



Standard Operating Procedures
Procedures for City of DeLand Code Enforcement

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

TABLE OF CONTENTS

INTRODUCTION	4
1.0 INTRODUCTION	4
2.0 PURPOSE	4
3.0 SCOPE	5
4.0 PROCEDURE	5
5.0 CODE ENFORCEMENT MISSION STATEMENT	6
6.0 CODE ENFORCEMENT GOALS	6
7.0 ORGANIZATIONAL OUTLINE	7
8.0 KEY PRINCIPLES TO CODE ENFORCEMENT	7
9.0 AREA AND WORK ASSIGNMENTS	7
10.0 WORK HOURS	7
11.0 DRESS AND APPEARANCE	8
12.0 VEHICLES	8
13.0 EMPLOYEE SAFETY	9
14.0 HOSTILE SITUATIONS	9
PERFORMANCE STANDARDS	10
15.0 GENERAL	10
16.0 CODE ENFORCEMENT OFFICER	10
17.0 SUPERVISORS	11
18.0 CODE ENFORCEMENT OFFICERS	12
20.0 CONDUCTING INSPECTIONS	14
21.0 FORMAL AND NON-FORMAL ENFORCEMENT	15

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

22.0	PROACTIVE CODE ENFORCEMENT	16
23.0	VOLUNTARY COMPLIANCE, REASONABLE TIME AND CONTINUANCE	17
24.0	TRESPASS	18
25.0	CASE MANAGEMENT AND CASE FILE CHECKLIST	19
26.0	STANDARD PRIORITY CASES	20
27.0	HIGH PRIORITY CASES	21
28.0	CITATIONS	22
	HEARINGS AND COURT	23
29.0	TESTIMONY	23
30.0	LIEN CASES AND COLLECTIONS	23
31.0	LIEN CASE FILE CHECKLIST	24
32.0	PRE-HEARING PROTOCOL	27
33.0	COMPLIANCE HEARING AGENDA ITEMS:	27
	TRAINING	28
34.0	TRAINING	28

Attachments:

Code Enforcement Complaint Form

Warning Letter

Violation Notice

Notice of Hearing

Affidavit of Compliance/Noncompliance

Order Imposing Fine/Lien

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

PREFACE

The following Standard Operating Procedures are for employees assigned duties as Code Enforcement Officers for the Community Development Department. These procedures will be followed by any personnel assigned to conduct code enforcement activities and are effective June 15, 2010.

The purpose of these Standard Operating Procedures is to have continuity within the Division. They are a supplement to the City of DeLand's Rules and Procedures. In the case of any conflict between any of the aforementioned documents and the Standard Operating Procedures, the City's Rules and Procedures will take precedence.

These Standard Operating Procedures are also a "work in progress." Amendments, corrections and supplements to these procedures may occur from time to time. Any and all of these changes will be discussed at regularly scheduled staff meetings and copies distributed for the employees to update their procedures.

For breaks, overtime, use of City issued phones, fueling of vehicles; time off; benefits; FMLA; and other procedures not directly covered in these procedures, refer to the City's Rules and Procedures.

Matt Adair, CBO
Chief Building Official

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

INTRODUCTION

1.0 INTRODUCTION

- 1.1 Welcome to the City of DeLand's Code Enforcement. As a member of our team and an employee of the City, you are responsible for the material in this manual. This manual is a tool to assist our employees to provide exceptional service to our community and is a supplement to the City's "Administrative Rules & Procedures Governing City of DeLand Employees". This manual is subject to change and will be updated as necessary. It is the responsibility of every employee to ensure that their copy of this manual is maintained properly.
- 1.2 The City of DeLand's Code Enforcement office is responsible for the enforcement of the City's Ordinances, adopted Land Development Regulations, provisions of the Florida Building Code, and all other issues directed by the Community Development Director. These ordinances and codes are designed to protect the Health, Safety, and Welfare of all who live, work or visit our City. They also ensure a positive effect on property value, community appearance, and neighborhood pride.
- 1.3 Responsibility for maintenance of properties and the overall aesthetic appearance of neighborhoods ultimately lie with the property owners and tenants in the City. This means every citizen is responsible for their City. Properties that are not maintained fall into disrepair; deteriorate; devalue neighborhoods; become an encouragement to crime and lead to blight. As the City grows and ages, it becomes more crucial and challenging to ensure that all property owners are aware of the ordinances and requirements for maintenance of their properties. Code compliance provides a vital, effective means of educating and enforcing the City's standards to ensure that our City remains and continues to grow to become a model city for all to enjoy and admire.
- 1.4 Code Enforcement's primary goal is voluntary compliance. This is achieved through a proactive, comprehensive community communication initiative that stresses cooperation through education. When necessary, Code Enforcement Officers must use other steps to insure compliance. Enforcement procedures are outlined in this manual.

2.0 PURPOSE

- 2.1 To describe the activities involved in the code complaint process to ensure complaints are administered consistently and expeditiously.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

3.0 SCOPE

3.1 This procedure applies to all involved in enforcing and administering the Code Enforcement activities within the City of DeLand.

