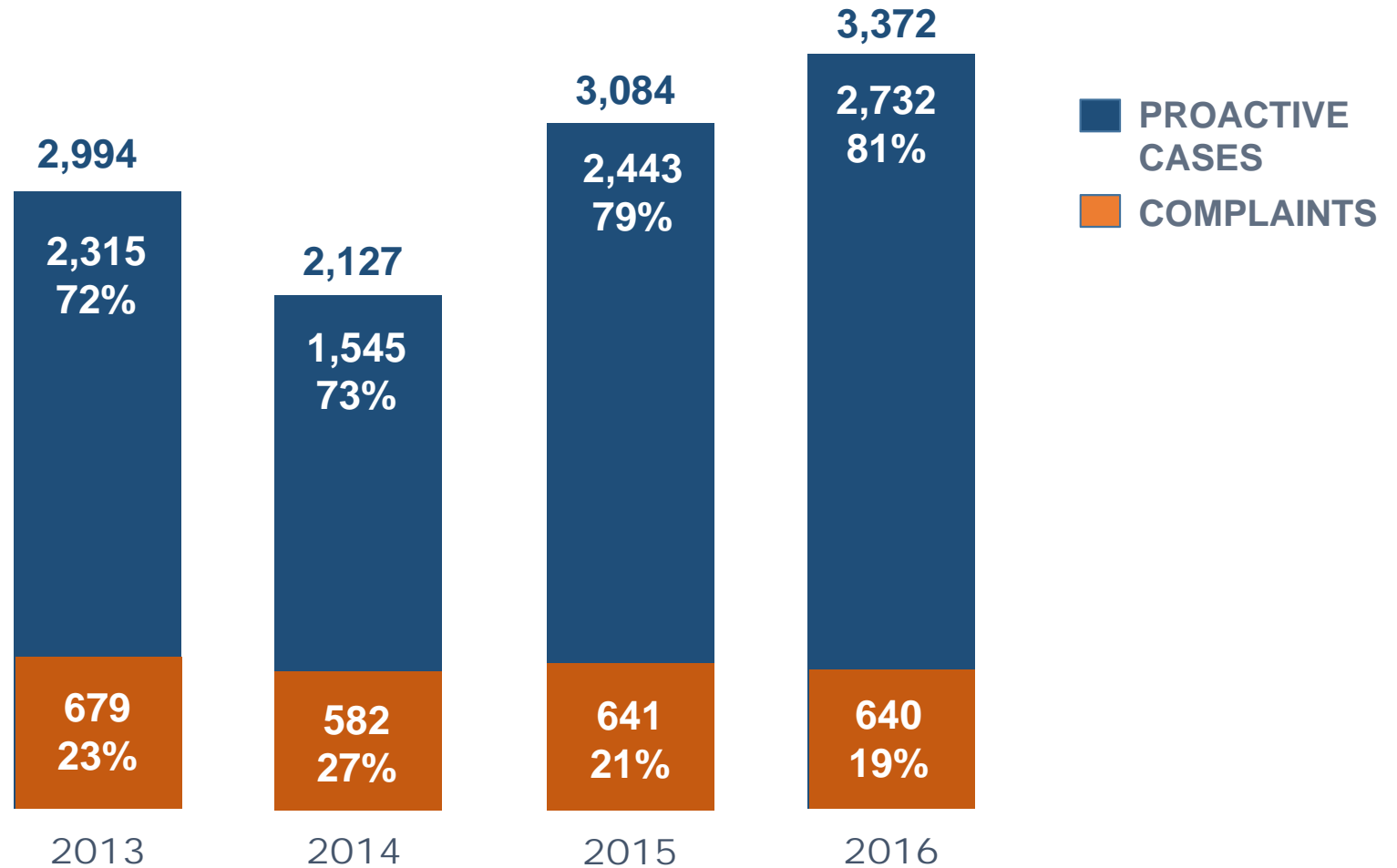
Challenges to our effectiveness

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ARLINGTON VIRGINIA



ENFORCEMENT WORKLOAD

