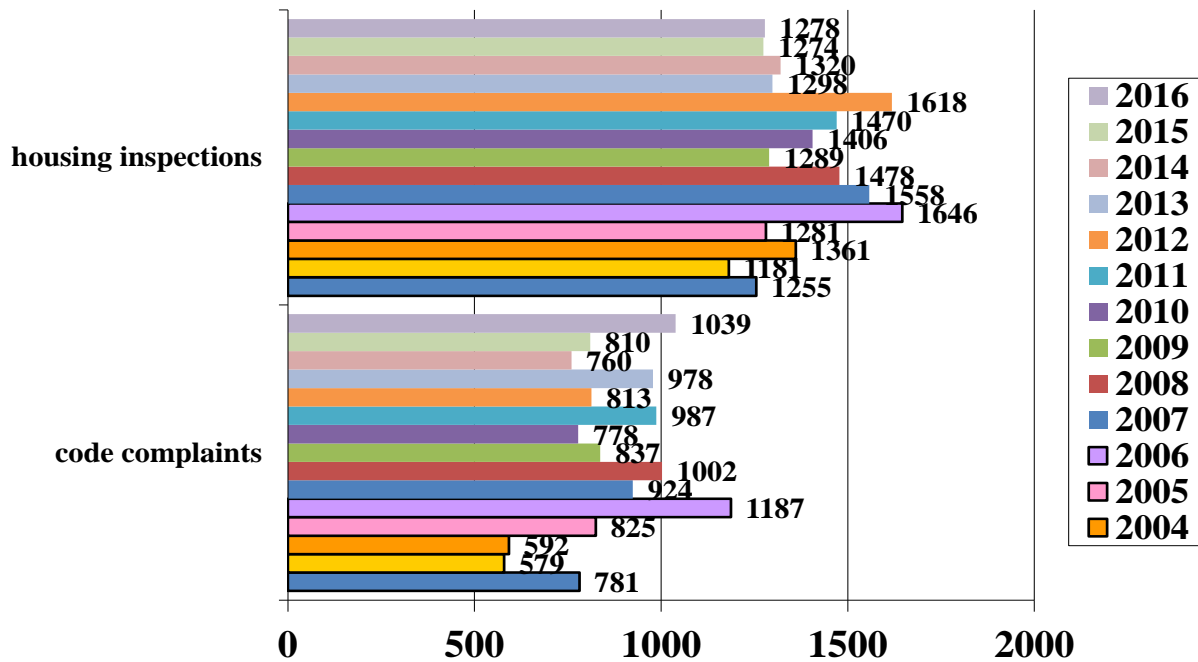


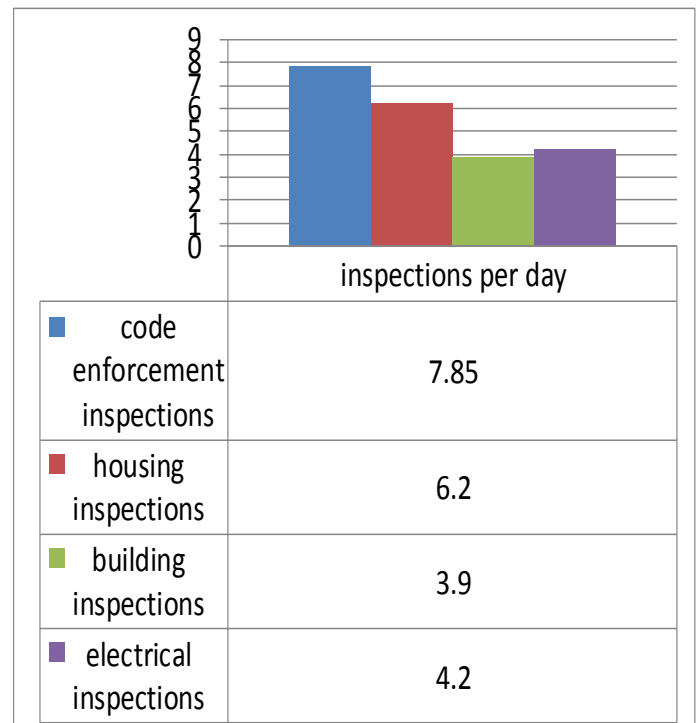
# City of Frankfort’s proposed “City Enhancement Program” (a City Wide Active/Aggressive Property Maintenance Inspection Program)

Recently, the Planning and Building Codes Department has received concerns about HB422 and the city’s “reactive” approach to code enforcement from Commission members whom have expressed and initiated discussions concerning the possibility of pursuing a more aggressive code enforcement approach.