4.0 PROCEDURE

4.1 Cases will be prioritized as follows:

4.1.1 Major health and safety

4.1.2 Illegal dumping in progress

4.1.3 Referrals from the City Manager

4.1.4 Referrals from Community Development Director

4.1.5 Referrals from Division Managers

4.1.6 Recurring and repeat violations

4.1.7 Crime related cases referred from the Police Department

4.2 These high priority cases must be brought to your immediate supervisor's attention as soon as practical

4.3 Informal and formal Enforcement Methods.

4.4 Every Code Enforcement Officer is, to the extent possible, given the discretion to handle their case as they see appropriate for the situation. Each Code Enforcement Officer is responsible for the proper management, maintenance, documentation, and required follow-ups for all of their cases from initial inspection to compliance.

4.5 There are two methods for Code Enforcement Officers to use for enforcement; Informal and Formal.

4.6 Informal methods are intended to encourage effective communication between the Code Enforcement Officer and the alleged violator, complainant, and all other parties involved. Informal methods ARE NOT governed by Florida State Statute Chapter 162, this is why they are defined as informal methods.

4.7 Informal methods include:

4.8 Personal contact

4.9 Verbal education

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 4.10 Informal methods will be used whenever possible, and should be used at the initiation of a case unless extenuating circumstances exist.
- 4.11 Formal methods are required to show proof of due process and are therefore governed by Florida State Statute Chapter 162. These methods include:
 - 4.12 Written warnings
 - 4.13 All official notices and citations
 - 4.14 Adjudication of cases before the Special Magistrate

5.0 CODE ENFORCEMENT MISSION STATEMENT

- 5.1 To provide our citizens with the highest quality of service and to uphold and enforce Codes and Standards established to protect the Public Health, Safety and Welfare of all residents, business owners and visitors based upon priorities which are consistent with established standards. Courtesy and professionalism will serve as guiding principles which will permeate the character of the Code Enforcement office, thereby ensuring that our determination to deter blight within the City is tempered with sensitivity and compassion.

6.0 CODE ENFORCEMENT OBJECTIVE & GOALS

- 6.1 To educate the public about the City's codes and ordinances and to obtain voluntary compliance.
- 6.2 Code Enforcement Goals:
 - 6.3 Strive to perform our duties in a fair, professional and courteous manner.
 - 6.4 Protect the Health, Safety, and Welfare of all property owners, residents, tenants, businesses and visitors.
 - 6.5 Develop and establish standards and ordinances that ensure positive effects on property value, community appearance, and neighborhood pride.
 - 6.6 Partner with other departments and agencies to reach our common goals.
 - 6.7 Partner with community organizations and associations and assist them in reaching common goals.
 - 6.8 Establish and maintain a proactive environment to help solve community problems and stay at the forefront of creative and effective Code Enforcement.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

7.0 ORGANIZATIONAL OUTLINE

7.1 Code Enforcement is managed by the Chief Building Official who is responsible for the operation of the Building Division. The Chief Building Official reports to the Community Development Director/Assistant City Manager. In the event that the Chief Building Official is unavailable, the Deputy Building Official shall assume his or her responsibilities as Code Enforcement Manager

7.2 Code Enforcement shall be operated with a strong team concept. Every employee is vital and an important aspect of the effectiveness of the overall professional operations of the Division. Every employee is encouraged to approach their immediate supervisor for any and all concerns. Every employee must recognize the chain of command and is required to follow the City of DeLand's Rules and Procedures for handling complaints and other issues. Every employee must contact their immediate supervisor as soon as possible if there is an issue or concern.

8.0 KEY PRINCIPLES TO CODE ENFORCEMENT

8.1 The key principles to our Code Enforcement are: **C.R.E.A.T.E.**

C- Customer Service: We are committed to providing professional and courteous service to our customers and coworkers.

R- Respect: We value the opinions of our customers and coworkers

E- Excellence: We are experts in our field and continuously strive improve our services.

A- Accountability: We maintain a high level of integrity.

T- Teamwork: We recognize that we are stronger together than apart and will share knowledge, resources, responsibilities, and recognition.

E- Empowerment: Our Division takes ownership in accomplishing the City's goals and objectives.

9.0 AREA AND WORK ASSIGNMENTS

9.1 There are currently four City quadrants; however, Code Enforcement Officers are not assigned zones or districts. The four quadrants of the City are: SOUTHEAST, SOUTHWEST, NORTHEAST and NORTHWEST.

10.0 WORK HOURS

10.1 To be effective in Code Enforcement, staff has to be creative in their approach. To establish communication with the public and because of the unique nature of the job, Code Enforcement staff must adjust their

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

schedules so they are available for face to face communications, proper service of legal documents, completion of tasks, and special assignments.

- 10.2 Code Enforcement staff may be required to work extended shifts, weekends, and other times as required.
- 10.3 The current work week is an 8 hour shift. Flex schedules, comp time and overtime may be available with prior administrative approval from the Chief Building Official.
- 10.4 Code Enforcement staff may also be required to work assigned weekends and some night/evening shifts.
- 10.5 The general work hours are Monday thru Friday 8:00 AM to 5:00 PM. All work hours will be logged into the Time and Attendance system.

11.0 DRESS AND APPEARANCE

- 11.1 Code Enforcement Officers will maintain a professional appearance at all times.
- 11.2 No unofficial, offensive, inappropriate or non-approved items will be worn by an employee while working an assigned shift.

