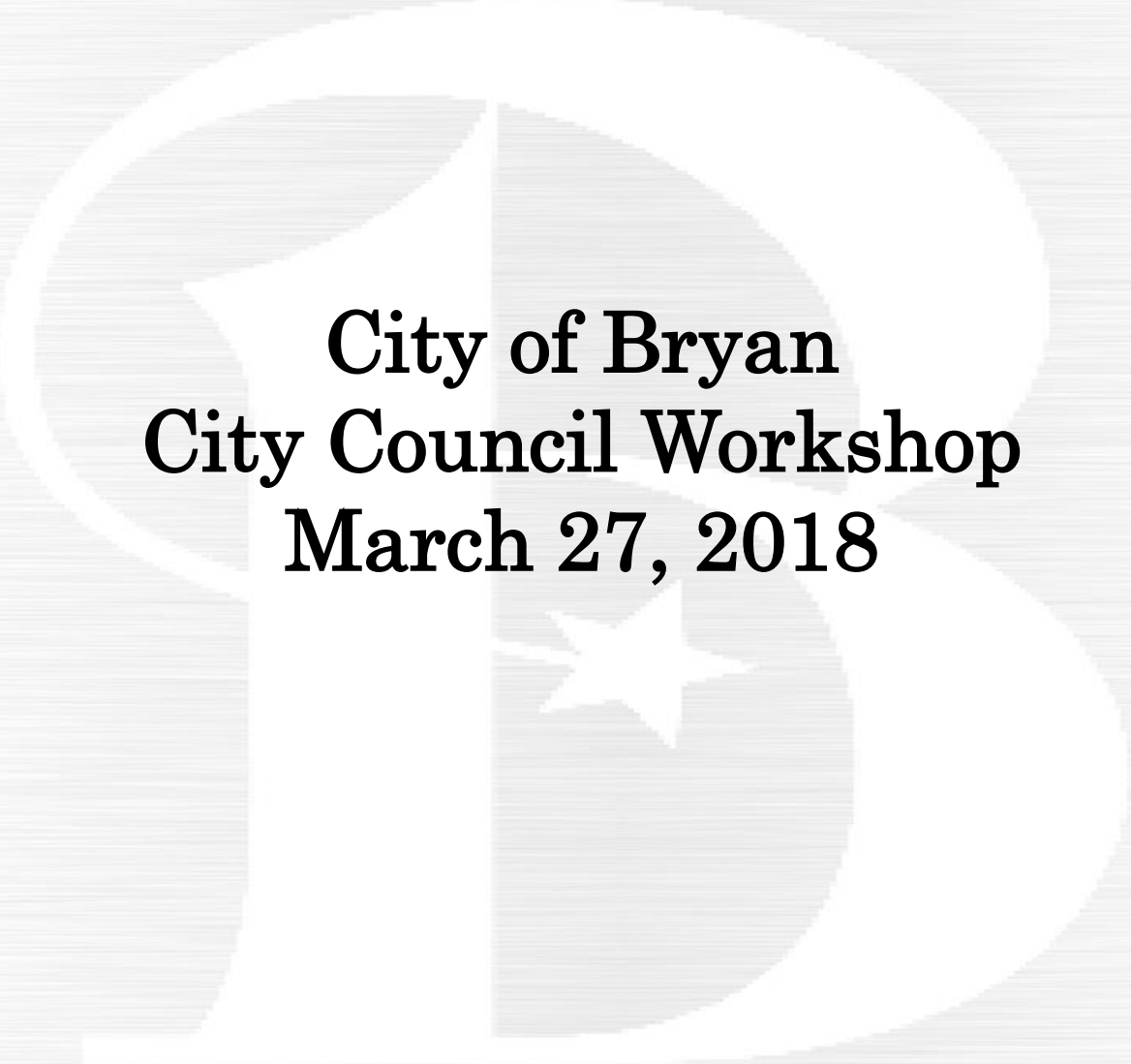


Code Enforcement Notification Process



**City of Bryan
City Council Workshop
March 27, 2018**

What We Will Discuss

Department Structure and Performance

Case Process Overview

Notification Requirements by Case Type

Questions

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Department Structure and Performance