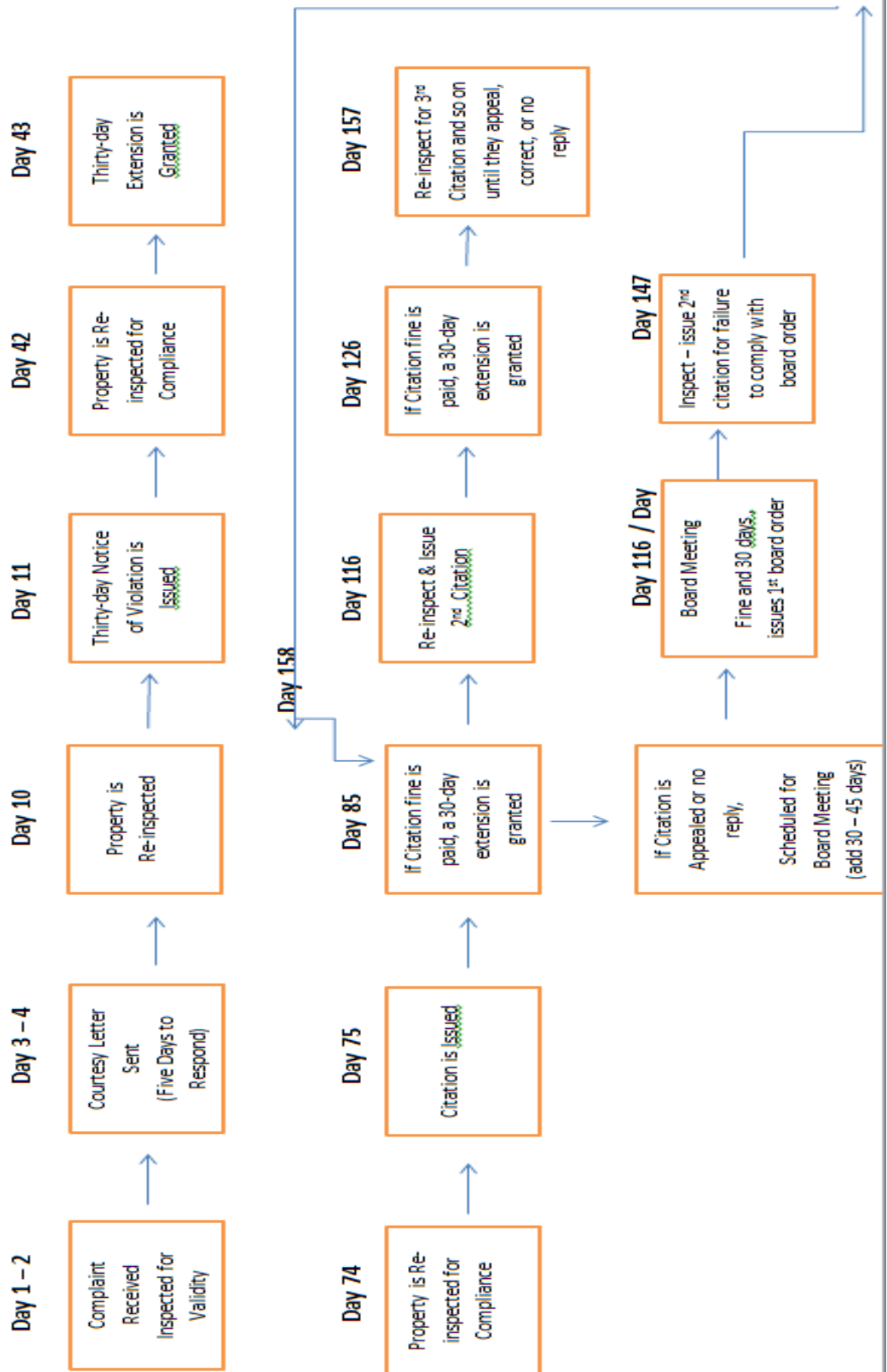
## 15 year Department Summary – Code Division:



- 220 working days per year (365 less weekends, holidays, & 10 vacation/sick days)
- Annual Average (15 years)
  - 859 code complaints
  - 1380 rentals
  - 436 building permits
  - 472 electrical permits
- Average 2 inspections per complaint/permit
- 2016 actual inspections
  - 1379 code inspections (6.2/day)
  - 1278 rental inspections (5.8/day)
  - 482 building inspections (2.1/day)
  - 388 electric inspections (1.7/day)



# Days for compliance Timeline



## **Background:**

The Property Maintenance Code and Code Enforcement Board were originally created in June 1999. The primary basis to create this board and minimum standards property maintenance code was due to the timeframe and results made at District Court.

The Property Maintenance Code has been amended several times over the years:

- 2000-2001: staff was asked to preform neighborhood sweeps, starting in south Frankfort and then Holmes Street area – after initiating staff was told both times to stop and not continue any other areas. Public felt this was selective enforcement and too many violations were being found.
- 2003: amended vacant properties, fine table, to reduce number of citations issued for repeat violators, to clarify that a public nuisance constitutes a violation, and to define a failure to comply with a board order as a separate violation
- 2004-2005: Commission created a Code Enforcement Task Force and during those meetings, the topic of “reactive” vs. “proactive” code enforcement, with “proactive” enforcement being an approach that involves staff actively seeking violations throughout the City and taking action to rectify them was discussed, however no specific details were provided or offered by the Committee – other than to **hire an additional employee – which was not supported.**
- 2005: amended various sections per Code Enforcement Task Force Committee
- 2006: *discussion on proactive enforcement – divided city into 8 areas and created program for active code enforcement – **program was not supported**, anonymous complaints was also discussed and amended.*
- 2007: amended street house numbers to match Fire Code and *discussed increasing fine amounts – **increase fines not approved***
- 2008: prohibited trailers on grass, except for loading/unloading or if posted for sale.
- 2009: *discussed County Attorney new policy, bamboo, city proactive approach and more aggressive enforcement –support to change junk vehicle and to limit staff to one 30 day extensions; all other approaches were not supported-however, **these discussions resulted in the abandoned property ordinance and annual pro-active sweep in December which was approved.***
- 2009: removed junk vehicle, amended to make consistent with 2009 ICC , added unsafe buildings and unsafe conditions, removed public sidewalk repairs by owners, limit staff to one 30 day extension, and added bamboo as allowed plantings.
- 2011: added posting of citation signs in yards, unsafe structures in historic districts to be notified to ARB, added 60 days to board up unsecured buildings and maximum timeframe of 12 months to remain boarded, added demolitions in historic districts must go to the ARB first –except imminent dangerous buildings, and added 3 appeal processes.
- 2012: increased rental inspections from \$10 to \$20 (*discussed prohibiting mothballs or snake away products and to amend rental inspections to an annual basis – **neither were approved***)
- 2013: allowed trailers to be parked in grass on side and rear yard areas
- 2014: city adopted ordinance to prohibit any permits or approvals for owners that have delinquent taxes, fees, or fines. Furthermore, permits no longer suspend code violations and permits correcting violations are only valid for 6 months unless code board grants an extension.
- 2015: staff directed to issue courtesy letters asking owners to contact staff within a week, prior to sending violation letters. This was part of a business friendly effort of the city.
- 2017: discussed County Attorney new policy, 2 pending vacant positions in code enforcement, and new KRS legislation that repealed nuisance board – action continued to April 2017

**Past Code Enforcement Program 4 employees – 1 assistant, 2 inspectors, 1 supervisor**

Prior to 2010: the City has employed a 90% “reactive” approach to code enforcement. This approach relies on resident/commission complaints to initiate a staff investigation of an alleged violation. Notwithstanding, if staff witnesses a code violation next to a complaint site, or finds unpermitted construction, or other action that poses an imminent threat to public safety, staff will pursue the violation without a resident complaint.