12.0 VEHICLES

- 12.1 Code Enforcement personnel are assigned with City vehicles.
- 12.2 These vehicles are identified with the City logo and "Code Enforcement" on both sides. Every vehicle is numbered and assigned to an Officer.
- 12.3 Every Officer is required to drive the vehicle professionally in observance of all laws.
- 12.4 The identification on the vehicles is intended for visibility and to encourage people to contact us in the field.
- 12.5 The Code Enforcement Officer is required to maintain their assigned vehicle with regular washes and routine maintenance and service.
- 12.6 No smoking is allowed in the City vehicles.
- 12.7 No City property will be used for personal use.
- 12.8 All equipment will be maintained by the Code Enforcement Officer.
- 12.9 The Code Enforcement Officer shall immediately notify the Supervisor of any malfunction, or damage to the vehicle or equipment.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

13.0 EMPLOYEE SAFETY

- 13.1 Confrontations: Employee safety comes first. All employees must act and perform their duties as a professional.
- 13.2 If an employee finds themselves in a hostile situation, that employee must remove him/herself as quickly and safely as possible and call for help.
- 13.3 If an employee receives an irate phone call, try to direct them to the nearest Supervisor. Do not engage in name calling, shouting, or profanity; this will only escalate the situation.
- 13.4 Contact your Supervisor if you are involved with any confrontation.
- 13.5 If any employee is involved in any "use of force" to defend themselves, they must file an incident report with their immediate Supervisor as soon as possible after the incident.

14.0 HOSTILE SITUATIONS

- 14.1 If involved with a hostile person or a confrontational situation:
- 14.2 Use proper language and communication skills at all times – do not use profanity, threats, or abusive language.
- 14.3 Recognize that if a situation is becoming hostile, remove yourself from the situation – step away from the counter if at the front desk at City Hall – press the emergency button - call Police.
- 14.4 Direct irate and/or uncooperative persons to your Supervisor or Manager.
- 14.5 All employees must know that calling for assistance or back up is not a sign of weakness, but an effective Officer Safety tool. Do not think you can handle every situation by yourself. Call for help or a witness whenever you think you need it.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

PERFORMANCE STANDARDS

15.0 GENERAL

- 15.1 This Division implements a "holistic" approach to Code Compliance. This approach involves addressing ALL violations on properties at the initial inspection. Code Enforcement handles violations from trash and debris, zoning, licensing, to commercial properties. It is important, reasonable and equitable to inform all parties involved as to all violations found at the time of inspection.
- 15.2 Job Duties of a Code Enforcement Officer include initiating investigations of code violations as observed, and work in conjunction with other departments engaged in various code compliance tasks, i.e., fire codes, municipal health and sanitation codes, licensing, building, zoning, lot mowing, etc. Assist violators to set goals and develop strategies and schedules for meeting them.
- 15.3 In General:
 - 15.3.1 Personal contact is our most valuable tool
 - 15.3.2 Treat every case as an opportunity to educate
 - 15.3.3 Use informal methods first wherever possible
 - 15.3.4 Always show respect, be courteous, polite and professional (be reasonable to deal with)
 - 15.3.5 Always use commonsense
 - 15.3.6 Always be careful and use officer safety techniques
 - 15.3.7 Never exit your vehicle without your issued cell phone
 - 15.3.8 Follow up on cases is vital

16.0 DIVISION MANAGER/CHIEF BUILDING OFFICIAL

- 16.1 This position is responsible for the overall operations of the Division. It includes a high level of contact with the community, the Community Development Director, other department heads throughout the City and other agencies.
- 16.2 The Division Manager will ensure all Division policies and procedures are being implemented and that the Division is operating as efficiently and effectively as possible.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 16.3 The Division Manager is also the liaison between all other departments and Divisions in the City as a whole.
- 16.4 It is vital for all Division staff to recognize that they have stock in a successful Division and all comments, questions, or suggestions are welcomed and encouraged as an important objective in the continuing processes of the Division.

17.0 SUPERVISORS IN GENERAL

- 17.1 There are two designated supervisor categories in this Division: The Chief Building Official and the Deputy Building Official. It is the responsibility of all supervisors to understand their job requirements as outlined in their job descriptions.
- 17.2 All supervisors will understand and apply:
 - 17.2.1 First rule of thumb: understand your role.
 - 17.2.2 You wear many hats.
 - 17.2.3 You must be there for your team.
 - 17.2.4 Work with your team not against them.
 - 17.2.5 Be professional, courteous, respectful and always empathetic.
 - 17.2.6 Know the chain of command and your requirements to follow it.
 - 17.2.7 Treat your team members as you would like to, and expect to be treated.
 - 17.2.8 Don't be disrespectful or condescending.
 - 17.2.9 Be reliable, knowledgeable, humble and understanding.
 - 17.2.10 Don't jump to conclusions.
 - 17.2.11 Communicate!!! Be in touch with your team, work with them on issues.
 - 17.2.12 Address deficiencies quickly and intimately.
 - 17.2.13 Do not wait until evaluations to point out deficiencies in performance.
 - 17.2.14 Identify your teams strengths and weaknesses.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 17.2.15 Provide opportunities for training, counseling, additional assistance whenever needed.
- 17.2.16 Do not address deficiencies publicly.
- 17.2.17 Use required forms for counseling or discipline when required.
- 17.2.18 Do not let problems fester.
- 17.2.19 Praise publicly.
- 17.2.20 Do not hesitate to recognize exceptional performance.
- 17.2.21 Build your team.
- 17.2.22 Make sure communication with all your team members is consistent, clear and often.
- 17.2.23 Listen and engage every member in problem solving and tactical response.
- 17.2.24 Encourage working together to solve problems and address issues.
- 17.2.25 Make sure common goals and objectives are identified and it is for the good of the division.
- 17.2.26 Coach, lead and then manage.