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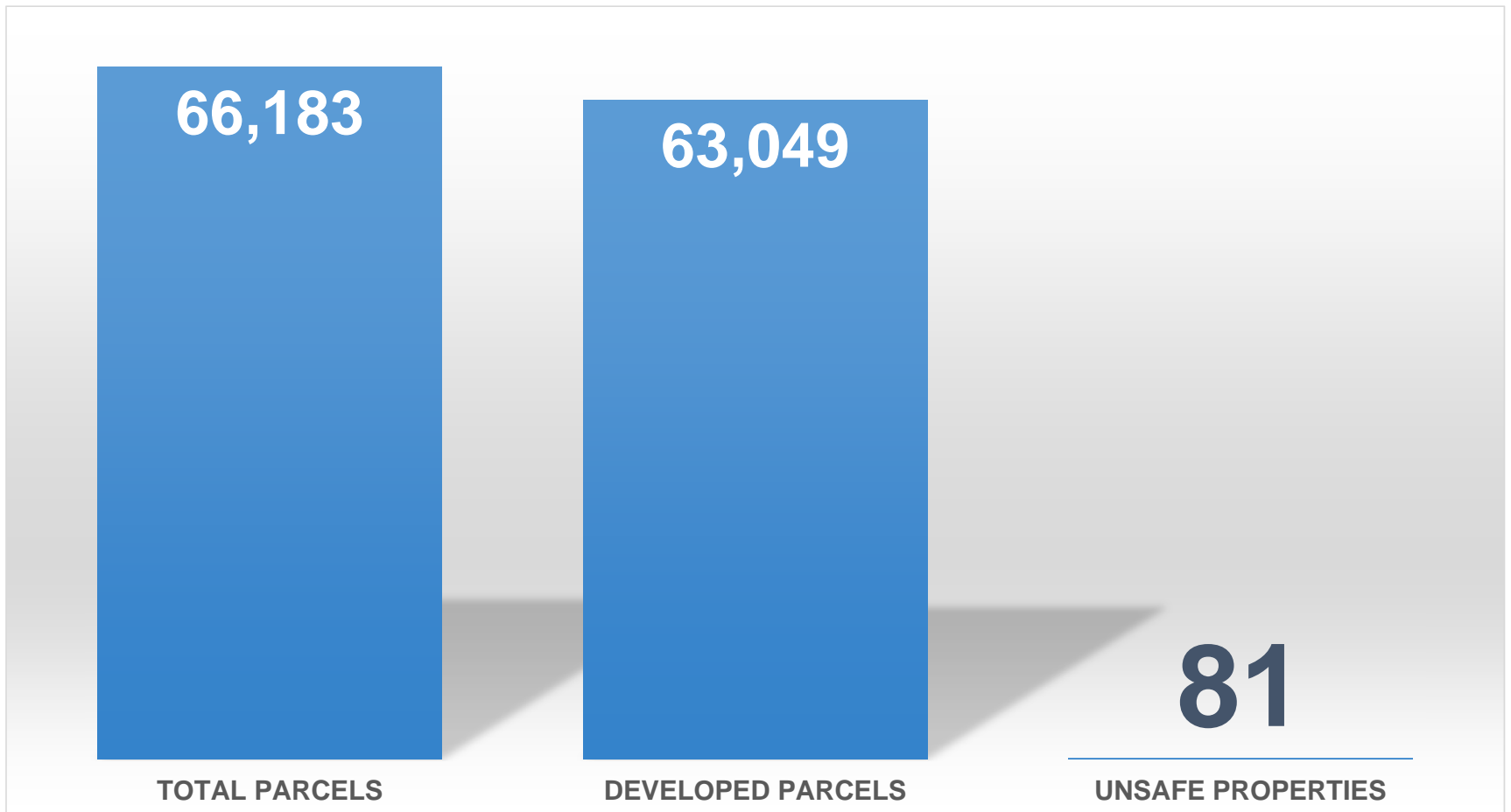
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HOW WE WORK

