

Code Enforcement Division Annual Report

We are proud to have this opportunity to present our 9th Annual Code Enforcement Report for **FY 2007-2008**. Annual reports assist us in measuring our success.

There are nine code enforcement officers assigned to cover the unincorporated area. Every complaint requires a minimum of two site visits. The first visit is conducted to confirm a violation. The second site visit is conducted to determine if the violation has been corrected.

We are constantly seeking a partnership approach with individuals and communities in our code enforcement efforts to protect the health, safety, and welfare of our citizens. It is through this philosophy that we feel we have become more professional and effective in bringing about positive changes in neighborhoods in a timely manner.

All of our Code Enforcement Officers are certified through the Florida Association of Code Enforcement (F.A.C.E.). Six of our officers have achieved Professional Level certification, and our remaining officers continue to work towards that goal.

Production was down during this fiscal year due to the following:

- A Code Enforcement Officer took a voluntary layoff in March. His replacement was not hired until September.
- A Code Enforcement Officer retired in May. His replacement was not hired until September.
- A second Code Enforcement Officer retired in June. His replacement was not hired until September.
- During Tropical Storm Fay a Special Magistrate Hearing had to be cancelled that equaled approximately 40 unheard cases.
- Learning curve with the new “Accela” complaint tracking program and running two programs at the same time (Comply II).
- A staff member in our special magistrate process section left in December 2007 to pursue a college degree. Her replacement was not hired until March 2008.
- Increase in the number of foreclosures that abated further enforcement action.
- Addressing approximately the same number of complaints (cases) with fewer officers to bring them forward.

However, our revenue collections remained solid.

I would like to thank the Board of County Commissioners and the County Manager for their continued support of the Code Enforcement Program, and in helping to put citizens first. Please feel free to contact my staff or me at any time if you have concerns regarding our code enforcement operations. Everyone benefits from having a successful Code Enforcement Program.

Please visit our webpage at www.brevardcounty.us/codeenforcement. We have placed a number of interesting items there, including the Special Magistrate Process, Maximum Towing Ordinance, and the latest Parking, Locating, and Storage Ordinance, Chapter 62-2117.

Sincerely,

Bobby Bowen

Bobby A. Bowen, Sr.
Code Enforcement Manager

The Code Enforcement Core Values

We believe in the DIGNITY and WORTH of all people. We are committed to providing high quality, community-oriented services through:

- Protection of Constitutional Rights.
- Continuous Improvement through DEDICATION TO EXCELLENCE.
- Openness, both within the department, and the community.
- Teamwork.
- Problem Solving.

To live up to our CORE VALUES and accomplish our MISSION, the following organizational-wide goals were established.

- To investigate alleged code violations and to work with citizens to resolve their violation(s).
- To be committed to the health, safety, and welfare of the community and work to remove violations to reduce the potential for risk.
- To create and maintain a feeling of security in the community through community-oriented compliance practices.
- To maintain a close working relationship with community groups, and form a partnership to enhance the feeling of security within the community.
- To provide a management environment that facilitates achieving department goals through employee involvement.
- To commit to “Excellence” by providing training, supporting education, and dedication to personal and organizational development.
- Our Motto: *“Voluntary compliance in a reasonable time period works for us.”*

BREVARD COUNTY CODE ENFORCEMENT

CODE of ETHICS

I will uphold the constitutional property rights of all citizens to ensure due process with fairness and consistency.

I will seek to improve the quality of life within my jurisdiction by enforcing all laws in an exemplary manner.

I will strive to inspire public confidence and trust in my profession by performing my duties with honor, integrity, truthfulness and fairness.

I will carefully avoid conflicts of interest, or appearance of impropriety, and will not accept, nor offer, any form of gift for the performance of my duties.

I will strive to become more knowledgeable of my profession through continuous training and education.

I will not permit personal feelings, prejudices, or influences (political or otherwise) to interfere, prohibit or delay the process of enforcement.

Functions of Code Enforcement

The Code Enforcement Division is responsible for the identification, investigation and correction of violations for the following County regulations.