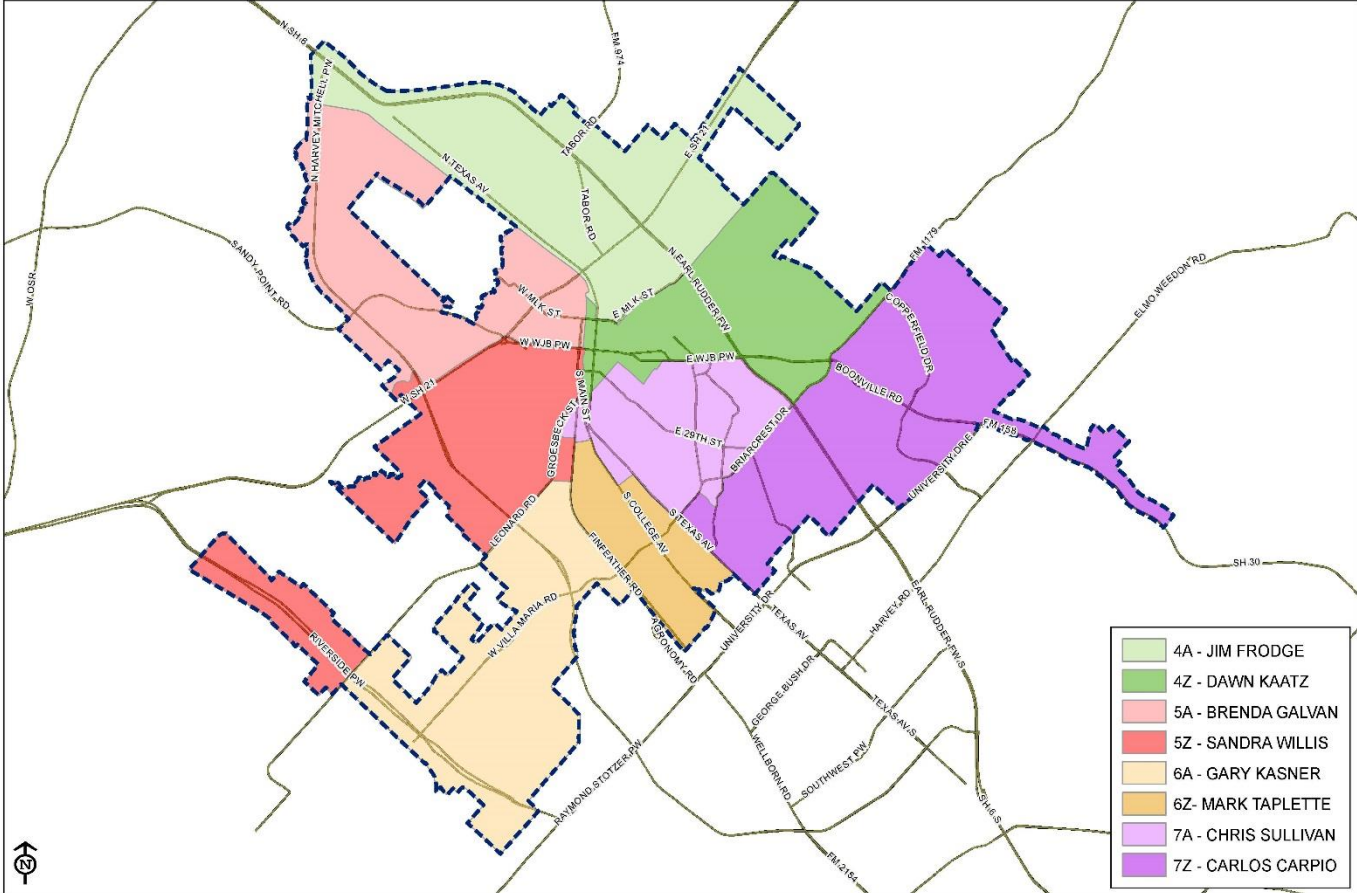
Department Structure and Focus

8 Code Officers and 1 Division Manager

- ❑ 1 Officer dedicated to each zone
- ❑ Officers are responsible for all aspects of the case
- ❑ Dual focus (Code and Managed Program)