18.0 CODE ENFORCEMENT OFFICERS

- 18.1 It is the Code Enforcement Officer's responsibility to ensure all cases have all required photos, notes, affidavits, additional supporting evidence documentation and/or contacts. This is done prior to the case being reviewed for the hearing. This is an important aspect of checks and balances and ensures all cases are properly handled. Every Code Enforcement Officer must review their case prior to a Special Magistrate Hearing.
- 18.2 Every Officer is required to perform their duties (job tasks) in a specific manner. These performance expectations have been, to some extent, outlined above. This section will help clarify performance measures for all staff. It is important that every employee know what is expected of them from a performance perspective.
- 18.3 Since every Code Enforcement Officer is afforded discretion in how they manage their cases, performance standards become difficult to establish. However, because of the unique nature of code compliance, every Code

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

Enforcement Officer must understand that the intent of these performance expectations is not to develop a quota system; rather it is a method to address those problem areas throughout the City with a bona fide objective and to make a difference in the level and quality of services we deliver.

- 18.4 Every Code Enforcement Officer must have the understanding that overall performance is not as simple as developing a quantitative measure to evaluate self initiated performance. Supervisors still need to be able to take an individual's total performance and factor that into their total performance value. Remember quality is more important than quantity.
- 18.5 The goal of Code Enforcement is compliance, but case management is vital. Case load is an important aspect of the operation of the Division. It dictates the boundaries of work zones, and identifies problem areas and problem issues. All Code Enforcement Officers are assigned cases, and although the Code Enforcement Officer manages their own case, the progression of the case will be a factor in determining effectiveness. Every Code Enforcement Officer is expected to manage their cases as follows:
 - 18.5.1 Make timely inspections:
 - 18.5.2 Include all photos and documentation, including all affidavits in the case file and computer system.
 - 18.5.3 Follow up as indicated in the case files
 - 18.5.4 Ensure all paper work is properly filled out and filed properly
 - 18.5.5 Ensure proper citations of code and ordinances
 - 18.5.6 Ensure proper wording and proper responsible parties are cited
 - 18.5.7 Adhere to the due process requirements of State Statute Chapter 162
 - 18.5.8 Follow all professional protocol
 - 18.5.9 Be professional in attitude, composure, and appearance.
- 18.6 Code Enforcement Officers are expected to manage their daily work assignments effectively. If the Code Enforcement Officer is being inundated with complaints, calls or violations in their zone, let your supervisor know as soon as possible. It is the responsibility of that supervisor to ensure the Officer has the assistance needed to continue to perform effectively.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

INSPECTIONS

19.0 PRIORITIZING COMPLAINTS

19.1 General: All complaints are important and will be handled consistently. Because this office may receive a high volume of calls for service, it is necessary to prioritize these calls for response. Prioritizing is an effective way to manage entering the complaints for action, your time for scheduling inspections and to manage case files.

19.2 Cases will be prioritized as follows:

19.2.1 Major health and safety;

19.2.2 Illegal dumping in progress;

19.2.3 Referrals from the City Manager;

19.2.4 Referrals from Community Development Director;

19.2.5 Referrals from Division Managers;

19.2.6 Recurring and repeat violations;

19.2.7 Crime related cases referred from the Police Department.

19.3 These high priority cases must be brought to your immediate supervisor's attention as soon as practical.

20.0 CONDUCTING INSPECTIONS

20.1 Because education is the key to our effective method of Code Compliance, Code Enforcement Officers are required to make contact with the public on a daily basis as a routine part of their job functions. Because of this, Code Enforcement Officers must be aware of and implement Officer Safety tactics continually. A key to Officer safety is presence. Presence involves a professional image.

20.2 Employees are not to be disrespectful, discourteous, or unprofessional in their behavior. Employees will always present a professional image.

20.3 For all Code Enforcement Officers, when approaching a property:

20.3.1 Survey the entire area before exiting the vehicle-look and observe everything, especially potentially hazardous conditions and or situations.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 20.3.2 Approach cautiously
- 20.3.3 Be aware of signs of loose animals - water bowls, chains, chew toys, etc.
- 20.3.4 Be aware of items and places to use for defense or quick exits.
- 20.3.5 Watch the people you are talking with; do not let a group or several people surround or corner you.
- 20.3.6 Be aware of an escalating hostile environment.
- 20.3.7 Be able to change your tone of voice, mannerisms and defense strategies as the contact progresses.
- 20.3.8 Do not forget about empathy in your conversations.
- 20.3.9 Listen to all aspects of your contact.
- 20.3.10 Take appropriate actions as required- your first response to a hazardous situation is to leave the area as quickly as possible.
- 20.3.11 Your safety is to be your primary concern.

