

**Agenda**  
**Meeting Date: July 27, 2020**  
**Public Buildings, Grounds, Lights, Public Transportation**  
**Services, Plan Commission Committee**

**Time: Immediately Following Recreation, Ordinances & Judiciary Committee**

Trustee Sarro, Chairman  
Trustee Czajka  
Trustee Mandel

- 1) General Discussion of Code Enforcement Expectations
- 2) Other

**Village of North Riverside**  
**Code Enforcement Executive Summary**

**I. GENERAL OVERVIEW**

- A. Establish community expectations
- B. Codify those expectations into Codes and Ordinances of the Village
- C. Develop an enforcement policy/program for the Community
  1. Categories of Violations
  2. Written procedures to handle complaints
    - a. Investigate
    - b. Document
    - c. Inform the property owner
    - d. Follow-up
    - e. Achieve compliance
    - f. Be prepared for legal remedy

**II. PROPERTY MAINTENANCE ISSUES**

- A. Grass and Weeds
- B. Vehicles – illegally parked, unlicensed, disrepair
- C. Missing/incomplete addresses (front of home and garages along alley's)
- D. Recreational vehicle parking
- E. Building in disrepair (steps, roofs, lack paint, screens, etc.)

**III. ENFORCEMENT PROCEDURES & TIMETABLES**

- A. Initial contact – Courtesy Notice (In-person interaction is our goal)
- B. Follow-up – Second Notice (Detailed Form with in-person interaction and/or mail)
- C. Follow-up – Final Notice (Certified Mail)
- D. Additional Enforcement Steps – issue citations and adjudication
- E. Define acceptable timeframe for compliance

**IV. ADDITIONAL CODE ENFORCEMENT AREAS**

- Working without a permit – immediate stop work order
- Working without required inspections – 24 hour stop
- Unsafe conditions (construction site, exposed utility lines, etc.) – immediate stop work order and requirement to address safety issues
- Unsanitary conditions (lack of utilities, site drainage, mosquitos, rodents, etc.) – action plan including possible early remediation
- Illegal use (house used as a business) – ongoing investigation including possible involvement of Village Attorney

## **EVALUATION OF CODE ENFORCEMENT ACTIVITIES**

### **FOR DISCUSSION PURPOSES ONLY**

#### **What is Code Enforcement?**

As part of my work to analyze the various processes that are in place in the Village's Community Development Department, one of the most important to the community and its residents is Code Enforcement.

By definition, Code Enforcement can be summarized as a function local governments perform that citizens consider important for accomplishing community goals, such as protecting property values and the environment. Others view code enforcement as an annoying intrusion into the free use of private property. Traditionally, it has been a process whereby local governments use various techniques to gain compliance with duly-adopted regulations such as land use and zoning ordinances, health and housing codes, sign standards, and uniform building and fire codes.

Contemporary code enforcement involves local enforcement officials in the job of ensuring compliance with policies, codes, rules, regulations, and permits in a proper, timely fashion within the limits of the law. Consequently, enforcement officials must be fully acquainted with the thinking behind the regulations they are asked to enforce as well as the legal limits placed on them. Conversely, those who write the laws (i.e., Village Board) must understand the problems particular to enforcement and administration as the codes and regulations are implemented.

Code Enforcement processes can vary from community to community depending on the amount of resources that are devoted to the effort. Most communities with more limited resources, will operate a complaint based (reactive) code enforcement process. When complaints are received, they are assigned to a Staff member and processed with the goal of achieving compliance in a reasonable timeframe.

Conversely, communities with more significant code enforcement issues will often be required to devote significant resources to the effort. Under this arrangement, the community will undertake a process that is both proactive (seeks out noncompliance) as well as be reactive to complaints that are received.

Under either scenario, when compliance is not achieved, communities can then take additional enforcement actions to include the issuance of citations, local adjudication or the local court process.

#### **Current Code Enforcement Process in North Riverside**

Based on my review, it appears that the Village has a goal to utilize a "hybrid" code enforcement process where it both reacts to code enforcement matters as they are filed with the Village but also makes some effort to be proactive and patrol areas of the Village to find and address potential code enforcement situations before they rise to the status of becoming a formal complaint.

Staffing for the Village's code enforcement process is provided through the Community Development Department who is staffed by a number of part-time employees. During the more active code enforcement months (i.e., April thru October), the Village allocates up to 10-12 hours of staff time per week to code enforcement work. In addition to responding to complaints that are received (i.e., from residents and elected officials), the staff assigned to Code Enforcement attempts to travel the entire Village including alley's once every two weeks. However, when there are some areas where there are ongoing issues (excessive garbage), a code inspector will visit the area several times during a week.

The majority of the code enforcement actions fall under the following categories: tall grass/weeds, missing addresses, vehicles parking on the grass, parking recreational vehicles on a property, garbage accumulation/inadequate storage, accumulations of debris in an exterior property area, and ensuring that all construction activity has the required permits. Other more expensive to resolve issues that are noted include: peeling paint, windows and roofs in disrepair, crumbling front steps, missing railings, and accessory structures in disrepair. Even though there is a significant amount of land in the Village allocated to commercial activities, the majority of the complaints received by the Department relate to problems on residential properties.