By taking this “reactive” approach, the City can operate with fewer code enforcement personnel, which equates to reduced costs and the City can avoid claims of practicing “selective enforcement”.

**Current Code Enforcement Program: 4+ employees - 1 assistant/tech, 2 inspectors, 1 supervisor, plus Director conducting annual sweep**

Prior to April 2017: The City administers its code enforcement program in the following manner. Complaints are to be reported with the name and phone number of the complainant; however, if the person fears retaliation, staff is then to list it as anonymous. Staff initiates complaints seen in the field while performing inspections at specific locations and Director preforms entire city wide sweep each year. Annual sweep has resulted in adding an average of 273 new proactive cases each year (high: 377 cases; low: 189 cases).

All complaints received by letter, email or telephone are investigated by performing a field inspection of the matter. (first inspection)

If staff confirms that a code violation exists through the field visit, the following steps typically take place (excluding weed complaints):

- 1) Issue courtesy letter for all complaints – they are to contact us within 7 days .
- 2) Staff conducts second inspection – if violation remains then a notice of violation letter is sent to the property owner(verified by current PVA data) informing them that a violation exists on their property, identifying the steps to remedy the violation and establishing a time frame for correcting the violation (**typically 30 days** ).
- 3) Owner contacts staff and requests more time (staff conducts 3<sup>rd</sup> inspection) – 30 day extension available.
- 4) Staff conducts 4<sup>th</sup> inspection to verify violation is corrected or if no action has been taken by the property owner within the allowed timeframe, a citation is issued with an established fine.
  - a. If owner pays fine – automatic 30 day extension
  - b. If owner does nothing – case goes to board as default case and fine with 30 days to comply
  - c. If owner appeals within 10 days – case goes to board for their determination
- 5) Staff conducts 5<sup>th</sup> inspection to verify violation is corrected or if no action has been taken by the property owner within the allowed timeframe, a second citation is issued with an established fine.
  - a. If owner pays fine – automatic 30 day extension
  - b. If owner does nothing – case goes to board as default case and fine with 30 days to comply
  - c. If owner appeals within 10 days – case goes to board for their determination
- 6) Staff conducts 6<sup>th</sup> inspection to verify violation is corrected or if no action has been taken by the property owner within the allowed timeframe, a second citation is issued with an established fine.
  - a. If owner pays fine – automatic 30 day extension
  - b. If owner does nothing – case goes to District Court
- 7) There is not limitation on how many times an owner may pay a citation to avoid an actual board order or hearing. This continues until the item is resolved or until the item is heard by the Code Enforcement Board and the owner fails two consecutive board orders, which then the case is forwarded to District Court.

**Proposed Code Enforcement Program: 3+ employees - 2 inspectors, 1 supervisor; plus Director conducting annual sweep; plus paralegal provides board orders, invoices, liens, collection of payments, rental payments; plus front building counter staff to assist with phone calls, scheduling rental appointments, new complaints, board agendas, and legal notices.**

*We understand that the code assistant/tech (Edith) position is to NOT to be filled- left vacant.*

**Option 1 – maintain current program – with a more aggressive code for Rubbish, junk/inoperable vehicles, junk/inoperable vessels/boats, trailers parked in front yards.**

Rubbish in yards, inoperable boats/vessels/cars/trucks and trailers parked in front yards would now have **only 5 days** to remove or correct the violation (same as weeds/tall grass). Failure to correct within 5 days and the city will have the rubbish removed, vehicles/trailers/boats towed and impounded, and costs for removal will be invoiced to the owner with liens if not paid. Limit the Code Enforcement Board to only 60 day extensions rather than unlimited (extensions have ranged from 30 days to 6 months to even 1 year).