21.0 NON-FORMAL AND FORMAL ENFORCEMENT METHODS

- 21.1 Every Code Enforcement Officer is, to the extent possible, given the discretion to handle their case as they see appropriate for the situation. Each Code Enforcement officer is responsible for the proper management, maintenance, documentation, and required follow-ups for all of their cases from initial inspection to compliance.
- 21.2 There are two methods for Code Compliance Officers to use for enforcement:
 - 21.2.1 Non-formal
 - 21.2.2 Formal
- 21.3 Non-formal methods are intended to encourage effective communication between the Code Enforcement Officer and the alleged violator, complainant, and all other parties involved. Non-formal methods ARE NOT governed by Florida State Statute Chapter 162, this is why they are defined as non-formal methods.
- 21.4 Non-formal methods include:
 - 21.4.1 Personal contact;

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 21.4.2 Verbal education;
 - 21.4.3 Telephone contact (realtor, property owner, complainant, neighbors, etc.);
 - 21.4.4 Use of City issued business cards;
 - 21.4.5 Use of fliers and informational pamphlets;
 - 21.4.6 Advisories
 - 21.4.7 Use of "notice";
 - 21.4.8 Use of informational letters and/or pre notice letters- after supervisor review and approval;
 - 21.4.9 Any other method that can be used to contact involved parties to encourage voluntary compliance, after supervisor review and approval.
- 21.5 Non-formal methods will be used whenever possible, and should be used at the initiation of a case unless extenuating circumstances exist.
- 21.6 Formal methods are required to show proof of due process and are therefore governed by Florida State Statute Chapter 162. These methods include:
- 21.6.1 Written warnings;
 - 21.6.2 All official notices and citations;
 - 21.6.3 Adjudication of cases before the Special Magistrate.

22.0 PROACTIVE ENFORCEMENT METHODS

- 22.1 There may be times when proactive enforcement is required or directed. Proactive enforcement involves patrolling of streets, blocks, and neighborhoods looking for specific violations, addressing specific complaints, or identifying potential violations before they become overwhelming or out of control. Proactive enforcement begins by addressing violations that are:
- 22.1.1 Visually obvious
 - 22.1.2 On main corridors
 - 22.1.3 Recurring violations

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

22.1.4 Repeat offenders

22.1.5 Issues/concerns from all other sources

22.2 An important aspect of being proactive is getting to know the residents and business owners in your zone. Every Code Enforcement Officer is required to identify neighborhood watches, neighborhood associations, action groups, or other community groups in their zone. Once identified, the Officer, working with their immediate supervisor will contact these groups and begin to establish an educational outreach program designed to educate the community and establish a working relationship with all stakeholders of the community. This may include speaking at public meetings, holding workshops, conducting targeted sweeps of areas, establishing work teams with other Divisions to address specific issues in the area, distributing educational information, attending seminars, and many other events that may present themselves in the area. This also means participating in special community events such as trash clean ups, task forces, or other special projects.

22.3 The next key to being proactive is time management. Every Code Enforcement Officer is required to manage their cases effectively and efficiently. When conducting daily work, make time for proactive patrol. A good Code Enforcement Officer must be a good case manager enabling him/herself to schedule times for proactive patrol. This may not be possible each and every day, so plan your routes and inspections carefully. The result will be a more effective approach to the Officer's overall work product.

23.0 VOLUNTARY COMPLIANCE, REASONABLE TIME AND CONTINUANCES

23.1 Code Enforcement's primary goal is voluntary compliance. In order to obtain voluntary compliance, the Code Enforcement Officer is required to afford "reasonable time" for the violator. Reasonable time is that amount of time, given the nature of the violation and all consideration to all extenuating circumstances, that a reasonable person can effectively bring that violation into compliance. Reasonable time is affected by the type of violation first, in that, permitting issues take longer time to comply than a simple nuisance. Once reasonable time has been expired, the Code Enforcement Officer must escalate enforcement.

23.2 If, in the opinion of the Code Enforcement Officer, the responsible party is making progress towards compliance and making every effort possible, or if the case is being delayed in permitting or through another department outside the control of the responsible party, the Code Enforcement Officer can "continue" their case on a thirty (30) day maximum period cycle. Supervisors may grant an additional 30 days maximum.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

23.3 The Code Enforcement Officer must maintain contact with the responsible party(s), document all continuances in their file, notify their immediate supervisor of the continuance, and ensure the requirements of due process are met.

24.0 TRESPASS

24.1 As inspectors of private property and business, it is important to know your restrictions as to trespassing and right of entry. Code Enforcement Officers cannot trespass onto people's private property. If you cannot see the violation from a public road, a complainant's property, a right of way or easement of which you have authority to be on, or any other area you have permission to enter upon, you cannot verify the violation exists. The violation must be in plain view. You can go to the front door of a residence to attempt contact or service. You cannot use any methods to alter your view: for example using a ladder to look over a fence. You do have the right to enter with permission, provided the grantor is the owner, agent or tenant and is 18 years of age or older.

24.2 For businesses, you have the right to enter any where the general public has access to.

24.3 The main point is if you have a doubt about where you are supposed to be, you probably shouldn't be there. Ask to enter and if told to leave, leave without delay and handle your case in an alternate way.

