



**SOLANO COUNTY GRAND JURY**  
2017-2018

**CODE ENFORCEMENT**

# **Code Enforcement**

## Solano County Grand Jury 2017-2018

### **I. SUMMARY**

The 2017-2018 Solano County Grand Jury elected to investigate code enforcement in the seven cities of Solano County. Code enforcement is a function local government performs to aid in accomplishing community goals, such as protecting property values, the environment and quality of life.

Today's code compliance officers and management teams are often trained professionals. Code compliance divisions are generally under the supervision of the fire or police departments. Code compliance can create a synergy between economic development, zoning, community development, and crime prevention allowing for a comprehensive approach to community growth and improved quality of life.

### **II. INTRODUCTION**

Municipal Code enforcement, usually under the supervision of the fire or police department, is an indispensable function of local government that can dramatically improve the quality of life in a community and, by extension, increase property values which increases tax revenues for the county.

Voluntary compliance is the primary focus, rather than generating revenue through fines. When code enforcement is successful, the synergy promotes economic development, zoning and crime prevention and this allows for a comprehensive approach to community growth.

With a growing Solano County population, cities almost uniformly recognize the importance of mitigating community blight for the common good. A code enforcement program is an effective means of achieving this goal.

### **III. METHODOLOGY**

Interviewed code enforcement personnel:

- City of Benicia
- City of Dixon
- City of Fairfield
- City of Rio Vista
- City of Suisun City
- City of Vacaville
- City of Vallejo

Interviewed local newspaper columnist

Reviewed:

- Newspaper articles
- Pamphlets provided by the cities
- Ordinance Codes for each city
- CALAFCO (California Local Agency Formation Commission) website
- California Department of Finance population statistics for 2016

#### **IV. STATEMENT OF FACTS**

With a growing population in Solano County, cities have recognized the importance of mitigating community blight in all its forms. All cities in Solano County have added code compliance divisions whose primary responsibility is to ensure a decent, safe and sanitary living environment for all citizens.

##### **City of Benicia**

The City of Benicia was incorporated in 1850. The population of the city is 28,174 and the total square miles is 15.72. The 2017 annual budget for the municipal code department was reported as \$87,485. Additionally, there is \$5,100 budgeted for Code Enforcement in various budget line items. This does not include other staff time budgeted for interaction with the Community Preservation Officer (CPO).

Code enforcement is under the direction of the Fire Chief and has one full-time employee with the title of CPO who works closely with city employees from various departments including Fire, Community Development, Parks, Police, and Public Works.

The CPO's responsibilities fall under many sections of the municipal code, including but not limited to, neighborhood preservation, hazard mitigation, weed abatement, building, fire, zoning, planning, traffic, and other related codes. Ordinances and regulations can affect the condition and/or development of property.

Common municipal code complaints are:

- Fire hazards
- Rubbish/debris
- Substandard buildings
- Inoperable vehicles
- Vacant/unsecured buildings
- Encroachments (blocking/obstructing sidewalks, signs, streets)

Citizens can report complaints through the following:

- Phone calls or emails to the city
- Online city "Request Partners" website
- City employees

The city prefers to work with alleged violators rather than assessing a fine for the code infraction. Benicia has not established a fine schedule for code violations.

The procedures for handling municipal code complaints are as follows:

- Accept complaint
- Investigation/Evaluation by CPO
- Check applicable code(s) violation
- Alleged violators are notified in writing with issuance of a letter of warning
- Additional letters to follow if violation is not abated
- Follow-up until resolved
- Issue abatement warrant if unresolved

Failure to comply after the third letter will result in the issuance of an abatement warrant. A lien is placed on the property and the city will contract to have the violation corrected. The bill for correction of the violation will be forwarded to the violator for payment.

To help alleviate potential code violations, citizens can take hazardous waste, oil, paint, etc. to the city corporation yard, free of charge. Once a year citizens can call Republic Services and arrange for free dumpsters when they have excessive trash/debris.

