



VILLAGE OF PORT CHESTER DEPARTMENT OF CODE ENFORCEMENT OVERVIEW

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Code Enforcement 101

Issues

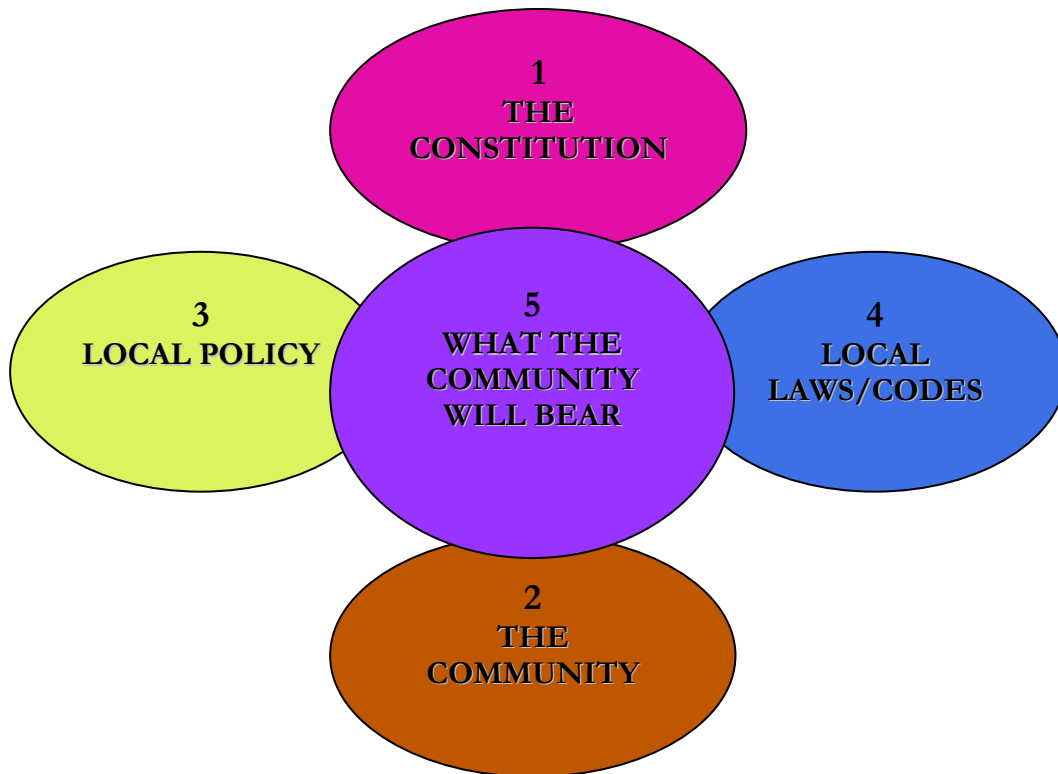
Goals

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Summary

The 5 Spheres of Code Enforcement



1. Due Process, Equal Protection, Right to Privacy, Search & Seizure

2. Affected Group

3. Directives of the Elected Officials

4. Adopted/Enacted Rules, Regulations, and Standards

5. Socioeconomic and Demographic Realities

1 2 3 4 5



Code Enforcement Program

Key Points:

- ✚ The FIVE spheres referenced above form the basic governing forces on the development and implementation of any enforcement program. All of these forces compete for dominance and this is why any successful enforcement program is based on sound analysis and planning.
- ✚ All Code Enforcement Programs should be designed and intended for the purpose of promoting, protecting, and improving the health, safety, and welfare of the citizens in the program service area. With this in mind applying the appropriate enforcement methodology is paramount for success.
- ✚ Community involvement is the key to the success or failure of any enforcement program. Outreach and consensus building are cornerstones in the design of an effective community oriented enforcement methodology.