25.0 CASE MANAGEMENT AND CASE FILE CHECKLIST

25.1 This document will ensure that a critical legal element of the "Notice" process is met.

25.2 There is a legal mandate that the property owner be notified of the violation. This Checklist will insure that all the required steps are followed.

25.3 Instructions for preparing the Checklist:

25.3.1 Case #, Address & Owner is self explanatory.

25.3.2 In the date sections there must always be an entry. If there is no action, i.e. no second or third recheck, simply enter {N/A}. Remember that just because there are only three boxes for rechecks, you are not limited to three. Use whatever is needed to successfully reach compliance.

25.3.3 Use the note sections as needed. For example: under Inspection request, under notes you should normally enter either Citizen's Complaint or Officer Initiated.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

Case File Checklist Officer's Report

CASE #		
ADDRESS:		
OWNER:		
(Last)	(First)	(MI)

ACTIVITY:	DATE	NOTES:
Inspection Request		
First Inspection		
Verbal Warning		
Warning Ticket Issued		
Re-Check		
Re-Check		
NOV*		
NOV: Sent via Cert. Mail		
NOV: Sent 1 st Class Mail		
NOV: Cert. Mail signed for		
NOV: Returned/Unclaimed		
Green Card not returned		
NOV Posted and Affidavit Submitted		
City Hall Posting		
Service Made-Recheck After:		
Re-Check		
Re-Check		
NOH		
Legal Description in File		
Additional Notes		
Administrative Costs		
DATE OF PHOTOS:		

*NOV=Notice of Violation or NORV=Notice of Repeat Violation

*** Check for Change of Ownership prior to Hearing

Code Officer: _____

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

26.0 STANDARD PRIORITY CASES

- 26.1 Investigation of complaints will occur within three (3) days of the initial complaint. Code Enforcement Officer's will make use of any/all informal compliance methods at first inspection. The Code Enforcement Officer will ensure that the provisions of the "holistic" approach are adhered to and that all parties have clear understanding of what the violation(s) is; what needs to be done to correct the violation(s); give a reasonable time for the violation(s) to be corrected; and inform the parties as to the process that will follow if the violation(s) is not brought into compliance.
- 26.2 It is vitally important that every Code Enforcement Officer conduct the follow-up inspections as they have informed the parties. If fifteen days is given, the Officer must revisit on the sixteenth day. This is not only good professional work ethic, it is important to establish credibility for the Division and the Code Enforcement Officer. If, at the time of re-inspection it appears that progress has been made but not completed, the Officer has the discretion to afford the violator additional time to comply. If the violation is not complied at any point of the Officer's case, the handling officer shall consider escalating enforcement. Escalation of enforcement includes written warnings, notices, etc. The Code Enforcement Officer is required to manage their case while providing the opportunity for compliance and the understanding that escalation of enforcement is a tool for the Officer to use when efforts towards compliance have slowed or ceased, or cooperation from the violator has halted. The Code Enforcement Officer is required to ensure their case is in compliance with all requirements of Florida State Statute Chapter 162. It is important to maintain communication with all parties involved throughout the case process.
- 26.3 If personal contact with the violator is not possible and all efforts have been exhausted to make contact, depending on the severity of the violation, issue a Notice of Violation.
- 26.4 The investigation may be "time sensitive". i.e. A commercial vehicle complaint would require early morning checks to confirm a violation. Multiple checks may be needed to confirm a violation or to rule that no violation existed. The primary assigned officer is responsible for ensuring inspections will be conducted at the appropriate times as indicated on the complaint form or from other information. Variations of your schedule must be approved by your supervisor.
- 26.5 History on addresses should always be checked. This enables the Code Enforcement Officer to make a determination on the appropriate method to apply towards a violation, for example recurring or repeat violations, and ensures the complaint is handled effectively.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

- 26.6 If the Code Enforcement Officer's investigation of a complaint finds that no violation is present, the Code Enforcement Officer must complete all documentation and case notes to this effect and close the case as "no violation found." An advisory letter or business card could be left at the address of the complaint advising the resident of the complaint as a notification of the inspection. This is at the discretion of the Code Enforcement Officer.
- 26.7 If the case requires a referral to another department or agency, the Code Enforcement Officer must make sure the proper agency has been contacted and indicate the agency and contact information on the case report.

27.0 HIGH PRIORITY CASES

- 27.1 All High priority issues require a shorter span to escalated enforcement.
- 27.2 For major Health and Safety violations:
- 27.3 Investigate and if a violation exists, make contact if possible with the violator either in person or telephone.
- 27.4 If personal contact is made, get a signed warning ticket with immediate compliance.
- 27.5 If phone contact is made, advise violator correction must be made immediately and document the contact in the case file.
- 27.6 Do an immediate 24 hour follow-up and if violation still exists request an immediate hearing before the Special Magistrate - Due process requires proper notice in all cases.
- 27.7 Advise your immediate supervisor as to the elements of the case and the enforcement you are taking.
- 27.8 For referrals from the City Manager, Assistant City Manager, or other Departments:
- 27.9 Complaints from these sources must be addressed as quickly as possible.
- 27.10 A reply from the Code Enforcement Officer is required as soon as possible after the inspection.
- 27.11 Depending on the severity of the violation, these complaints should be handled as standard complaints within the guidelines of standard procedures.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

28.0 CITATIONS

28.1 Citations are an important alternate method, and in some circumstances, the best method, of enforcement at the Code Enforcement Officer's disposal.