Staff primarily utilize door hangers, in-person interaction, and telephone calls to make contact with property owners who are in violation to the Village codes. Additional correspondence in the form of written notices are sent for matters where compliance is not readily achieved. In the event non-compliance continues, the Village has on occasion issued citations that are then processed through a local adjudication hearing process. Staff maintains a code enforcement database that tracks all complaints and all subsequent actions.

However with a very limited staffing arrangement, it is very difficult to achieve and maintain a proactive approach to code enforcement. When assigned staff are out of the office, sick or on vacation, there has not been an effective process in place to have someone fill-in and continue all expected code enforcement activities. In addition, all of the staff that are involved in the code enforcement process also have other assigned duties with the Village (i.e., building inspection/permitting processes, Fire Marshal, etc.).

Finally, even though the Village and its staff work very hard to maintain an ongoing code enforcement process, there is often a disconnect between how the internal processes are supposed to work and what the final outcomes actually are as viewed by the Village residents and elected officials.

### **Recommended Code Enforcement Process in North Riverside – Residential Properties**

Based on observations and analysis of the current code enforcement process, it is my recommendation that the following actions/steps be taken to ensure a more accountable and effective code enforcement process in the Village. Also, because Code Enforcement can involve a legal process, it is imperative that the process involves keeping a good record and to ensure that the property owners are dealt with fairly and provided due-process.

In the Village, there are a number of code enforcement conditions that are currently regulated within the Codes and Ordinances of the community.

### **Type A – Exterior Property Maintenance issues**

- **“Low/No Cost”** (i.e., tall grass, address numbers, inoperable vehicle, exterior property debris/accumulations).
- **“Financially driven”** (i.e., peeling paint, front steps in disrepair, broken windows, broken fence, roof in disrepair, poor site drainage, etc.)

**Type B – Construction/Structure issues** (working without a permit, outstanding permits/inspections that have not been approved, outstanding issues from a presale inspection, etc.)

**Type C – Life-safety issues** (i.e., lack of required utilities, unsafe building conditions, unsafe site conditions, etc.)

**Type D – Zoning/Other** (i.e., use violation, potential over-occupancy, etc.)

### **Defining the Process**

Village is made aware of a potential code enforcement issue. Complaint is received (via email, telephone, mail, regular field investigation, etc.) and is handled by the Community Development Department (i.e., Department).

Step 1 – Alleged complaint/issue is logged into the Department's property maintenance data base.

Step 2 – Within 2 business days, the alleged complaint/issue is investigated by the Department's Code Enforcement Officer to assess the conditions and determine if the complaint/issue is in fact a violation to Village's codes and ordinances. At that time a determination is made as to what type of violation exists.

Step 3 – If the complaint/issue is determined to either a) not be a violation or b) already brought into compliance, the Code Enforcement Officer updates the Department's data base stating that the case is closed.

Step 4 – If the complaint/issue is determined to be a **Type A “low/no cost”** (i.e., tall grass, address numbers, inoperable vehicle, exterior property debris/accumulations, inadequate garbage storage, missing hand rail on front steps, etc.), the process will be as follows:

- The Code Enforcement Officer will detail the outstanding code issues on a Village form (i.e., “Courtesy Notice”) and will attempt to provide an in-person interaction with the property owner. The goal of this visit is to inform the property owner of the issues and discuss the steps that will be taken to bring the property into compliance. The property owner will be provided a written summary giving them an agreed upon amount of time (i.e., usually up to seven business days with the exceptions given to unique circumstances/conditions) to remedy the outstanding issues. If the property owner is not home, the “Courtesy Notice” will be left on the property and will request that the

property owner contact the Village's Code Enforcement Officer within a specified timeframe to either remedy the stated issues or discuss the property maintenance issues over the telephone.

- Once the established compliance timeframe has passed, the Code Enforcement Officer will revisit the property to determine what progress has been made to resolve the outstanding code issues. If the issues have been addressed, the case is closed and no future interaction will be required between the Village and the property owner. If however, the outstanding issues remain, the Code Enforcement officer will prepare a more detailed form (i.e., "Second Notice") that again lists the outstanding issues and date upon which the outstanding issues are to be remedied (i.e., usually up to seven business days with the exceptions given to unique circumstances/conditions). As with the delivery of the initial "Courtesy Notice", the Code Enforcement Officer will attempt to provide the "Second Notice" as an in-person interaction with the property owner. The goal of this visit again is to inform the property owner of the issues and discuss the steps that will be taken to bring the property into compliance. If the property owner is not home, the "Second Notice" will be mailed to the property owner.
- Once the compliance timeframe has passed that was included in the "Second Notice", the Code Enforcement Officer will again revisit the property to determine what progress has been made to resolve the outstanding code issues. If the issues have been addressed, the case is closed and no future interaction will be required between the Village and the property owner. If, however, the outstanding issues remain, the Code Enforcement officer will initiate the preparation of a "Final notice" giving the property a final opportunity to comply. This "Final Notice" will require compliance within seven business days and if the matter is not brought into compliance within that timeframe, the property owner will be issued a citation(s) that would then be processed through the Village's adjudication program. The "Final Notice" would be sent via certified mail.
- For every step in the process, the Code Enforcement Officer will update the findings in the Department's property maintenance database.