Chapter 46

Marine Turtle Lighting Violations

- To proactively protect threatened and endangered marine turtles from sources of artificial light.

Chapter 62

Adult Entertainment Code

- General requirements for licensed premises
- Enforce distance separation requirements between facilities
- Regulate signage
- Restrict locations to specific zoning districts
- Inspections
- Issue licenses

Chapter 62

Zoning Regulations

- Enforce land use regulations
- Building site requirements
- Setback from property lines
- Height of structures
- Parking requirements
- Fence requirements
- Outdoor display and storage
- Use of right-of-way as an extension of a business
- Garage sales

Chapter 62

Performance Standards

- Noise
- Odor
- Lighting

Chapter 86

Road and Bridge

- Right-of-way violations

Chapter 94

Solid Waste Codes

- Collection point
- Litter
- Junk and Abandoned Vehicles
- Trash and rubbish accumulation
- Illegal dumping

Chapter 114

Vegetation

- Excessive accumulations and growth
- Dead trees

Role of the Code Enforcement Officer

Officers are assigned to a geographical portions of unincorporated Brevard County for:

- Specific land use and land development violations.
- Conditions that threaten the health, safety, and welfare of our citizens.

Additionally, officers investigate complaints received from the public and other governmental agencies. Officers may enter upon the exterior portions of private property to observe reported violations. Upon observing a violation, a code enforcement officer documents the conditions found on the property by:

- Visual observation
- Written reports
- Photographic evidence.

Whenever possible, personal contact is made with respondents regarding their code violation in order to call attention to the problem and to educate them on our codes. In all cases, officers inform the person responsible for the violation of:

- The nature of the infraction
- What must be done to correct the violation
- Any administrative relief processes available
- The enforcement avenue which will be taken if the violation is not corrected.
- The date by which correction is required.

Persons responsible for violations are always given a *reasonable* time period to correct violation(s), considering the severity of the infraction. Our ultimate goal is to achieve “*voluntary compliance*”, if possible.

To help ensure that the most serious violations are addressed expeditiously, the Division has established a rating scale depicted below to guide enforcement priorities.

Four-Level Priority System for Enforcement Actions

Priority 1	Life-safety issues
Priority 2	BOCC requests Requests from other agencies Irreparable types of complaints
Priority 3	Special Magistrate follow-up inspections for compliance
Priority 4	General complaints Follow-up inspections

Avenues for Correcting Code Violations

Depending on the nature of the violation, code enforcement officers use one of several enforcement avenues to bring about compliance with County regulations. The enforcement alternatives are:

Voluntary Compliance

The ultimate goal of the Code Enforcement Division is to achieve voluntary compliance through persuasion and by educating the respondent. It is only when this fails that other mechanisms are used to achieve compliance.

Special Magistrate

Those found in violation of the Codes will be given a reasonable period of time to comply. Failure to comply will result in the officer issuing a Notice of Violation and the preparation of a Code Enforcement Special Magistrate hearing, if warranted. If it becomes necessary to present the case before the Special Magistrate, the officer will present evidence through sworn testimony and any other means deemed appropriate, such as reports and photographs.

There are two Special Magistrate hearings each month. The Assistant County Attorney must review each and every case prior to a hearing.

Court Litigation

Injunctive relief is the process whereby legal action is taken through the court system to prevent the continuation of a nuisance violation.

Community Outreach Programs

Participation and Partnership with Communities

The Code Enforcement Division continues to serve the community through Community Outreach Programs. It is through these programs and activities that code enforcement partners with the community to ascertain their specific needs relative to code enforcement issues. This enables Code Enforcement to respond to those needs based on the community's desires. The Code Enforcement Division has geared its level of enforcement activities based on the expressed interest of the community.

The Code Enforcement Division also participates in targeted community initiative programs, and other independent community activities such as community clean-up campaigns and educational programs. We strive to act as good-will ambassadors to instill citizen confidence in their county government.