**Option 2 -**

On an annual basis **beginning April 1<sup>st</sup> of each year (starting April 2018)** (to be publicly promoted in advance) the 2 inspectors and supervisor shall initiate the “Annual City Enhancement Program” and will inspect all privately owned properties within the city limits, via a windshield survey – see map and implementation strategy attached. Only when the condition of the property warrants a closer inspection, will the employee inspect the property on foot. The windshield survey method of inspection is the most efficient method to conduct such a large encompassing area of property in a short amount of time, thus being the most cost effective approach as well. If the timeframe is extended or additional inspector is added, then a more comprehensive survey could be performed. Door hangers will be issued at the time of surveillance.

This new process is designed to consolidate and streamline the resolution of these violations and to improve the overall health, safety, and welfare of the City. The annual enhancement program approach should foster communication and coordination among property owners, managers and renters in the spirit of cooperation. Subsequent code violations will be enforced aggressively by staff.

**Steps of enforcement for Option 2:**

1. During the “**Annual City Enhancement Program**” - April 1<sup>st</sup> of each year:
  - A. Properties that are observed with one or more violations will immediately be issued a “**door hanger**” notice – see attached. An inspection form will also be completed by the inspector.
  - B. Supervisor will assign the re-inspections to appropriate staff; Director will establish a GIS map to identify all properties issued a “door hanger”.
  - C. Staff shall then:

**OPTION 1: Staff will conduct a follow-up inspection of all properties issued a “door hanger” within 45 days from the initial windshield inspection to verify compliance. Those who have complied will be mailed an official City of Frankfort “Thank You” card. Those who have not complied will be issued a formal Notice of Violation with 30 days to comply – no extensions to be given by staff for these notices of violation.**

OPTION 2: No follow-up inspection performed unless a complaint is received.

The “**Annual City Enhancement Program**” will consist of the following Code provisions that will be initiated to enhance the current complaint response approach:

- A. Sight obstructions at intersections (work orders will be processed for appropriate department).
- B. Work requiring a building permit or no permit posted.
- C. Missing or non-visible house or building addresses.
- D. Inoperable vehicles (work orders will be processed for appropriate department when in right-of-way).
- E. Accumulation of rubbish.
- F. Tall grass/weeds near or over 10 inches (formal notice of violation will be sent same week).
- G. Improper parking of vehicles, trailers, boats, campers. (work orders will be processed for appropriate department when in right-of-way)
- H. Unsafe structures to be condemned.
- I. Exterior property maintenance code violations, visible from the street; including:
  - 1. Unsecured vacant structures.
  - 2. Exterior property or building not maintained in a clean, safe, and sanitary condition.
  - 3. Private sidewalks, driveways, stairs, not maintained in a proper state of repair.
  - 4. Roofs, gutters, decks, porches and balconies not maintained in good repair.
  - 5. Windows and doors not in sound condition or good repair.
  - 6. Other visible property maintenance code violations.

**Annual Abandoned Property Sweep Program:**

If **Option 2** is supported, then it is anticipated that the annual sweep in December would result in lower code violations noted each year and after a couple years only needing to inspect delinquent tax properties and vacant structures, rather than every street/every structure. Otherwise, director will continue to perform the annual abandoned property and code enforcement sweep in December as required by ordinance.

**ADDITIONAL OPTIONS TO AMEND POLICIES – FOR A MORE AGGRESSIVE ENFORCEMENT APPROACH:**

**POLICY CHANGE: OPTION A:** Staff shall issue Citations, rather than Notice of Violations, for **any repeat violator.** When a Notice of Violation had been issued **for the same property OR the same property owner of a different property,** within the past 12 months – regardless of type of violation found or previously issued- only citations shall be issued for any new violation(s).

**POLICY CHANGE: OPTION B:** Beginning on July 1 – staff shall not grant any extensions to any pending/current/or future Notice of Violation(s). (This will reduce the overall timeframe for compliance, however, it is viewed as the least “business friendly” for property owners with violations that may have been caused by other persons upon their property.)