### **City of Dixon**

The City of Dixon was incorporated in 1878. The population of the city is 19,806 with an area of 7.22 square miles. The Code Enforcement budget is included within the Police Department's budget. The city does not adopt a separate budget exclusively for code enforcement activities.

The Department of Code Enforcement currently consists of one full-time Community Service Officer (CSO) who is a non-sworn officer of the Police Department. The city operates both a reactive and proactive code enforcement program. The CSO patrols the city in a proactive manner identifying code compliance issues as well as receiving code complaints from other city departments (building, fire). The emphasis of the program is on compliance rather than generating funds.

Common municipal code complaints are:

- Graffiti
- Real property blight issues/concerns
- Abandoned vehicles
- Illegal dumping
- Animal control

Code complaints can be made by:

- Phone
- Email
- Computer based program "Fixin**Dixon**"

The “FixinDixon” software allows the automatic tracking and review of code violations involving a particular business, property or individual. This overview presents the CSO with a history of code compliance issues, citations or mitigations.

The CSO may make a phone call to alleged violators to compel compliance or identify obstacles that may prevent resolution of the violation. This call is logged and tracked in the software to present as complete as possible a record of code enforcement efforts.

Procedures for handling municipal code complaints:

- Catalogued into computer program “FixinDixon”
- Triage by priority
- Inspect/determine suspected violation
- Issue citation with timeline to abate
- Reinspect for compliance

The fine schedule for violations is \$100 first citation, \$200 second citation, and \$500 for non-abatement for each subsequent offense in the same year.

Per Resolution 17-154 adopted on October 10, 2017, for parking violations only, the City Manager was given authorization to execute an agreement by and between the City of Suisun City and the City of Dixon for the processing of administrative citations issued by the Police Department of the City of Dixon. Suisun collects administrative fines for Dixon. City of Suisun City shall retain 75% of all penalties collected under this agreement; 25% of all penalties collected will be forwarded to the City of Dixon on a bi-annual basis. A proposal is under consideration at this time to expand this agreement to cover additional code violation categories.

### **City of Fairfield**

The City of Fairfield was incorporated in 1903. The population of the city is 114,756 and the total square miles is 41.18. The Code Enforcement net budget (expenses less revenues) for fiscal year 2017-2018 is \$575,000.

The Department of Code Enforcement currently consists of a Code Enforcement Supervisor and four Code Enforcement Officers.

Common municipal code complaints are:

- Accumulated debris
- Overgrown/poorly maintained landscape
- Garbage cans in public view
- Vehicles parked or stored on unimproved surfaces
- Abandoned appliances and furniture
- Wrecked/inoperable vehicles

Several avenues are available to residents of Fairfield to report possible code enforcement violations:

- “Citizen Serve” website

- Phone calls to non-emergency police staff
- Phone calls, letters or email to code enforcement personnel

Complaints can be made anonymously. Complaints are also received by Code Enforcement via Fire, Public Works and Building Departments.

Procedure for investigating possible code violations include:

- Complaint entered into computer data base
- Observation/site inspection
- Issuance of 15-day code violation notice
- Re-inspection
- Final notice
- Citation process starts
  - a) Abatement notice issued
  - b) Fines set at \$110 – first notice  
\$220 – second notice  
\$550 – third notice

Fines are payable to the City of Fairfield and go into the general fund. The City Council has authority to place liens on property as necessary.

Code enforcement department is interested in code compliance rather than generating income.

Programs are available for hazardous waste and prescription drug disposal.

Code Enforcement Officers have free dump passes they can give out at their discretion to assist residents with the disposal of waste.

Republic Services provides special waste removal services as well as weekly trash pickup.

### **City of Rio Vista**

The City of Rio Vista was incorporated in 1894. The population of the city is 8,641 and the total square miles is 7.04. The current budget for Code Enforcement is \$78,407.

The department for Code Enforcement currently consists of one non-sworn officer from the police department working 15 hours per week exclusively on Code Enforcement.

The City of Rio Vista is currently refining its Code Enforcement program.