Step 5 – If the complaint/issue is determined to be a **Type A "financially driven"** (i.e., peeling paint, front steps in disrepair, broken windows, broken fence, roof in disrepair, poor site drainage, etc.), the process will be as follows:

- The Code Enforcement Officer will detail the outstanding code issues on a Village form (i.e., "Courtesy Notice") and will attempt to provide an in-person interaction with the property owner. The goal of this visit is to bring these issues to the attention of the property owner and discuss what steps they may take to bring the property into compliance. Because of the potential cost involved to address these types of issues, it is understood that these types of compliance issues will often take a considerable time to address especially for a more costly repair/improvement (i.e., replacing a roof or windows). If the property owner is not home, the "Courtesy Notice" will be mailed to the property owner requesting that the property owner contact the Code Enforcement Officer.
- Once these types of issues have been identified, the Code Enforcement Officer will periodically revisit the site to determine if the issues have been rectified.

- For every step in the process, the Code Enforcement Officer will update the findings in the Department’s property maintenance database.

Step 6 – If the complaint/issue is determined to be a **Type B – construction/structural** issue (working without a permit, outstanding permits/inspections that have not been approved, etc.), the process will be as follows:

- The Code Enforcement Officer and/or Building Inspector will document the outstanding code issues. All work activities on the site will be stopped and posted. If someone is on site, they will be informed as to the action and will be asked to address the outstanding issue(s) as a condition of restarting the job site or occupying the premises.

Step 7 – If the complaint/issue is determined to be a **Type C – life-safety** issue (i.e., lack of required utilities, unsafe building conditions, unsafe site conditions, etc.), the process will be as follows:

- The Code Enforcement Officer and/or Building Inspector will document the outstanding code issues. All work activities on the site will be stopped. The property will be posted as uninhabitable and/or no occupancy permitted. The matter will be brought to the attention of the property owner to seek immediate remediation. If the site proves to be a public hazard, the Village could take steps to protect the property (i.e., installation of fencing or board-up) to ensure the site is not accessible. Any costs incurred by the Village for these additional steps will be assessed to the property owner.

Step 8 – If the complaint/issue is determined to be a **Type D – zoning/other** issue (i.e., use violation, potential over-occupancy, etc.), the process will be as follows:

- The Code Enforcement Officer will investigate and document the observed conditions. This step may require multiple visits to site to gather sufficient information. Once enough information is gathered to confirm the alleged complaint which will include contacting the property owner. A letter will be prepared and sent to the property owner stating non-compliance and specifying a specific timeframe for the non-compliance to be remedied. If non-compliance is not achieved, the Code Enforcement Officer would send a final notice. If after receipt of the final notice, the non-compliance continues, the property owner will be issued citations and referred to the local adjudication.

### **Recommended Code Enforcement Process in North Riverside – Commercial Properties**

Because commercial site and building conditions present a different set of challenges to the community (i.e., higher visibility, affects image of the community, etc.), it is recommended that they should have a separate, more proactive code enforcement process. These types of code enforcement issues will be referred to as “Type E – **commercial properties** (i.e., signage,

garbage/sanitation/debris, deteriorating site conditions, parking lots, grass/weeds, exterior building surfaces, etc.).

I am recommending that the Village work with its contract building inspection service to have them assign a contract code enforcement inspector to work on code enforcement/property maintenance on properties within the “commercial core” of the Village. Each property in this area will be visited within the next 60 days to conduct an on-site (written and visual) assessment of all exterior building and property issues. All findings that conflict with Village code or ordinance issues will be noted. The code inspector will then make contact with the responsible parties for each of the properties to develop a plan to mitigate the noted issues. Once the initial assessment is complete for all properties, the inspector will conduct periodic visits to the properties in the commercial core. Code violations that are not addressed in a timely manner will utilize the courtesy notice, second notice and final notice processes that were previously described above.

### **Final Comments**

In the above, I have attempted to develop a clear and concise code enforcement process for the Village of North Riverside. This process is meant to make all residential and commercial property owners accountable for maintaining their properties to an acceptable standard for the community.

The process as I have described:

- clearly defines the scope of Code Enforcement in North Riverside
- identifies the key steps in process.
- documents each step in the code enforcement process
- identifies critical timeframes
- creates expected outcomes

It should be noted that there are potential obstacles to having a successful code enforcement process in the Village. These obstacles include:

- lack of financial commitment to provide continuous uninterrupted staffing
- not having the political will to tackle tough, long standing code enforcement problems
- allowing politics to potentially interfere with the process or the application of the adopted regulations on all properties in a fair and equitable manner
- create unreasonable expectations for bringing all properties to the approved standards at all times