NEIGHBORHOOD SERVICES
CODES COMPLIANCE ASSISTANCE DEPARTMENT

2004 OVERVIEW AND ANNUAL UPDATE

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I. Background

The current codes compliance process is a result of goals and priorities established by three community based Codes’ Task Forces which convened in 1993, 1995 and 1997. These Task Forces consisted of city residents, city staff, neighborhood and business leaders who were concerned with turning around declining neighborhoods, continued maintenance of stable neighborhoods and protection of property values and investments.

St. Petersburg has approximately 92,000 residential structures and much of the City is built out. Major issues for the City are the ongoing maintenance of these structures and encouraging redevelopment. Prior to 1993, the existing codes enforcement system did not have the resources to address these issues or provide the incentive needed to achieve compliance and keep up with aging housing stock and commercial structures.

Task Force participants reviewed code provisions and processes, and made recommendations for improvements. Priorities identified in these Task Force meetings are still high on the department’s agenda. Priorities include improving housing stock and neighborhoods; educate property owners, tenants, and businesses about the importance of complying with the code; strive to resolve boarded and blighting structures; provide assistance programs for hardship cases; and continuously work toward faster resolution of code complaints.

II. Overview

Every notice of violation sent out by the Codes Compliance Assistance Department (CCAD) states

“The neighborhoods and structures in St. Petersburg require maintenance to stay in good condition. The condition and appearance of every building and surrounding landscaping help to make our neighborhoods nice places to live and are often important to the health and safety of residents. This is why we ask all property owners to comply with the property maintenance standards in St. Petersburg.”

Unfortunately, not all property owners take the necessary steps to maintain their property without government involvement. That is why citizens have asked government to create and enforce minimum maintenance standards for structures, yards, residential lots and business sites. Enforcement of these minimum standards protect surrounding property owners and tenants who might otherwise suffer substandard conditions where they live and work. Effective code enforcement directly impacts the stability of property values and promotes public safety, security and comfort.

CCAD staff inspect a variety of code violations, send notices and conduct appropriate legal processes to achieve code compliance. Violations include property and yard maintenance and zoning compliance. The Department puts a high priority on voluntary compliance through person-to-person communication and education in the form of scheduled meetings at properties and in the office,
telephone conversations, door hangers, attendance at City Team and neighborhood association meetings and televised Code Enforcement Board meetings.

The balance of this report provides a summary and update of activities of the Codes Compliance Assistance Department.

III. Code Compliance Process

The code compliance process must be consistent with the provisions of Florida Statutes Chapter 162 and related legal principles including due process and private property rights. The process is also guided by city ordinance and policy. The goal is to educate property owners and enforce the municipal codes, including zoning issues and housing/vegetation maintenance standards, in order to maintain the quality and extend the life of the existing housing stock, to stabilize neighborhoods and to protect the public.

Code cases originate either by citizen complaint or through direct observation by an inspector or other city department. A map representing the investigators’ geographic assignments is provided as Appendix I. At the initial inspection, the investigator determines whether or not a violation exists, and offers information about city codes and services to help the owner or tenant understand what is required to comply with the code. The investigator makes a report of the inspection to be entered into the computer database. The City must deliver notice of violations to the property owner of record and provide reasonable time to correct the violations. A specific time frame is established for reinspection of the property to evaluate progress toward compliance. Investigators receive a daily list of the reinspections which are due.

Investigators work with property owners to provide information and offer assistance from appropriate programs for those physically or financially unable to comply. Extensions of compliance dates can only be granted under specific circumstances that are outlined in a detailed department policy. Briefly, the extension limitations apply to the exterior violations on all property, and to the interior violations of any residential property which is occupied or let to another for occupancy. Requests for extensions must be submitted by the property owner in writing to the Department. In response to a written request for extension, the maximum basic extension of time an investigator is authorized to grant is 30 days following a violation notice and 15 days following an addendum to a violation notice. Exceptional extensions may be granted to provide more time beyond the basic extension only in special circumstances. Participation in assistance programs, issuance of permits, involvement in a City review process such as Board of Adjustment, or significant work in progress, are examples of justification for additional extensions.