NOTE 1: Previously, all efforts are made to develop a cooperative, and open communication with the responsible party, and to interact on a positive mutually beneficial basis. Wherever possible, a reasonable solution and time frame is pursued, and all issues will be approached with the assumption that the responsible parties desire and portray a willingness to "correct the violation(s)."

NOTE 2: None of the policy changes shall be applicable to any previous board action. However, any pending board action may be subject to the approved policy changes.

## **RECOMMENDATIONS:**

Based on the information above, the Director and Code Enforcement staff recommends the following:

- 1) Approval of Option 1;
- 2) Approval of Option 2 provided two inspectors and code supervisor is maintained; and
- 3) Approval of Policy Change – Option “A”

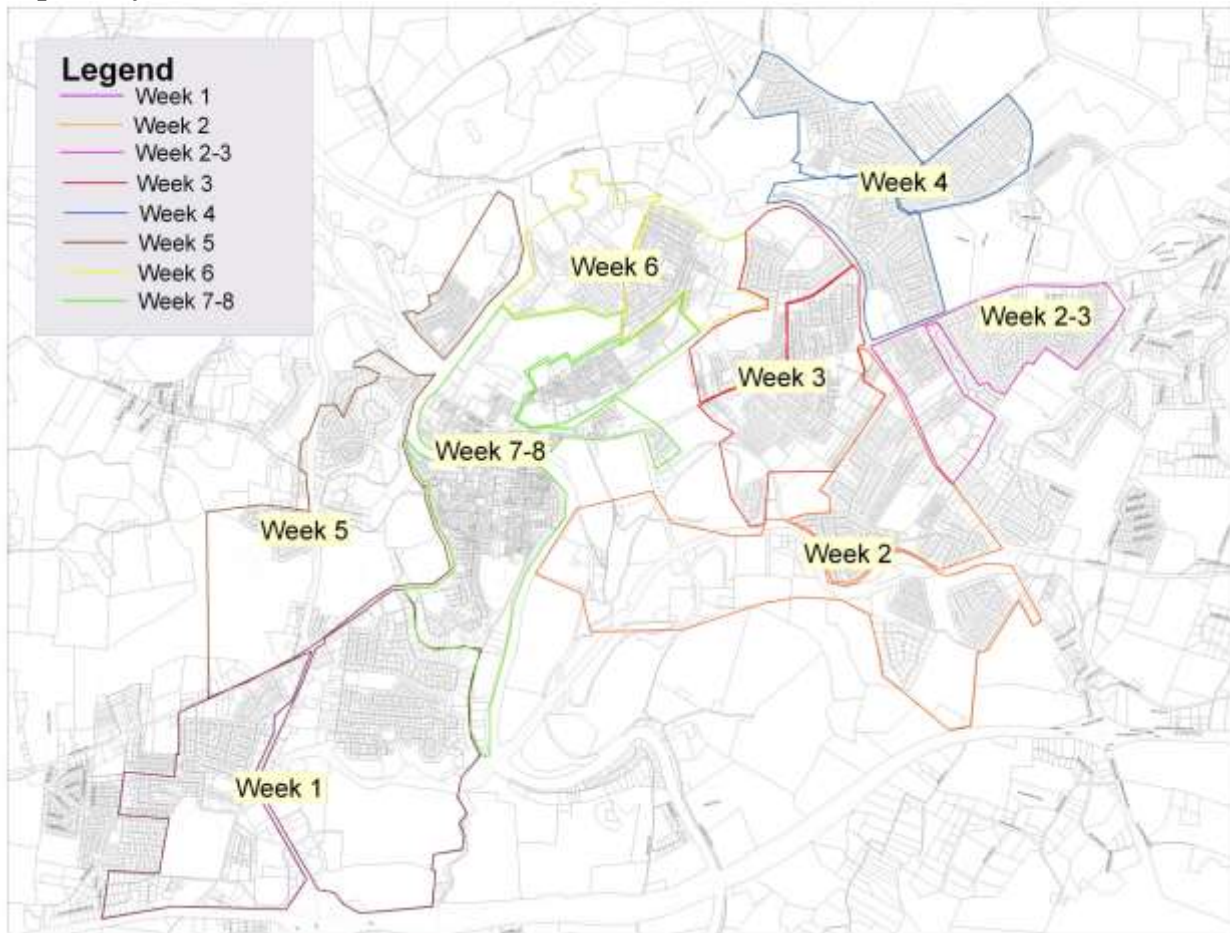
## HOW WILL THE ANNUAL CITY ENHANCEMENT PROGRAM / INSPECTIONS BE IMPLEMENTED?