Emphasis placed on proactive enforcement

Growing focus placed on Zoning violations



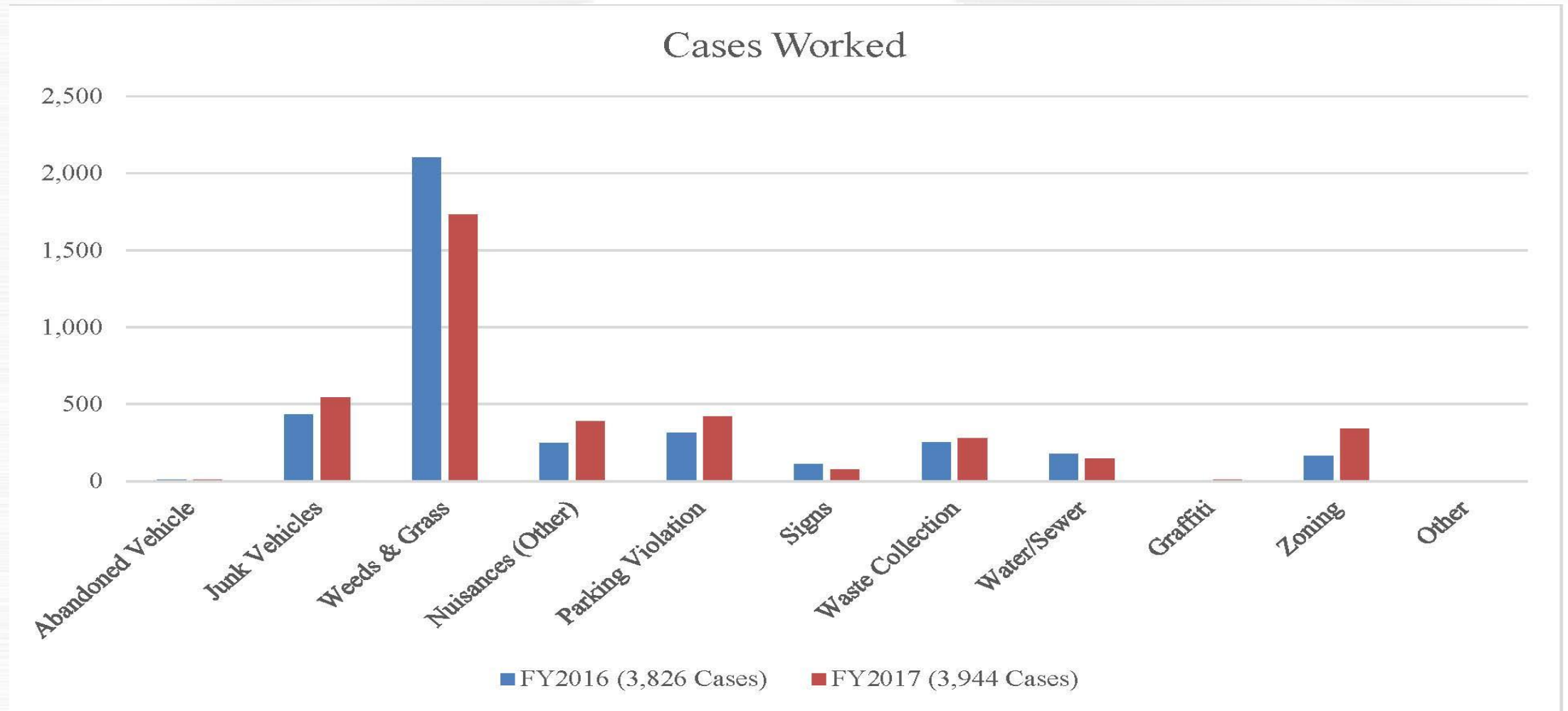
Performance

Cases Worked:	October - February		
	FY2016	FY2017	FY2018
Abandoned Vehicle	2	7	7
Junk Vehicles	128	315	335
Weeds & Grass	274	304	249
Nuisances (Other)	76	161	190
Parking Violation	86	201	238
Signs	71	21	52
Waste Collection	86	112	112
Water/Sewer	65	44	134
Graffiti	2	4	6
Zoning	49	120	156
Other	2	0	0
Total	841	1,289	1,479
% Change Cases Worked FY17:FY18			15%

Case Origination:	October - February					
	FY2016	FY2017	FY2018	FY2016	FY2017	FY2018
Citizen Complaint	395	396	425	47%	31%	29%
City Council	9	3	1	1%	0%	0%
Internal Complaint/Officer Initiated	378	885	1,052	45%	69%	71%
Referral	59	5	1	7%	0%	0%
Total	841	1,289	1,479	100%	100%	100%

Citations Issued:	October - February		
	FY2016	FY2017	FY2018
Citations Issued:	47	43	48

Performance



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Case Process Overview

Receipt of Complaint

Complaints are received by the Public Works Call Center and a work order is issued for inspection

Avenues for reporting a complaint:

- Public Works Call Center (209-5900 or pwcc@bryantx.gov)
- HelpBryan
- Laserfiche Forms Work Request
- City Council
- Department Transfers (Police, Fire, City Manager, Development Services)
- Trakit (future)

Inspection

Complaints are investigated within 48-hours of receipt unless the nature of the complaint requires immediate attention

Pictures are taken to document the violation

The inspection is conducted discreetly and with respect for the property and privacy of others

Notification

Once a complaint has been verified by inspection, a notice of violation is issued to the property owner and, if applicable, the tenant and other associated parties

The notice of violation is a brief letter stating the property conditions and references requirements of Bryan Code, a timeline for correction(s) to be complete, and a warning of enforcement if correction is not made