When a case is referred to an assistance program, the property conditions are monitored, but enforcement is not pursued as long as the property is involved in the assistance process. When extensions are granted, a new reinspection date is established. When compliance is achieved, the case is closed. If a property is sold and the violations remain, a new case is opened and the process begins again with notification to the new owner. Appendix II shows process time lines for typical cases that proceed to formal legal action.
Often, formal legal action progresses faster for properties which are vacant and not secure, inoperative motor vehicles, overgrown vegetation and any hazardous situation which poses an immediate threat to public safety. For these more urgent cases, the investigator initiates formal contact with the property owner to notify them that the conditions must be remedied. When there is no response from the owner and the violation is not resolved, the City will take action to secure the vacant property or cut the grass, with the costs of these actions assessed against the property.

IV. Caseload

In 2004, the Codes Compliance Assistance Department opened 25,600 new cases. The increasing number of active complaints may be due to improved accessibility. In addition to the opportunities to telephone or write in, violations can be registered on-line through the City’s web site. Citizens are routinely encouraged by codes investigators and neighborhood associations to support the enforcement effort by reporting their concerns. Overall in 2004, the department conducted a total of 75,151 inspections and sent 48,246 letters. The Department also tracks how many cases were originated through citizen complaints, survey and internal sources. The following bar graph shows the rate of citizen complaints compared to cases initiated from survey or internal sources in recent years.
The most common case types are listed in the chart below. The violation types are listed in descending order based upon the number investigated for each category in 2004.

### Top Ten Violation Types

<table>
<thead>
<tr>
<th>Violation</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overgrowth</td>
<td>5,708</td>
<td>6,648</td>
<td>5,320</td>
<td>6,635</td>
<td>6,688</td>
<td>4,842</td>
<td>4,761</td>
</tr>
<tr>
<td>Junk/Rubbish/Prohibited Outdoor Storage</td>
<td>3,059</td>
<td>3,665</td>
<td>4,892</td>
<td>4,195</td>
<td>4,415</td>
<td>3,761</td>
<td>3,562</td>
</tr>
<tr>
<td>Inoperative Motor Vehicle</td>
<td>2,836</td>
<td>3,019</td>
<td>3,011</td>
<td>2,870</td>
<td>3,563</td>
<td>3,329</td>
<td>3,064</td>
</tr>
<tr>
<td>Yard Parking</td>
<td>1,453</td>
<td>2,172</td>
<td>2,079</td>
<td>2,286</td>
<td>2,184</td>
<td>1,903</td>
<td>2,034</td>
</tr>
<tr>
<td>Domestic Equipment</td>
<td>1,442</td>
<td>1,541</td>
<td>1,380</td>
<td>1,601</td>
<td>1,579</td>
<td>1,571</td>
<td>1,705</td>
</tr>
<tr>
<td>Paint - Main Structure</td>
<td>1,682</td>
<td>1,513</td>
<td>1,471</td>
<td>2,385</td>
<td>1,746</td>
<td>1,597</td>
<td>1,568</td>
</tr>
<tr>
<td>Permits Required</td>
<td>1,106</td>
<td>1,006</td>
<td>1,176</td>
<td>1,522</td>
<td>1,486</td>
<td>1,295</td>
<td>1,274</td>
</tr>
<tr>
<td>Structure Maintenance</td>
<td>891</td>
<td>974</td>
<td>1,148</td>
<td>1,185</td>
<td>1,488</td>
<td>1,297</td>
<td>1,011</td>
</tr>
<tr>
<td>Junk - Lot Clearing</td>
<td>2,388</td>
<td>3,114</td>
<td>3,103</td>
<td>2,746</td>
<td>1,693</td>
<td>1,437</td>
<td>978</td>
</tr>
<tr>
<td>Fence Disrepair</td>
<td>668</td>
<td>725</td>
<td>889</td>
<td>891</td>
<td>1,017</td>
<td>827</td>
<td>956</td>
</tr>
</tbody>
</table>