- The city has been divided into 8 areas and identifies when the areas will be inspected - see map. (Process begins April 1 of each year)  
A public outreach notice - via newsletter, paper, Channel 10, and radio - will be conducted beginning in January of each year.
- The three (3) code enforcement officers will conduct windshield inspections of each property starting with the area identified as week 1.
- **The hours of inspection for the 3 inspectors will be 7 AM to 5:30 PM Monday - Thursday. (10 hrs overtime per week/employee)**
- **Fridays will be administrative catch up days (notices and reports for board items) and any additional follow-ups with owners 8:00 AM - 4:30 PM**
- The Director will conduct windshield inspections (as needed) on Friday 8:00 AM - 4:30 PM to assist the inspectors and to help keep the program on schedule.
- All inspectors and director will complete a windshield inspection form for any property identified with PMC violations.  
(service work orders will be filed for any non - PMC violations observed)
- Door hangers will also be completed and left at the property for those with violations.
- (No photographs will be required for the windshield inspections.)
- Director will generate a weekly report on the progress of the program to the city manager and will also create a GIS map identifying all properties issued a door hanger.
- The assigned code enforcement officer will conduct follow-up inspections at the conclusion of the 45 day notice associated with the door hangers.
- Thank You cards will be mailed to all compliant property owners.
- **Non-compliant property - Based on the approved option - staff will either issue notice of violations, or no other inspections will be made until a complaint is received.**
- By July 1, all properties should have been issued a “Thank You” card or Notice of violation - depending on approved option.
- During April 1st through July 1st- all housing inspections will be performed by the Building Inspector (alternate employees will assigned by the Director, when needed.)
- **Any violations of tall grass/weeds and if supported (rubbish, vehicles, boats, trailers) shall be sent a violation notice and after 5 days should it not be corrected by the owner, the city shall abate the violation (cut grass-remove rubbish-tow vehicles/trailers).**

Below is the map of the city 8 areas, door hanger, and inspection form



Map of city:



Door Hanger sample:

<h2>City of Frankfort Annual Active Enforcement Program</h2>		
<p>This is part of a City-wide active enforcement program to provide you with a friendly notice that City of Frankfort has Ordinances that require Property Owners to maintain their property to certain minimum standards. In an effort to improve the entire health, safety and welfare of the City - we have identified the following violations on your property at _____ Frankfort, Ky.</p>		
<input type="checkbox"/> Tall Grass & Weeds <input type="checkbox"/> Rubbish & Trash <input type="checkbox"/> Faulty roof/gutters <input type="checkbox"/> Broken Window	<input type="checkbox"/> Storage of Appliances <input type="checkbox"/> Junk Motor Vehicles <input type="checkbox"/> Exterior Paint/Siding Failure <input type="checkbox"/> Other items:	
<hr/> <hr/> <hr/>		
<p><b>Please correct the above items within a timely manner or contact us to provide further guidance and direction.</b></p>		
<p><i>Thank You!</i></p>		
<p>Thank you in advance for your cooperation and attention to this matter.</p>		
<p>Your efforts will contribute to the overall health, safety and welfare of our great community. <b>If this issue is not resolved and a future complaint is received concerning this violation, a formal Citation or Notice of Violation will be filed.</b> If you have any questions or need clarification concerning this door hanger, you may reach us at (502) 352-2095</p>		
<hr/> <p>Property Maintenance Inspector</p>	<hr/> <p>Date</p>	

Sample Inspection form:

**2018 Annual City Enhancement Program :  
Inspection Checklist**



**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Site** \_\_\_\_\_

**address:**

**Building Exterior & Lot:**

- |   |   |
|---|---|
| <input type="checkbox"/> Address Numbers missing                      | <input type="checkbox"/> Unsafe structure to be boarded   |
| <input type="checkbox"/> Sight obstructions at intersections          | <input type="checkbox"/> Unsafe structure to be condemned |
| <input type="checkbox"/> Tall grass/weeds (10")                       | <input type="checkbox"/> Accumulation of rubbish          |
| <input type="checkbox"/> Parking trailers/boats/vehicles on grass     | <input type="checkbox"/> Gutter system missing/damaged    |
| <input type="checkbox"/> Junk vehicles                                | <input type="checkbox"/> Window – broken/cracked          |
| <input type="checkbox"/> Private driveway need repairs                | <input type="checkbox"/> Fence in disrepair               |
| <input type="checkbox"/> Private Sidewalk need repairs                | <input type="checkbox"/> Foundation openings              |
| <input type="checkbox"/> Stairs need repair                           | <input type="checkbox"/> Swimming Pool fenced/gate        |
| <input type="checkbox"/> Handrail missing/need repair                 | <input type="checkbox"/> Exterior Painting                |
| <input type="checkbox"/> Roof failures/damaged                        | <input type="checkbox"/> Exterior Walls sound             |
| <input type="checkbox"/> No permit issued or posted for work underway | <input type="checkbox"/> Vermin Infestation               |
|   | <input type="checkbox"/> unsecured vacant building        |
|   | <input type="checkbox"/> Other: _____                     |

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Door Hanger provided:**     Yes – on site  
   Yes – with agent

**Service Work Order required:**     No  
   Yes – filed with: \_\_\_\_\_ Date: \_\_\_\_\_

**Follow-up inspection:**     5 days for weeds/grass/rubbish/vehicle  
**Date:** \_\_\_\_\_

45 days for identified violations  
**Date:** \_\_\_\_\_

**Alternative option with less staff: Code Enforcement Program: 2 inspectors, plus Director conducting annual sweep; plus front building counter staff to assist with phone calls, scheduling rental appointments, new complaints, collection of payments, rental payments, board agendas, board orders, all invoices, and legal notices; plus paralegal provides assistance with liens.**

*We understand that the code assistant/tech (Edith) position is to NOT to be filled- left vacant. This option also indicates either a temporary freeze of the supervisor inspector position for 12 months or not filled-left vacant.*

**Option 1 – amend rental program and continue annual sweep in December and add a more aggressive code for Rubbish, junk/inoperable vehicles, junk/inoperable vessels/boats, trailers parked in front yards.**

- Rubbish in yards, inoperable boats/vessels/cars/trucks and trailers parked in front yards would now have **only 5 days** to remove or correct the violation (same as weeds/tall grass). Failure to correct within 5 days and the city will have the rubbish removed, vehicles/trailers/boats towed and impounded, and costs for removal will be invoiced to the owner with liens if not paid. Limit the Code Enforcement Board to only 60 day extensions rather than unlimited (extensions have ranged from 30 days to 6 months to even 1 year).
- Rental Program change: rather than requiring rental inspections, business license would now be required for owners making \$10,000 rather than the current \$100,000 limit, at time of license application and each annual renewal, owner to provide 1) name, address, & number of any management employees/company acting as agent for the owner; 2) an affidavit that the property will remain in compliance with codes and should citations be issued for their property that the city may suspend or revoke their license. 3) Should any owner desire to have code staff conduct a voluntary rental inspection, then a fee of \$30 rather than \$20, would be assessed and staff would schedule an inspection. This change would also assist in managing the increase of short term (less than 5 day) rentals, as those advertised on AirB&B/HomeAway web sites, by requiring business licenses.
- Director will take over board agendas, daily supervision, daily oversight of code program/complaints/citizen inquires, prepare reports for board meetings, present cases at board meetings and District Court. New or ongoing planning studies would be delayed or additional request for consultant work likely. The annual sweep in December would continue as currently performed.