28.2 They can be issued in lieu of notices of violation or notices of hearing after a warning has been issued as per State Statute. Although State Statute Chapter 162 does not specify the form of warning required to be given prior to the issuance of a citation, a written warning is the best evidence that the warning has been issued. The warning is only valid for thirty days.

28.2.1 PROCESS

*Obtain all pertinent violator information and obtain signature.

*Explain the procedure for paying the Civil fine and how to contest the citation at a court hearing.

*Make sure to explain the citation in detail to the violator including the nature of the violation and that failure to respond within 10 days may result in the issuance of a summons to appear in court.

*Turn in the Citation to the Chief Building Official.

28.3 The Chief Building Official shall ensure that citations are delivered to the City Clerk or to the Clerk of the Circuit Court if applicable.

28.4 Each issuing Officer will respond to their subpoenas if so issued, will testify unless excused by the Court and will present their case as outlined for the Hearings above.

28.5 The Code Enforcement Officer who receives a subpoena will notify and present a copy of the subpoena to their immediate supervisor.

28.6 Proper attire will be worn for court.

UNDER NO CIRCUMSTANCES are Code Officers authorized to detain or make any type of "arrest" as Code Enforcement officers are not sworn law enforcement officers and are prohibited by Florida state statute from making arrests.

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

HEARINGS AND COURT

29.0 TESTIMONY

- 29.1 The City of DeLand uses the Special Magistrate for their Code Enforcement Hearings. These are held on the fourth Thursday of the month, unless there are added hearings due to the extensive caseload.
- 29.2 The Special Magistrate hearing will be used as a last resort for properties that are not in compliance or for property owners who are not cooperating or making efforts to bring their properties into compliance.
- 29.3 Cases will also be brought to the Special Magistrate if they are repeat violations, recurring violations, and after all informal enforcement methods have been exhausted.
- 29.4 At the hearings the Code Enforcement Officer must present the facts of their case in detail, with professionalism and in a concise manner so as to allow for a thorough and fair hearing.
- 29.5 At presentation, the Code Officer will state the following:
 - 29.5.1 Their names and title/position with the City of DeLand
 - 29.5.2 The address of the violation including "within the City of DeLand"
 - 29.5.3 The nature of the violation and present photographs or other evidence
 - 29.5.4 Establish the requirements for due process – NOV received, NOH received
 - 29.5.5 Present any notes or information regarding contacts with respondents or activity on the property
 - 29.5.6 Will be available for cross examination
- 29.6 Because it is a last resort for our Code Enforcement process, maximum fines and penalties will be requested along with the findings of fact.

30.0 LIEN CASES AND COLLECTIONS

- 30.1 The Division understands that having fines running on properties with outstanding violations is not the end of the task for the code enforcement

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

process. With that, it is important that this Division pursues outstanding lien cases and collections.

- 30.2 Cases in this category will be reviewed on a regular basis (not more than 90 days at a time). If there are liens running on properties that still have outstanding violations, this Division will take all action necessary to bring the properties into compliance. These actions include creative legal escalation of enforcement methods beyond standard enforcement tactics that include, but are not limited to:
- 30.2.1 Re-hearing for orders to have the City comply the case by removing the violation.
 - 30.2.2 Demand letters, collections and foreclosures
 - 30.2.3 Orders to clean or clear properties
 - 30.2.4 Demolition Orders
 - 30.2.5 Notices to Appear.
 - 30.2.6 These procedures and methods will be discussed on a case by case basis and approved by the Chief Building Official or Community Development Director.

31.0 LIEN CASE FILE CHECKLIST

- 31.1 It is the Code Officer's responsibility to see their code cases through to a conclusion. The desired end result is compliance with the specific ordinance that was violated. A guilty finding at a special magistrate hearing is not the conclusion of the case.
- 31.2 The "Lien Case File Checklist" shall be utilized to assist the officer with an orderly process to bring the case to an acceptable conclusion.
- 31.3 This form will be started following a compliance hearing where there was a guilty finding and there has not been compliance. The Code Enforcement Officer shall place this form in a "tickle" file to ensure that the property is rechecked at the appropriate time and the appropriate affidavit is filed. Remember that the recheck should be done the day after the compliance date that was set by the special magistrate.
- 31.4 The case is concluded when compliance is obtained and an "Affidavit of Compliance" has been completed. If an "Affidavit of Non-compliance" is filed, then the Lien Case File Checklist will be placed in the officer's "tickle" file to ensure a recheck at the appropriate time. Rechecks will then be conducted within forty-five (45) days of each recheck. Communication

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

with the violator is essential so the officer and violator may work together to obtain compliance.

31.5 A photo will be taken of existing violations upon any recheck. If the violator has not made efforts to correct the violation(s) within ninety (90) days, escalation of enforcement shall be taken.