Issues



Village of Port Chester, NY

The most prominent enforcement issue on the minds of Port Chester residents is apparent overcrowding and/or housing violations. In most Cities'/Towns/Villages the local Zoning, Building, Property Maintenance and/or Minimum Housing rules/codes regulate the uses permitted in all residential zones including: the number, size, design, and occupancy of each *dwelling unit* or *multiple dwelling units* within the municipal limits. The Zoning code is generally established and enforced in order to maintain the integrity of the intended use of a zoning district. Local Building codes generally regulate minimum life safety standards for construction and occupancies. Property Maintenance and/or Local Minimum Housing codes generally regulate a combination of housing issues including but not limited to maintenance, size limits,

and occupancy limits for each dwelling unit. Any variation from the authorized uses, occupancies, or type of construction established by the code is a violation, and may be punishable by fines and/or other civil and criminal penalties.

Violations occur within dwelling units or multiple dwelling units within a home, apartment, or condo if there is an illegal division of the residence into additional dwelling units or if the occupancy capacity is exceeded (i.e. if the code requires a minimum of 500 square feet of living area per person five or six persons living in a 1,500 square foot residence is obviously a violation). Additionally, any renovations of and/or additions to any dwelling units or multiple dwelling units within a home, apartment, or condo, completed without permits and that are intended to divide the residence into more dwelling units, may violate not only the building code but zoning, property maintenance and minimum housing rules as well.

An Illegal Dwelling Use Program is generally developed and implemented with the intent of promoting, protecting, and improving the health, safety, and welfare of the community. The active enforcement of these regulations protects the aesthetics, character, and property values within our community. Illegal additions and/or subdivisions may be unsafe and may pose a real safety threat to the occupants of that structure. Furthermore, excessive numbers of transient tenants may negatively affect the character and economic welfare of the affected neighborhoods because these tenants generally have no investment in the community and very little regard for local rules. The infrastructure in the area will also be negatively affected due to the unplanned increase in population.

Goals

Our goals are generally to enhance local code enforcement methods in order to provide more proactive, responsive, and effective enforcement programs. This includes enhancing the educational aspects of the enforcement process which engage the community including: dissemination of educational information through literature, workshops, and public speaking. Ultimately, the intention is to create and apply model approaches and programs that will create a cooperative spirit within the community focused on bettering the quality of life for all stakeholders.

Policies

Best practices indicate that departmental and local government policies should be committed to providing the best possible service delivery. Every progressive/proactive code enforcement program is therefore geared towards cooperation and compliance.

- ***Methodology***

Proactive Code Enforcement activity decreases the number of penalties and fines that the local government may otherwise levy. Combining this activity with good communication and dissemination of information, due process, and intermediate levels of enforcement; produces a Community Oriented Method of Code Enforcement. Utilizing this Community Oriented Method reduces and/or eliminates recidivism or recurrence of violations through the systematic re-education of the community. This method focuses on gaining compliance and not on punishment, or revenue. After all, the most effective method of code enforcement is the prevention of a violation.

- ***Mission***

Generally, an Enforcement Department's mission should be to educate and assist present and future residents and business owners within the community through the effective and fair application of local codes and ordinances. Below is a sample mission statement:

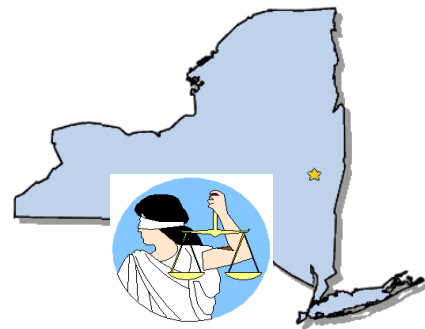
“The Department of Code Enforcement is dedicated to the education and assistance of our citizens through the effective application of modern Code Enforcement programs; applied to protect the community's health, safety and welfare so that, in cooperation, we may improve the quality of life within our Village.”