Public Information Pamphlets

Over 17,000 information pamphlets, "Standards Guide for Quality Neighborhoods", have been distributed to further educate the public on the specific areas of code enforcement which has shown to be of great concern or are often misunderstood...such as: Maintenance of Property; Overgrowth, and general land use and development regulations. This information is now available on our Web site at, www.brevardcounty.us/codeenforcement. The Code Enforcement Manager continues to attend Homeowners Association and Civic group meetings when requested.

Strategic Neighborhood Abatement and Revitalization Project (S.N.A.R.P.)

SNARP is an acronym for a program we named, Strategic Neighborhood Abatement & Revitalization Project. This program was developed to help communities rid their neighborhoods of junk vehicles, overgrowth, junk and debris, unsafe structures, and other code violations to improve the quality of life, specifically, the general health, safety and welfare of the community. This program is an alternative to proactive enforcement with community participation.

There is a close connection between the enforcement of code violations and crime control. Communities that enforce a standard of public behavior and order can discourage criminal activity. Code Enforcement is a major player in law enforcement's community oriented policing efforts, and the enforcement of code violations is frequently the primary ingredient that is essential to neighborhood revitalization.

Safe, healthy, attractive, and clean surroundings are a part of what makes a community a good place to live.

Helping Hands Program (Volunteer Assistance)

The purpose of this program is to assist citizens who have been cited by Code Enforcement for a code violation who are unable to comply due to physical and/or financial limitations. Volunteers assist with routine exterior home maintenance projects such as tree trimming, grass mowing, raking, light projects, etc.

Mowing Program

This program was created to abate excessive accumulations or untended growth of weeds and grass upon any lot, tract or parcel of improved land that is or may reasonably become infested or inhabited by rats, mice, snakes, pests or wild animals, or may furnish a breeding place for harboring place for flies, mosquitoes or harmful insects, or threatens or endangers the public health, safety or welfare. The County abates the violation and a lien is placed against the property.

Junk Vehicle Towing Service

Code Enforcement has established a volunteer list of licensed towing companies willing to respond to citizen's requests to have a junk vehicle towed from their property, free of charge. Citizens make direct contact with these companies to make arrangements to have the vehicles hauled away.

The Community Services Council of Brevard County, Inc.

Code Enforcement is now a proud partner with "Services for Elders and Caregivers." There are times when officers come in contact with elderly citizens who are in need of special services. Code Enforcement provides seniors with information provided by the Community Services Council.

Training

The Florida Association of Code Enforcement (F.A.C.E.) offers certification classes through the University of Central Florida for Levels I, II, III, and Professional Level Code Enforcement Officer. The successful completion of Level I is mandatory within one year of all newly hired officers.

Operating Procedures and Rules

In 1998, we began to review and update our Operating Procedures and Rules manual. The manual continues to be updated as changes in procedures and rules occur, to include the County Attorney's legal opinions, and interpretations by the Zoning Official pertaining to code enforcement issues.

Marine Turtle Lighting Protection

Code Enforcement proactively protects threatened and endangered marine turtles from sources of artificial light. This program runs from May through October annually. We begin our program in April to identify problem areas before the nesting season begins to resolve lighting issues. We also participate in an annual public turtle lighting seminar that is held in Cocoa Beach to further educate the public about our turtles and the need to protect them.

Year after year we have seen a drop in lighting violations throughout the county. This is due mainly to our efforts to educate the public and take enforcement action when necessary.

CODE ENFORCEMENT ACTIVITY

	FY	05-06	06-07	07-08
<u>ZONING INVESTIGATIONS</u>				
NEW ZONING VIOLATIONS WORKED		1088	922	1,601
ZONING VIOLATIONS CLOSED			958	782
<u>MISCELLANEOUS INVESTIGATIONS</u>				
NEW TURTLE LIGHTING VIOLATIONS		71	29	8
TURTLE VIOLATIONS CLOSED			45	8
NEW OVERGROWTH VIOLATIONS WORKED		749	757	1,138
OVERGROWTH VIOLATIONS CLOSED			835	1,149
NEW RIGHT-OF-WAY VIOLATIONS WORKED		153	149	123
RIGHT-OF-WAY VIOLATIONS CLOSED			142	93
ADULT ENTERTAINMENT VIOLATIONS		1	0	0
CRIMINAL CASES FILED WITH STATE ATTORNEY (Felony Battery on a Code Enforcement Officer)		0	1	2
SNIPE SIGNS REMOVED			927	1,009
(Total General Funded Activity)		2,062	4,765	5,913