V. **Code Enforcement Board & Special Magistrate**

When a property owner fails to make progress to correct violations, the investigator notifies the owner that the case will be scheduled for the Code Enforcement Board (CEB). The CEB confirms the existence of violations, orders compliance time limits, and establishes daily fine rates. The CEB certifies penalty liens for failure to correct violations within the ordered time frames. Up until the meeting date and time, cases may be removed from the agenda because they have been brought into compliance, the property has been sold, the case has been referred to an assistance program, or the property becomes involved in an official foreclosure action. Following the CEB meeting, the property owners are sent a notice of action taken by the CEB regarding their property.

The Code Enforcement Board is responsible for hearing testimony from the City and property owners about code violations involving privately owned property. The Board evaluates evidence and testimony to determine whether violations exist, decides how much compliance time to allow, and also orders per diem fines which become liens against property for failure to comply by the ordered deadline. Prior to 2005, the Board also subsequently heard the same cases to consider lien certification when the property owner failed to comply by the Board’s previously ordered compliance date. These lien certification cases provide an opportunity for property owners to appear again and request additional time without a penalty to correct violations. Also, prior to 2005, the Board was responsible for hearing requests for reconsideration of liens already certified at previous hearings.
In November 2004, the City Council adopted an ordinance establishing a Special Magistrate to assist with increasing evidentiary, lien certification, and lien release agendas. The ordinance was passed in order to improve service to citizens, to maintain meaningful due process, and to keep the costs of operating the code enforcement program as low as possible. State Statute authorizes the City to have a Code Enforcement Board, a Special Magistrate, or both, but not until 2004 did the City feel the need to have both the Board and a Magistrate. Beginning in 2005 the Special Magistrate will hear the lien certification and lien release cases.

For 2005, the Codes Compliance Assistance Department still takes the full agenda of evidentiary cases (first hearing) to the Code Enforcement Board. Once an order of the Board is issued providing a time frame for compliance, if the property owner is unable to comply, then prior to imposition of a penalty lien, the owner has an opportunity to be heard by the Special Magistrate and can request more time to comply. The Special Magistrate has the power to defer lien certification so that the property owner can correct violations without a penalty, but also has the power to certify liens against the property for failure to correct violations. Further, the Special Magistrate makes decisions about whether liens certified at previous hearings should be reconsidered, reduced or released entirely.

Code Enforcement Board meetings are generally held on the fourth Wednesday of each month. Beginning in 2005, the Special Magistrate’s hearings will be conducted once each month on the Tuesday just prior to the regular monthly Board meeting.

In 2004, 35.0% of cases scheduled for the CEB agenda were closed, and 13.1% of the cases were removed from the agenda due to change of ownership, assistance programs, etc. This resulted in 51.9% of the cases actually being heard by the board. The following table illustrates CEB activity.