This philosophy should also be applied within the local government as the enforcement department interacts with other governmental departments. For example, dwelling unit violations often involve not only Code Enforcement but also; Planning & Zoning, Building, and possibly the Police Department and/or the office of the City/Town Attorney. The enforcement process may also result in a Special Magistrate Hearing or Civil or Criminal Court proceedings.

Procedures

- ***State Statutes***

State Statutes are generally the most important laws affecting Code Enforcement. The applicable Statutes set forth the legal authority for Code Enforcement activities and the rules that must be followed in obtaining compliance. Again these Statutes are generally aimed at promoting, protecting, and improving the health, safety, and welfare of the citizens of the subject community.



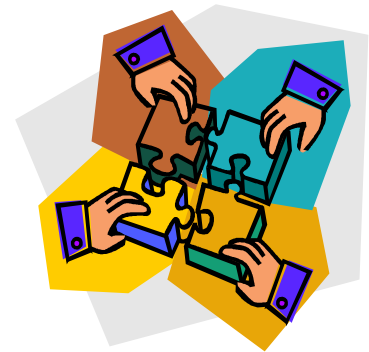
Constitutional Law is also a key factor governing Code Enforcement activities. The United States Constitution sets the overall boundaries for the actions of government officials. The enforcement process may result in a Special Master Hearing or Civil or Criminal Court proceedings. As such there must be safeguards inherent in all enforcement programs and processes for the citizenry and the local government protecting citizens' rights to Due Process, Privacy, protection against Illegal Search and Seizure, and Equal Protection under the Law. What most people forget is that code enforcement activity must observe these Constitutional issues throughout every enforcement action.

The purpose of these Constitutional provisions is to ensure that governments do not selectively apply their laws or discriminate against different individuals or groups of people. Due process is a shorthand way of saying that any and all legislation that is enacted by a local government must bear some rational relationship to a legitimate governmental interest and must be compatible with individual liberties. Generally, procedural due process requires that governmental actions depriving a person of liberty or property be done through a fair procedure with adequate safeguards.

Summary

- ***Re-Education***

Code Enforcement is responsible for promoting and communicating the principles, purposes, and practices of code enforcement within the community, and within City Hall. Staff has begun a program of education throughout the community through promoting as much interpersonal contact as possible including: a strong presence in the field; attending local association meetings, speaking at board meetings, and any other forums that presented themselves: including articles, e-mails, dissemination of information via the internet, and flyers.



- ***Utilization of General Enforcement Tools***

Staff is also employing the traditional enforcement tools such as warning notices of violation, summonses, notices to appear, and liens in order to bring property owners into compliance. Staff conducts detailed research of the county records dealing with the properties identified with possible violations prior to the issuance of any notices.

- ***Creation of Support and Strengthening of the Code***

The effectiveness of an enforcement program is often based on the clarity and specificity of the code being enforced. Toward that end staff is undertaking the arduous task of revising old codes as adopted; and looking at writing new ordinances to help with the program. The purpose of the new ordinances and amendments is to give enforcement staff the tools and authority needed to effectively enforce the code while maintaining the due process rights of the community.

Additionally, the Village is committed to continuing education and training of enforcement staff aiding them in presenting a professional presence and re-establishing and maintaining their credibility within the community. Enforcement personnel who are well trained and knowledgeable give citizens a sense

of trust when they interact with them. The citizen is given clear and concise answers delivered in a respectful manner with reasonable remedies in order to foster a cooperative spirit.

- ***Dynamic Program Evaluation***

What is common with the implementation of any program is the need for flexibility and creativity. Standard measures do not always work in measuring the success of a community-oriented approach. The number of warnings or citations issued in this context may not mean productivity or a lack thereof. A community-oriented method is a more comprehensive and effective approach that establishes long-term solutions to these and other community issues. Ongoing program evaluation is the key to steering the program towards the desired end. Our desired end is compliance, and the long-term desire is voluntary compliance.