Compliance

Violations that are quickly and easily remedied are required to comply within 10 days or sooner. Violations that require a more involved resolution are given greater periods of time

Officer discretion is used to allow extensions for special circumstances and good faith efforts exhibited by offender

Enforcement is enacted if compliance is not achieved (citation issuance and/or city correction of the violation)

Voluntary Compliance is the Ultimate Goal

Outreach

Officers participate and provide public speaking at community meetings and events

Public Service Announcements (Channel 16, BTU utility bill inserts, radio circuit)

Trakit (future) citizen portal for reporting of violations and concerns

Code enforcement cases are plotted to GIS and are viewable by the public from the City of Bryan [website](#)



Notification Requirements by Case Type

Notice Served

“Everyone Gets A Notice”

Written notice serves two purposes:

1. Notices are required to satisfy ordinance requirements to allow enforcement
2. Notices are used as evidence by the Prosecutor that written notice occurred

Alternate forms of written communication include:

- Container Tags (trash containers)
- Door Hangers
- Vehicle Stickers

Junk Vehicles (Ordinance Requirement)

Definition : inoperable on private property for >30 consecutive days (Code Enforcement) or > 72 consecutive hours on public property (Police Department)

Compliance period is defined by ordinance and statute

Notices are issued through certified mail. Notified parties are given 10 days to correct the violation or request a hearing of the Municipal Court

A junk vehicle may be abated after 10 days:

- If the violation has not been corrected, and
- all parties have been notified, and
- a hearing has not been requested