### Code Enforcement Board Activity

<table>
<thead>
<tr>
<th>Year</th>
<th># Cases to CEB</th>
<th>Average Case/Mo.</th>
<th># Liens Recorded</th>
<th>Recorded Value</th>
<th>Average Lien</th>
<th>Lien Payments (FY data)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>2,261</td>
<td>188</td>
<td>333</td>
<td>$670,820</td>
<td>$2,014</td>
<td>$227,502</td>
</tr>
<tr>
<td>1999</td>
<td>2,681</td>
<td>223</td>
<td>522</td>
<td>$864,650</td>
<td>$1,656</td>
<td>$259,393</td>
</tr>
<tr>
<td>2000</td>
<td>2,452</td>
<td>204</td>
<td>371</td>
<td>$745,675</td>
<td>$2,010</td>
<td>$277,690</td>
</tr>
<tr>
<td>2001</td>
<td>2,178</td>
<td>181</td>
<td>310</td>
<td>$530,825</td>
<td>$1,712</td>
<td>$302,968</td>
</tr>
<tr>
<td>2002</td>
<td>2,928</td>
<td>244</td>
<td>465</td>
<td>$888,800</td>
<td>$1,911</td>
<td>$324,424</td>
</tr>
<tr>
<td>2003</td>
<td>2,966</td>
<td>247</td>
<td>556</td>
<td>$1,234,650</td>
<td>$2,220</td>
<td>$348,626</td>
</tr>
<tr>
<td>2004</td>
<td>3526</td>
<td>294</td>
<td>769</td>
<td>$1,739,030</td>
<td>$2,267</td>
<td>$411,518</td>
</tr>
</tbody>
</table>
VI. Municipal Ordinance Violations

The municipal ordinance violation (MOV) process is an additional enforcement method used to obtain compliance with the city code. The MOV process is a more formal judicial process which can result in payment of fines and costs, ranging from $31 to $156 for the first offense (fine can increase for successive MOV’s) through a trial conducted in misdemeanor court where a judge may determine guilt and assess fines/costs. The MOV process may be used instead of, or in addition to, the Code Enforcement Board and Special Magistrate processes. The MOV is particularly useful when a violation is not continuous but recurs (such as front yard parking), since a fine may be imposed for any day a violation exists. This differs from CEB where a violator might avoid a penalty if the violation is temporarily relocated just prior to CEB, which means for the purposes of CEB, the violation no longer exists.

Considerable time and resources are needed to prosecute MOVs. Codes investigators must gather evidence, prepare the documents, prepare for trial, and appear in court. This is in addition to the earlier case development/inspections, time invested by the Legal Department, or time required for support staff to type documents, transmit the complaints for service and to the court, coordinate appointments with the Legal Department and the court, and the cost of the actual process service. Because this is a more labor and resource intensive process than CEB, it is usually reserved for more serious or resistant cases. A more detailed description of the MOV process may be found at Appendix III.

The following graph compares the number of Code Enforcement Board actions to county court (MOV) cases in recent years.
VII. Securing Vacant and Open Structures

Vacant and open structures pose a hazard to the health, safety and welfare of the citizens of St. Petersburg. Should the property owner fail to secure the structure following the required notification, the City code provides the authority for the City to secure these structures with the cost assessed to the property owner in the form of a special assessment. Because the securing process can result in substantial costs, the City code requires several steps to advise the property owner of the City’s pending action. This includes notice to the owner, recording a notice of intent, and legal advertisement of the intended action. Once a structure is secured by the City, it is monitored as “vacant and boarded” and is reinspected approximately every 60 days. The following table illustrates the number of cases initiated for vacant and open structures.

<table>
<thead>
<tr>
<th>Year</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td># Cases Initiated</td>
<td>839</td>
<td>763</td>
<td>742</td>
<td>594</td>
<td>544</td>
<td>566</td>
<td>443</td>
</tr>
</tbody>
</table>

When the Department first started tracking vacant and boarded structures in August 1994, there were a total of 803. As a result of focusing enforcement activities and blight elimination strategies on these properties, the number has declined significantly. The bar graph below shows the continued decline in the number of vacant and boarded structures in recent years.
Vacant & Boarded Structures

<table>
<thead>
<tr>
<th>Report Date</th>
<th>11/01/99</th>
<th>11/01/00</th>
<th>11/01/01</th>
<th>11/01/02</th>
<th>11/03/03</th>
<th>11/01/04</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Structures</td>
<td>494</td>
<td>392</td>
<td>292</td>
<td>383</td>
<td>342</td>
<td>347</td>
</tr>
</tbody>
</table>

VIII. Overgrowth

Property owners are required to maintain vegetation including mowing grass, and trimming hedges and trees, according to specific criteria outlined in the City code. The property owner must be notified of violation conditions and given a reasonable time to comply. If the owner fails to bring the property into compliance, the property is referred to the Sanitation Department whose crews mow, trim, edge and clear rubbish from the property. The costs of these activities are charged as a special assessment to the property owner.