Common complaints regarding code enforcement include:

- Dilapidated hotels/motels
- Abandoned vehicles
- Trashy/derelect homes
- Weed abatement

Citizens can report complaints through the following:

- Phone calls to city departments
- Email
- Personal visit to the city police department

Procedures for handling municipal code complaints include:

- Receive complaint
- Investigate – determination of violation
- Start a case file
- Letter of Notification to violator
- Monitor for compliance
- Refer to City Manager for possible review and action by City Council

### **City of Suisun City**

The City of Suisun City was incorporated in 1850. The population of the city is 29,505 and the total square miles is 4.11. The 2017-2018 annual budget for Code Enforcement was reported as \$134,200.

The department for Code Enforcement currently consists of two full-time non-sworn code compliance officers and one volunteer. Code Enforcement in Suisun City is under the direction of the police department. The small size of the city enables the code compliance officers to spend approximately 50% of their working time in proactively seeking code violations in their assigned sector of the city.

The City of Suisun City did not provide documentation of common complaints related to possible code violations.

Code complaints can be made in a number of ways:

- By phone to the police dispatch number
- The city website
- An available smart phone application

Procedures for handling municipal code complaints include:

- The complaint is entered into the city database
- The complaint is investigated to gauge severity
- Assigned to a code compliance officer for a site visit

Administrative Citation Process (handled by outside service for collection):

- a) Violation notice issued
- b) Fines set at \$100 – first notice

\$250 – second notice

\$500 – third notice

c) Abatement notice

A Franchise Tax Board lien is utilized for collection. Contested citations may be appealed in writing or online. Further appeals may be made through a process, ending with disposition by a judge.

The City of Suisun City is divided geographically into sectors. Each of the code enforcement officers regularly patrols a sector of the city. As part of the mutual cooperation among city agencies, the Suisun City fire and police departments routinely report suspected violations to code compliance personnel. As part of the efforts of Suisun City to be proactive in citywide code compliance, citywide public education events are held as well as having Republic Services, the local refuse company, make periodic free services available.

### **City of Vacaville**

The City of Vacaville was incorporated in 1892. The population of the city is 98,303 and the total square miles is 29.02. The current budget for Code Enforcement is \$436,184.42. The City of Vacaville has a reactive code enforcement program which is administered by the city's Fire Department and has three full-time code compliance officers.

Common code complaints are:

- Graffiti
- Weed Abatement
- Water (drought restrictions)
- Property Maintenance
- Obstruction of Public Right-of-Way
- Planning/Zoning

Citizens can report complaints through the following:

- Phone
- Standard Mail
- City Website/Trak-It (electronic mail)
- City employees

Procedure for processing code complaints:

- Receipt of complaint
- Code enforcement officer inspects violation site
- Open case file
- Courtesy letter to violator requesting compliance within 10 days

Reinspect

- If not corrected, order to abate issued, starting timeline
- Second notice sent after 10 days if violation not abated



- Fines are \$100, \$200 and \$500

The city found most alleged violators comply with the courtesy notice, so few fines are imposed for noncompliance. If fines are incurred they are deposited into the city's general fund. To contest a fine, a letter is required which is reviewed by the Fire Chief and then goes to the city manager for final disposition.

There is a weed abatement program which issues notices to property owners to cut weeds by the first of June. A neighborhood cleanup is held twice a year and drop off sites are manned by city volunteers. Graffiti is taken care of by volunteers from the Father's House, a local church in Vacaville. Hazardous waste can be dropped off at a site on Davis Street every Saturday.

### **City of Vallejo**

The City of Vallejo was incorporated in 1868. Vallejo's population is approximately 121,299 and the square miles of the city is 49.54. For fiscal year 2017-18, Vallejo's code enforcement budget is approximately \$1.3 million dollars for a staff of eight people. This includes a Senior Code Enforcement officer, four code enforcement officers, two police clerks and a secretary. Most of the work done by code enforcement is reactive rather than proactive. Vallejo receives approximately 10,000 complaints annually.