Background

What we do

What we don't do

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- Intensive service training required in codes development, building standards & legal enforcement protocols
- Enforcement is a comprehensive inspection and legal process
- Staff are informative, respectful, equitable and firm
- Investigations are proactive, periodic, programmed or are triggered by complaints
- Enforcement triggered by failure to comply with notices
- Focus on safe occupancies

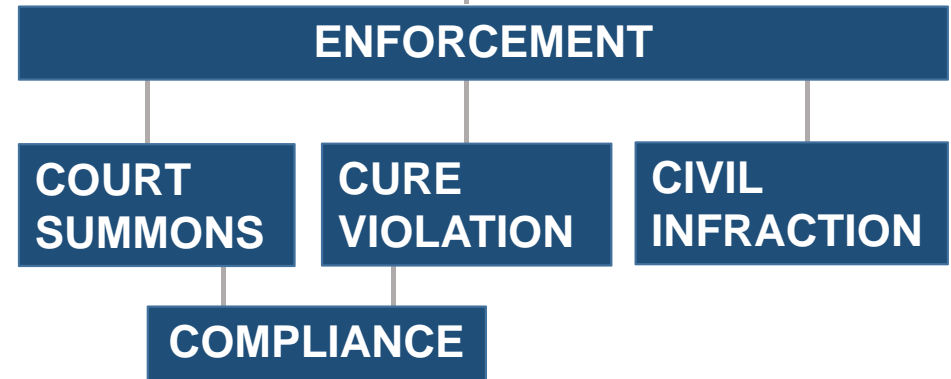
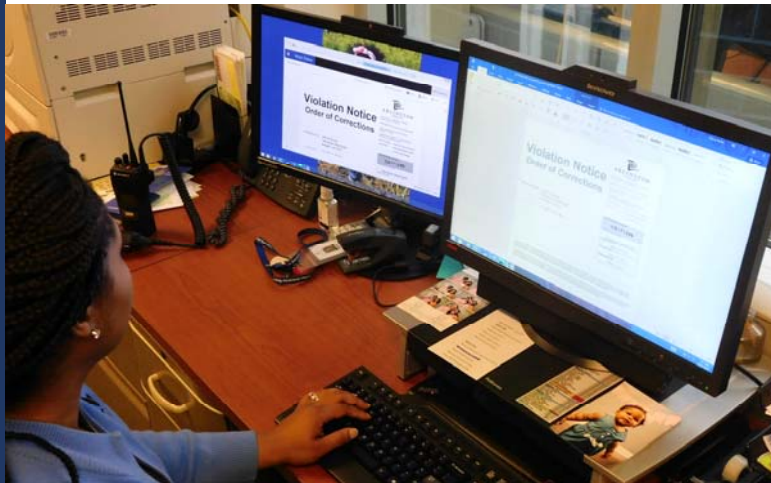
**“Advocate for
Community Health and
Safety”**

**“Promote high-quality
customer service”**



HOW WE WORK

INVESTIGATION PROCESS



Background

What we do

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WHAT WE DO

	Safe Occupancies Initiative		Customer Service Initiative	
Background				
What we do	Post Fire Inspections	360 Degree Compliance Review	Customer calls encouraged	Clean & Lien Initiative
What we don't do	Complaint Investigations	Periodic Elevator Inspections & Compliance	Significant content on the Building Arlington website (building.arlingtonva.us)	Established partnerships to achieve success
Challenges to our effectiveness	Common Area Inspections- Multiples	Unpermitted Construction & Illegal Uses	Increased field presence (reorg & mobile workforce initiative)	Noise Control Ordinance Exemption Reviews
Concerns that have been raised	Proactive Community Surveys	OEM Initialized Damage Assessment	Customer Compliance Coaching	Customer engagement through civic associations
Conclusions	Hoarding Task Force	Accelerated responses to life-threatening code violations	Service & compliance expectations provided to complainants	Extensions of compliance & participation in appeal hearings