IX. Demolition of Unsafe Structures

The City ordinance provides authority to condemn and demolish structurally unfit and unsafe structures with the cost of such activities assessed against the property. For the fiscal year 2004, 63 structures were demolished by the City through this program. An additional 22 structures were demolished by property owners after notification by the City. Fourteen structures were brought into compliance by the owner after notification. In 19 cases, the Building Official’s decision to condemn the structures was appealed through the Demolition Hearing Officer appeal process. In this process, a Hearing Officer reviews evidence from the property owner that the structure should not be demolished and ensures proper due process. The Hearing Officer has authority to approve a stipulated agreement to allow a property owner to make repairs to a condemned structure. The bar graph below illustrates condemnation process results in recent years.
X. Certificate of Inspection Program

The Certificate of Inspection Program (CIP) was created in 1988 to assist neighborhoods to preserve rental housing, prevent blight, and ensure quality rental housing units in the City. Implementation of this program is labor intensive, and therefore, the ordinance authority to implement the program is limited to neighborhoods which request it, meet specific ordinance criteria, and are approved by City Council. In areas which have adopted this program, a Certificate of Inspection is required for rental units prior to occupancy. Structures less than five years old are exempt. The Certificate of Inspection is valid for one year or until a change in tenancy occurs, whichever is the greater period. There is no charge for this inspection, however if code violations are discovered, the property owner may incur some cost in making the necessary improvements. There are currently 19 neighborhoods that have Certificate of Inspection requirements. In 2004, a total of 261 Certificates of Inspection were issued.

XI. Rental Housing Inspection

In 2004 the City Council adopted an amendment to Article VII, Chapter 2, Section 8-231 of the City code regulating any property with three (3) or more residential rental housing units within the City that: 1) has had one or more vegetation overgrowth violations which have been remedied by the City, or 2) has a “recurrent” qualifying violation of the City Code. Properties subject to these regulations are required to have interior inspections of rental housing units, common tenant space, and public areas. Qualifying violations fall into one of the following categories:

- Evidence of fire damage
- Code required egress openings not maintained
- Roof disrepair
- Structural disrepair
- Overgrowth
- Junk and rubbish
- Electrical violations
- Defective potable water or sanitary sewer
- Structural work without permits

XII. Aging Cases

Aging cases are being tracked in order to measure the effectiveness of the various enforcement strategies and to identify those cases which may require something more than traditional methods to resolve. The older cases are being evaluated to ensure that all traditional enforcement methods have been exhausted and then referred to a problem properties focus group who recommends other approaches to resolving violation conditions. Some non-traditional strategies that have been applied successfully are public nuisance injunctions, foreclosure, and acquisition through tax certificates or lands available for taxes. The following table demonstrates the status of aging cases as of December
31, 2004. (Example: Of all cases initiated in 1995, only two cases remain unresolved as of December 31, 2004)

**Case Aging As Of 12/31/2004**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>8</td>
<td>8</td>
<td>40</td>
<td>73</td>
<td>136</td>
<td>358</td>
<td>4140</td>
</tr>
</tbody>
</table>

**XIII. Codes Compliance Call Center / Internet Access / Technology**

The first full year that the Department used “call center” telephone technology was 2003. With the call center system, we have been able to better manage the high volume of incoming calls through our main telephone lines and to monitor the quality and efficiency of our telephone customer service. This technology keeps track of the volume of incoming calls received by the Department. In 2004, a total of 33,885 calls were handled by the Department through the call center. This averages roughly 136 calls per day.