31.6 * Attachment: **Lien Case File Checklist**

Standard Operating Procedures

Procedures for City Of DeLand Code Enforcement

Case File Lien Checklist

Report of Officer _____

Date Case Complied: _____

Complied By: Owner / City

CASE #
ADDRESS:
OWNER:

(Last)

(First)

(MI)

ACTIVITY:	DATE	NOTES and PHOTOS
Hearing Date- Found Guilty		
Compliance Date		
Non- Compliance Affidavit		
Non-Compliance Hearing		
Initial 30 Day Check		
Re-Check		
Escalation of Enforcement		
Hearing Notice		
Citation		
City Mow		
City Abatement other		
Collection Request		
Advised of Mitigation		
Additional Re-checks & Notes		
Compliance AFFIDAVIT REQ'D		
Change of Ownership?		

Code Enforcement Officer _____

Standard Operating Procedures

City of DeLand Code Enforcement

32.0 PRE-HEARING PROTOCOL

32.1 The staff meeting prior to the scheduled hearing date will be the scheduled time for review of all cases on the docket/agenda for the hearing. If the staff meeting falls on a day that the meeting cannot be conducted, the supervisor's will schedule the pre-hearing case review. During this time, the cases will be addressed in the order of the agenda and the officer managing that case will be responsible for providing information as to the status of their case. This information will include:

32.2 If the case is remaining or Repeat:

32.2.1 Date violation first observed;

32.2.2 How many photos are included with the case;

32.2.3 How many documents are to be presented with the file;

32.2.4 Any fees or costs incurred;

32.2.5 Any special action requests:

32.2.6 For example: secure the pool, lot mow/future lot mowing, litter clean up, etc.;

32.2.7 Any requested continuance with a date.

32.3 If the case is guilty / complied:

32.3.1 Any fees or costs occurred;

32.4 If the case is withdrawn: State the reason: closed/in compliance; improper service; new owner; etc.

33.0 FOR COMPLIANCE HEARING AGENDA ITEMS:

33.1 If the case is complied:

33.1.1 Ensure an "Affidavit of Compliance" is in the case file and advise;

33.1.2 Outline any fees or costs incurred.

33.2 If the case is not complied:

33.2.1 Ensure "Affidavit of Non-compliance" is in case file and advise;

33.2.2 Outline any fees or costs incurred;

Standard Operating Procedures

City of DeLand Code Enforcement

- 33.2.3 Mention any possible future costs: i.e., securing pool, lot mowing, clean up, etc.;
- 33.2.4 Any request for a continuance with a date certain, and the reason for continuance

TRAINING

34.0 TRAINING

34.1 Every new Code Enforcement Officer will be properly trained and supervised. The length of each individual's training will be determined by his or her amount of prior Code Compliance experience, administrative and technical experience, certifications, and how well the individual performs during the formal training blocks outlined below and completion of the training manual. Every new employee has a six month probationary period, as per the City's Rules & Procedures Governing City of DeLand Employees."

34.2 Training Schedule:

34.2.1 **Week 1:** The first week is designed to introduce and familiarize the new employee with his/her new environment. During this week, the new employee will be designated as a "trainee" and will be introduced to staff and employees in the Division and will complete the employee orientation. The Code Enforcement Standard operating procedures and Florida State Statute Chapter 162 will be issued and discussed. The trainee will spend time with the Chief Building Official, the Planning Division and Plans Review as part of their introduction process. The trainee will be familiar with the City's administrative regulations, policies and procedures, as well as all functional requirements of their new employment.

34.2.2 **Week 2-4:** The trainee will be assigned to a Code Enforcement Officer for field training. The trainee will be introduced to procedures of enforcement, enforcement tactics, the most common violations and ordinances, as well as field operating procedures. The trainee will be introduced to the geography of the City and will begin to gain familiarity with quadrants and Officer responsibilities. By the end of the 2nd week, the trainee will have a basic working knowledge of locating properties, identifying quadrants, and have a working knowledge of the jurisdictional boundaries of the City.

Standard Operating Procedures

City of DeLand Code Enforcement

- 34.2.3 **Weeks 5-10:** During this period, the trainee will be familiar with the initial inspection process, be able to identify with clarity the difference between informal and formal enforcement methods, be familiar with re-inspections, the citation process, the notice procedures and requirements, requirements for documentation and field reporting; basic research and investigation skills; locating legal ownership records; postings; high priority and standard priority issues; and will begin to assist with paper work on a limited basis.

The trainee will begin to demonstrate their capabilities with regards to filling out required forms and documentation; report forms; photographs; affidavits; will complete postings; initial inspections and assist with case management. Successful completion will be a combination of meeting expectations, review of understanding and completeness of functional requirements, and completion of the training log and objectives in the training manual. This phase will take as much time as necessary to ensure a quality training program and the objectives of the Division have been met. Also, during this time, the Code Officer Trainee will spend a portion of each work day becoming familiar with inputting data in the Springbrook software.

- 34.2.4 After successful completion of week 10 and a review by the Chief Building Official, the trainee will be assigned a vehicle and under minimal supervision, the trainee will function as an independent Code Enforcement Officer. The Chief Building Official will ensure if the trainee needs assistance or additional training it will be provided. The Chief Building Official will conduct regular assessments of the trainee's performance until such time that the trainee and the Division is confident the trainee can successfully pass his/her probationary period.