WHAT WE DON'T DO

Background


What we do

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Too many unrelated persons in a home	Live entertainment & dance hall permits
Unwanted circulars and their schedule of delivery	Zoning use permits, variances or other special exemptions
Food safety concerns	Water on sidewalks or in streets
Tenant/landlord relations	Parking issues streets; Request for permit parking; Broken parking meters
Pet waste pick-up issues; Unleashed animals	Any criminal or life safety issues addressed by the police
Housing voucher inspections & administration	Fences less than 6' tall; Retaining walls shorter than 3'

CHALLENGES

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- **Bypassing the process:** groups/individuals using their influence to bypass County process
- **Retaliatory complaints:** cases that are generated because a person doesn't agree with the other person
- **Anonymous complaints:** making complaints without contact info or specific details
- **Case filings** based on racism, bigotry or standing; aggressive citizens
- **Non-related calls:** 50% of calls received are not code enforcement, one-third are angry or contentious at the beginning of contact/call

CONCERNS

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VIRGINIA



- Derelict Properties
- Nighttime Noise Enforcement
- Cyclical Properties

DERELICT PROPERTIES

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CONCERNS

- Timeline is long
- Additional laws are needed
- Complex ownership issues



What is a derelict property?

- Unsafe/unfit
- Vacant, stalled compliance



ENFORCEMENT STRATEGIES

- Court Enforcement
- Board-Up and Secure
- Blight Ordinance

NIGHTTIME NOISE

- Background
- What we do
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CONCERNS

- Confusion about who to call
- Managing citizen expectations regarding noise



What are the primary nighttime concerns?

- Construction activities
- Dogs barking



ENFORCEMENT STRATEGIES

- Coordinating Agencies & Protocols
- Pre-construction meetings
- Issue Stop Work violation to permit holders who violate noise ordinance



CYCLICAL PROPERTIES

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What is a cyclical property?

- Has vegetation overgrowth
- Openly stored trash & debris at exterior



ENFORCEMENT STRATEGIES

- Civil Infractions & Self-Help Protocols

CONCERNS

- Complaints of arbitrary enforcement
- Inadequate enforcement
- County methods to correct violations
- County enforcement of encroaching & overgrown vegetation on “butterfly gardens” & “certified wildlife habitats”
- Assessment of unused personal items, stored outside, as trash & debris

CONCLUSIONS

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ARLINGTON VIRGINIA

- **Safe Occupancies** is our primary focus
- **Proactive, periodic, programmed, & comprehensive investigations**
- **Legal process enforcement; triggered by failure to comply with written notice**
- **Staff Training** is extensive
- **Informative, respectful, equitable & firm Code Enforcement staff**

The screenshot shows the 'Building Arlington' website. At the top, there is a search bar and a navigation menu with links for Codes, Commercial, Residential, Permits, Processes, Zoning, Inspections, and Forms. The main content area is titled 'Investigation Request Form' and includes a brief description of the form's purpose, a list of violation types (Building Maintenance Code, Condition of Private Property Ordinance, Noise Control Ordinance, and Zoning Ordinance), and a link to download a PDF version. Below this is a form with fields for 'Address/location of condition to be investigated *', 'Street Address', 'Address Line 2', 'City' (pre-filled with 'Arlington'), and 'State' (pre-filled with 'Virginia'). To the right of the form, there are sections for 'Related Pages' (Code Enforcement, Code Enforcement FAQs, Code Enforcement: Receiving a Violation, Noise Ordinance), 'Contact Us' (Code Enforcement, Permitting Office & Inspection Services, Zoning, Environmental Services), and 'Subscribe to Planning + Building eNews' with a 'Read Past Issues' link and an email input field.

visit our website to learn more:
building.arlingtonva.us