Junk Vehicle Abatement

Ordinance

- Code Officer contacts tow company and the junk vehicle is removed from property
- Code Officer files Certificate of Authority with TxDMV
- Junk Vehicle is destroyed by a metal recycler or salvage yard

Approximately 50 case days to complete

Department Practice

- Code Officer files a Junk Vehicle Disposition with Municipal Court and requests a Junk Vehicle Hearing before the Judge
- If ruled a junk vehicle, Code Officer contacts tow company and the junk vehicle is removed from property
- Code Officer files Certificate of Authority with TxDMV
- Junk Vehicle is destroyed by a metal recycler or salvage yard

>50 days and is dependent on court scheduling

Junk Vehicles

Notice outlines offense and timeline for correction:

- Violation must be corrected within 10 days. Provides notified parties with instructions for requesting a hearing

Enforcement Options:

- Citation (after definition is met):
 - Private Property: more than 30 days after observation
 - Public Property: more than 72 hours after observation
- City abatement

Public Nuisances

Example Case Types: Weeds & Grass, Heaps of Rubbish, Dilapidated Structures and Fences, and Stagnant Water or Impure Matter

Violations must be corrected within [7 days](#). Abatement may occur if the violation remains uncorrected longer than 10 days after notification.

When a nuisance is found to exist, a [“citation](#) and a notice of violation” are to be served to the property owner and any other person responsible for creating the nuisance

Department Practice: Issuance of citation if the violation is abated by the City

The property owner is invoiced for abatement (cost + \$100 admin fee). Lien is filed if the invoice is unpaid

Public Nuisances

Repeat violations may be abated upon observation of the violation with no additional notification, provided:

- Prior notice has been served;
- No change has occurred in property ownership or individuals controlling the property; and
- The repeat violation is the same nature or kind

Other Case Types

Sewer and Water Leaks, Unimproved Parking, Littering, Clippings in Street, Outdoor Storage, Zoning, and Waste Collection

Notice is issued to the property owner, tenant, and/or property manager (essentially anyone responsible for creating or allowing the violation)

Notice outlines offense and timeline for correction

Other Case Types

Notice is required to be issued before a citation may be issued unless otherwise noted below:

- Unimproved Parking (Traffic Code) – enforcement can proceed without notice – 3 days
- Residential Outdoor Storage – 7 days
- [Waste Collection](#) – notice is good for one year from the date of issue – 7 days
- Sight Distance – 7 days
- [Sewer Use](#) – enforcement can proceed without notice – dependent on condition
- Zoning (Nonconforming Use, Storage, Landscape, Display, etc.) – dependent on condition



Questions

Mailing Expense – Certified Mail

	FY2016	FY2017	FY2018
Cases	3,826	3,970	1,479
Standard	\$ 1,446	\$ 1,501	\$ 559
Certified	\$ 25,519	\$ 26,480	\$ 9,865

Standard Mail	\$ 0.38
Certified/Return	\$ 6.67

Assumes that only 1 letter is required for each case

Added operational expense not currently budgeted

Added time for case completion to account for return receipt

Many people refuse to accept Certified Mail. Secondary notification procedure may be needed

Confirms delivery

Substandard Structures

Statutory written notice requirement for Building Standards Commission (BSC) meeting is **10 days**.

In practice, an initial notice is mailed to property owner **at least 8 weeks (56 days)** prior to possible meeting date. Notice includes:

- Request to contract staff to discuss property
- Explains what BSC is and what authority it has
- Explains what owner would need to bring to meeting (plan for repairs, cost estimates, timeline) in handouts included with letter

A second notice is mailed to property owner at least **5 weeks (35 days)** prior to scheduled meeting.

Substandard Structures

Second notice includes everything from first notice, plus

- Dangerous structure survey reports from Building and Fire Services
- Date and location of the meeting
- Link to meeting agenda and staff report

Third notice is mailed to property owner **within 1 business day** of the meeting.
Notice includes:

- copy of Commission's finding and order
- Information on how to appeal a Commission order