Although Codes Investigators’ telephone lines are not included in the call center, it is estimated by random sample in 2003 that an additional 48,179 calls were handled directly by the Codes Investigators.

In addition to the call center, citizens can submit their requests/complaints to the Department via the internet through *Action On Line*, accessed on the City’s web site at www.stpete.org. The Department received 1,988 requests via this Internet method in 2004.

In Fall 2004, Investigators were provided with mobile telephones with radio capabilities to replace antiquated two-way radios. Mobile telephones allow investigators to be in contact with base operations, as well as having the ability to contact other departments, including police, directly.
Appendix I
Codes Compliance Assistance Department
Area Investigator Assignments for 2004
Appendix III - Municipal Ordinance Violations - Overview

The municipal ordinance violation (MOV) process is one of two primary enforcement methods used to obtain compliance with the city code. The MOV process is a formal judicial process which can result in payment of fines and costs, ranging from $31 to $156 for the first offense (fine can increase for successive MOV’s to as high as $500). If the fine is not paid prior to the misdemeanor court trial, a judge then determines guilt and assesses fines/costs. The MOV process may be used instead of, or in addition to, the Code Enforcement Board (CEB) process.

The first time a violation is referred to the MOV process, the investigator must clearly identify the violator by name, address, age and description, must document that notification (warning) was sent (usually by mail), and must provide a reasonable opportunity to comply. Following the compliance time, the investigator must witness the violation again, take photographs, and draw up the Complaint Arrest Affidavit. The violator’s physical whereabouts must then be determined in order to serve the Complaint Arrest Affidavit. Successive MOVs for the same violation may be served without any other additional notice to the violator. Also, if there is a prior conviction or fine paid for the same violation, the court is requested to assess a higher fine of up to $500.

To prosecute just one MOV takes, on average, the equivalent of an entire work day for the codes investigator to gather evidence, prepare the documents, prepare for trial, and appear in court. This estimate does not take into consideration whatever time is invested in the earlier case development/inspections, time invested by the legal department, or time required for support staff to type documents, transmit the complaints for service and to the court, coordinate appointments with the legal department and the court, and the cost of the actual process service. Because this is a more labor and resource intensive process than CEB, it is usually reserved for more serious or resistant cases.

The MOV works particularly well to address violations that are not continuous but that keep coming back (such as front yard parking), since an MOV may be processed and potential fine may be imposed for any day a violation exists. Many property owners react quickly to MOVs because outcomes are limited and undesirable. The MOV defendant must pay the fine or appear before a county judge, and can suffer additional MOVs for failure to comply. This differs from CEB where a violator might avoid a penalty if the violator is granted deferrals by CEB, or if the violation is temporarily relocated just prior to CEB, which means for the purposes of CEB, the violation no longer exists.

For both Code Enforcement Board and County Court legal actions, the codes investigator always brings the charges and testifies to photographs and inspections as an impartial official who has no ties to the neighborhood or the defendant other than the responsibility to enforce City code.

Pinellas County Court Instructions For Prosecuting Local Ordinance Violations requires “The officially designated prosecutor of municipality or other governmental unit must sign the original Notice To Appear prior to its transmittal to the Clerk for filing. The Clerk will not accept the Notice To Appear without this signature which certifies to the Court that the prosecutor believes that the
Notice represents a valid charge which will be prosecuted to conclusion.” In order to meet the court’s standard of validity, the investigator brings the charge which is then thoroughly reviewed by a Codes Inspection Supervisor and the City’s prosecutor.

The Codes Compliance database has been a good source of general statistical information about the number of cases generated, inspection performed, etc., but unfortunately, the database does not allow us to track the frequency of repeat MOVs for either the violation or the violator, or the number of times the “higher fine” MOVs are processed, as compared to first time MOVs.

The City is implementing a new tracking process for MOVs which will require more manual tracking initially, but will provide better reporting opportunities in 2005.