SOLID WASTE INVESTIGATIONS

NEW SOLID WASTE VIOLATIONS WORKED		1243	928	2,737
SOLID WASTE VIOLATIONS CLOSED			1,047	846
NEW JUNK VEHICLE VIOLATIONS WORKED		659	687	452
JUNK VEHICLE VIOLATIONS CLOSED			788	492
CRIMINAL CASE FILED WITH STATE ATTORNEY (Felony Illegal Dumping)		0	2	0
(Total Solid Waste Activity)		1,902	3,452	4,527

COMPLAINTS TAKEN FOR OTHER DEPARTMENTS / JURISDICTIONS

- Building Department 302
- Tax Collector 3
- Environmental Health 17
- Land Development 8
- Contractor Licensing 1
- Fire Rescue 1
- City of Cocoa 4
- City of Indialantic 1
- City of Melbourne 3
- City of Palm Shores 1

- City of Satellite Beach 1
- City of Titusville 4
- Total = 346**

ENFORCEMENT ACTION TAKEN

FIELD NOTICES OF VIOLATION	120	92	68
NOTICES OF VIOLATION	811	816	745
COURT INJUNCTIONS	3	6	0
MISCELLANEOUS VIOLATIONS	33	25	46
(Total Enforcement Action)	967	939	859

COMPLAINTS REFERRED TO OTHER AGENCIES 112 139 346

TELEPHONE CALLS RECEIVED:

Based on a previous survey, it is estimated that Code Enforcement receives over **20,000** telephone calls on an annual basis.

Note: The total cases closed include older cases that have been in the system for a period of time and/or cases carried over from the previous fiscal year.

SPECIAL MAGISTRATE HEARINGS AND CASE PREPARATION

FY	05-06	06-07	07-08
NUMBER OF CASES ON SM AGENDA (Reviewed by Asst. County Attorney in Pre-Hearings)	1,512	1,783	1,210
NUMBER OF PUBLIC HEARINGS	1,028	1,085	652
NUMBER OF IMPOSITIONS (LIENS)	28	225	149
NUMBER OF ACKNOWLEDGEMENTS	282	307	200
NUMBER COMPLIES BEFORE HEARING	329	315	204
NUMBER RESCHEDULED OR REMOVED	271	380	234
OTHERS	174	166	150
CASES HEARD BY MAGISTRATE	912	1,088	703

COURT ORDERED CLEANUPS

Code Enforcement did not have any court ordered cleanups during this fiscal year.

Revenue Collections from Administrative Costs / Fines/Liens

The information below provides the revenue collected by the Code Enforcement Division for the past three years for all agencies using the *Enforcement Process*. Revenues are from the Code Enforcement Special Magistrate process for Administrative Costs, Fines, Liens, and our contracted collection agency, NRS.

FY 2005-2006 REVENUE COLLECTIONS

	<u>Costs</u>	<u>Fines</u>	<u>Liens</u>
• Solid Waste Code Violation Cases only –	\$57,474.31	\$46,594.00	\$17,403.60
• Zoning Violation Cases –	\$ 8,886.90	\$ 4,087.50	\$ 0.00
• Solid Waste and Zoning Violation Cases –	\$20,978.00	\$40,174.50	\$ 0.00
• Building Violation Cases –	\$33,444.20	\$81,493.13	\$ 7,600.00
• Environmental Health Violation Cases –	\$ 40.00	\$ 0.00	\$ 0.00
• Turtle Lighting Violation Cases –	\$ 5,698.00	\$ 3,500.00	\$ 0.00
• Natural Resources Violation Cases* –	\$ 7,443.00	\$13,969.00	\$ 0.00
• Contractor Licensing Collected –	\$ 0.00	\$ 0.00	\$ 0.00
• Land Development -	\$ 366.00	\$ 0.00	\$ 0.00
• Roads and Bridge Dept. -	\$ 0.00	\$ 0.00	\$ <u>54.70</u>