According to Vallejo's code enforcement website:

*The Code Enforcement Division of the Vallejo Police Department works with and helps empower the citizens of Vallejo to create, promote and maintain safe, attractive and high-quality living and working environments. Our purpose is to help improve our neighborhoods and economic conditions so that the City of Vallejo is known as a good place to live, raise families, work and retire in.*

The City of Vallejo has a brochure ("Neighborhood Resource Brochure") developed by the Code Enforcement Division of the Development Service Department as a guide for citizens to refer to on municipal code enforcement.

As with most cities in Solano County, code enforcement is not used to generate revenue, rather focusing on improving the city's quality of life.

Common municipal code complaints include:

- Vacant residential properties
- Abandoned/Unregistered/inoperative vehicles
- Trash/junk/debris (which may or may not be related to illegal dumping)
- Garbage cans being left out
- Overgrown vegetation
- Vehicles parked on unpaved surfaces

Procedure for reporting municipal code complaints include:

- In person at Police Department
- Mail
- Phone
- SeeClickFix (online application)
- Vallejo Police Department website application

Procedures for processing municipal code complaints include:

- Complaint received
- Site inspection/photographs
- Documented in records
- Citation issued if warranted
- First citation with fee of \$200
- Second citation with fee of \$500
- Third citation with fee of \$750
- If violation has not been mitigated, legal process commences

## **V. FINDINGS AND RECOMMENDATIONS**

**FINDING 1** – City Code Enforcement Departments generally seek voluntary code compliance.

**RECOMMENDATION 1** – Cities continue instituting fines as a last resort to achieve compliance.

**FINDING 2** – The majority of municipal code enforcement is reactive rather than proactive and relies on citizens to report suspected code violations.

**RECOMMENDATION 2a** – Municipal Code Enforcement officers become more proactive in identifying and educating the public on code violations (i.e. Coffee with Code Enforcement).

**RECOMMENDATION 2b** – Work with refuse companies to inform the public of additional programs.

**FINDING 3** – City of Benicia does not have a fine schedule for Municipal Code violations.

**RECOMMENDATION 3** – City of Benicia adopt a fine schedule as an incentive for compliance.

**FINDING 4** – City of Vallejo has a pamphlet, “Neighborhood Resource Brochure” detailing resources for citizens to refer to concerning code enforcement issues.

**RECOMMENDATION 4** – City Code Enforcement officials of all cities consider developing a comprehensive brochure using Vallejo’s “Neighborhood Resource Brochure” as a prototype to better inform citizens of available resources.

## COMMENTS

To understand the level of blight, in all manifestations within Solano County, the 2017-2018 Grand Jury toured its cities. Though the Grand Jury understands there are many different forms of blight, the cities establish basic standards through municipal codes and code enforcement; ordinances are developed periodically to meet new environmental concerns, urban sprawl, and ever-changing societal issues.

During these tours, incidents of possible municipal code violations were discovered: sidewalk encroachments, garbage cans in view, abandoned vehicles/boats/motorhomes, debris (appliances, mattresses, furniture, shopping carts, etc.) unsightly entrances to cities, partially and/or abandoned buildings, human waste, needles in children's parks and on and on.

Code enforcement officers are limited by time and budget constraints. This is where citizens need to be vigilant in watching for/cleaning up and/or reporting possible code/ordinance violations. Pride in your neighborhood and city is fundamental as there is no doubt that disorder in public spaces is a visual sign of decay forcefully sending messages about neighborhoods.

Cities can also ensure that street/alley/sidewalk markings for construction purposes be removed after completion.

National Night Out, the community/police awareness raising event held annually across America on the first Tuesday of August, may be the one item that can help communities work toward the social issues of blight. Local police, fire departments, and code enforcement officers continually emphasize its importance and send representatives to attend National Night Out events.

The following photographs are just a few examples of blight situations in our neighborhoods:





























**REQUIRED RESPONSES**

All City Managers – Findings 1, 2, 4  
Benicia City Manager – All Findings

**COURTESY COPIES**