Totals = \$350,306.84

• NRS Collection Agency (Net Collection) = \$ 33,574.20

Total Revenue Collected for FY 2005-06 = \$ 383,881.04

FY 2006-2007 REVENUE COLLECTIONS

	<u>Costs</u>	<u>Fines</u>	<u>Liens</u>
• Solid Waste Violation Cases only –	\$ 63,587.49	\$36,839.00	\$ 44,360.95
• Zoning Violation Cases only -	\$ 9,710.00	\$ 330.00	\$ 4,777.88
• Solid Waste and Zoning Violation Cases –	\$ 14,336.00	\$ 10,470.00	\$ 150.00
• Building Violation Cases –	\$ 17,611.00	\$ 44,688.00	\$ 76,346.20
• Environmental Health Violation Cases –	\$ 1,415.00	\$ 500.00	\$ 4,559.00
• Turtle Lighting Violation Cases –	\$ 2,864.00	\$ 0.00	\$ 0.00
• Natural Resources Violation Cases * –	\$ 3,208.00	\$ 24,125.00	\$ 0.00
• Roads and Bridge Dept. -	\$ 0.00	\$ 0.00	\$ 2,840.00
• Fire Safety	\$ 650.00	\$ 1,000.00	\$190,000.00*
• Land Development	\$ 0.00	\$ 581.25	\$ 0.00
• Signs	<u>\$ 239.00</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Totals =	\$103,620.49	\$118,533.25	\$323,034.03
• NRS Collection Agency =			\$ 12,142.00

(* One-time large fine associated with an apartment complex without required fire suppression system.)

Total Revenue Collected for FY 2006-07 = \$ 557,329.77

FY 2007-2008 REVENUE COLLECTIONS

	<u>Costs</u>	<u>Fines</u>	<u>Liens</u>
• Solid Waste Violation Cases only –	\$ 36,609.42	\$ 41,267.70	\$ 4,675.00
• Zoning Violation Cases only –	\$ 5,429.00	\$ 950.00	\$ 1,178.00
• Solid Waste and Zoning Violation Cases –	\$ 6,919.83	\$ 10,476.20	\$ 996.00
• Overgrowth of weeds/grasses -	\$ 9,472.00	\$ 43,086.20	\$ 627.00
• Building Violation Cases –	\$ 16,834.43	\$ 80,010.86	\$ 40,468.00
• Environmental Health Violation Cases –	\$ 1,500.00	\$ 0.00	\$ 0.00
• Turtle Lighting Violation Cases –	\$ 0.00	\$ 0.00	\$ 0.00
• Natural Resources Violation Cases –	\$ 3,554.82	\$ 125,925.00	\$ 0.00**
• Roads and Bridge Dept. -	\$ 0.00	\$ 0.00	\$ 0.00
• Fire Safety	\$ 170.00	\$ 0.00	\$ 0.00
• Land Development	\$ 0.00	\$ 0.00	\$ 0.00
• Signs	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>
Totals =	\$ 80,489.50	\$ 301,707.00	\$ 47,944.00

MISCELLANEOUS

• NRS Collection Agency	\$	\$	\$ 0.00
• Non-Sufficient Funds	\$	\$	\$ 30.00
• Public Records			\$ 40.50
• Adult Entertainment License	\$	\$	<u>\$ 1,942.50</u>
Totals =	\$	\$	\$ 2,013.00

Total Revenue Collected for FY 2007-08 = \$ 432,153.50

(**Per Code Section 62-4362, fines collected for Natural Resources Code Violations must be deposited in the Natural Resources Trust Fund.)