

**To the Mayor and Members of the City Council****May 16, 2023**

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**SUBJECT: CODE COMPLIANCE PRIORITY RESPONSE POLICY**

The purpose of this Informal Report is to explain how violations are prioritized by code enforcement officers.

**Service Structure**

The Code Enforcement Team is divided into two divisions: Neighborhood Investigations and Building Standards.

Neighborhood Investigations staff respond to residential code violations, such as high grass, property maintenance issues, junk vehicles, health hazards, zoning and solid waste violations. The Building Standards Division investigates substandard and hazardous structures, except for substandard historic structures.

In 2016, a code enforcement officer position was transferred to the Development Services Department to inspect historic substandard and hazardous structures for alignment with historic preservation objectives and processes. Within Development Services, this officer is trained to know the requirements for each historic district and to assist owners with the permitting process and application to the Historic and Cultural Landmarks Commission to obtain a certificate of appropriateness to make required repairs, when needed. The transfer improved education, communications, coordination and collaboration with historic building owners.

**Neighborhood and Substandard Structure Enforcement**

The primary goal of code enforcement officers is to gain voluntary compliance through education, outreach, and warnings. This creates a foundation to assist individuals with addressing violations and to bring properties into compliance with minimal enforcement action.

Often property owners assume they have received a citation when they have actually received a warning or notice of violation. Warnings and notices account for the vast majority of written correspondence from the Neighborhood Investigations unit. Most neighborhood code violations, e.g. junk vehicles, high grass, etc., are able to be resolved more quickly after the warning or notice is given.

Property owners of buildings that have been identified by the Building Standards Division are sent a notice of violation and provided a time by which compliance must occur or further action may be taken by the City. Substandard structures often require more time to resolve because the property owner usually requires the aid of a contractor to obtain building permits to complete structural repairs or demolitions. When owners fail to voluntarily comply, cases may have to go before Municipal Court or the Building Standards Commission (BSC) to obtain an order to repair, demolish or abate. When using these administrative remedies, the minimum time to comply by State Law and City Ordinance is 30 days. Up to 180 days can be given if the property owner presents an acceptable action plan to the Court or Commission. Historic structures take longer because they also must go through the Historic Cultural and Landmarks Commission (HCLC).

To highlight the difference between Neighborhood Investigations and Building Standards violations, two cases can be examined.

**Case 1**

A property owner was provided a notice of violation by a Neighborhood Investigations Officer to address a high grass violation. The high grass violation just takes the officer a few minutes to investigate and to mail a notice (grass must be taller than 12" before a notice is sent and the owner gets time to correct). The owner receives the notice and mows the grass. There is no protracted investigation or need to issue a citation.

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On a nearby property, a substandard structure needed to be demolished; this structure was also historic, so the case was managed by the historic preservation code officer within the Development Services Department. The initial investigation of a historic substandard structure can take an hour or more, a title search must be conducted, property files collected/reviewed, initial notices sent, additional inspections made, compliance plans drafted, scheduled action before HCLC, BSC or Court for non-compliance, time given to correct, delays in contracting/financing/abatement, etc. Because all of this falls within historic preservation, there are also delays while the owner/City review proposed materials, methods, etc. for making repairs or improvements.

The two cases described above are separate cases managed on separate timelines with separate procedures and staff. While it could appear that priority is being given to a high grass violation (a lower priority) over a substandard structure (a higher priority), it's important to note that this is not the case.

**Priority Response Efforts**

While Code Enforcement Officers make every effort to proactively identify and quickly address issues within the community, it is not possible to be aware of every circumstance that needs action or support. The department depends on members of the community to assist with reporting potential violations. Staff are also expected to respond within a timely manner. The Code Compliance Department has a goal to inspect 80% of complaints within 24 hours. In FY22, code officers responded to 51,509 complaints (initial complaint response) with 43,261 (84%) being inspected within 24 hours.

A key performance indicator for Code Enforcement is that 90% of investigations are Priority 1 or Priority 2 violations. The priority of a violation is dependent upon many factors. When cases must be prioritized, staff consider comparative urgency, risk to life and property, and the impact of the violation on the whole community.

In FY22, code officers inspected (initial complaints listed above and all other inspections) 29,934 (25%) Priority 1 violations, 82,704 (69%) Priority 2 violations and 6,625 (6%) Priority 3 violations. In total 94% of the violations worked were Priority 1 and Priority 2 violations.

**Priority 1 Violations:**

Any violation that involves an imminent risk to public health and/or safety is the highest priority. Code officers usually respond to Priority 1 violations immediately or within 24 hours of receipt dependent upon the circumstances. The following is a list of Priority 1 violations:

- Putrescible waste
- Abandoned refrigerators or freezers
- Sewage/waste leaks or spills
- Open clean-outs
- Inoperable smoke detector
- Infestation
- Category I hazardous structures
- Fire damaged structures
- Open and vacant structures
- Collapse hazards
- Waste that may hold water or create a harborage for rodents and/or a breeding place for vectors
- High grass and weeds exceeding 24 inches in height
- Attractive nuisances

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- Health and safety hazards
- Illegal dumping in progress
- Swimming pool barriers
- Stagnant or unwholesome water (including pools)

**Priority 2 Violations:**

Any violation that involves an immediate threat to the livability of the community, or perception of the same. The following are considered Priority 2 violations:

- Junk, debris and litter
- Outside storage
- Grass and weeds greater than 12 inches but less than 24 inches in height
- Category II substandard structures
- Bulk waste violations
- Junk motor vehicles
- Corner clips
- Illegal land use
- Auto repair
- Transient camps
- No water service
- Illegal dumping (not in progress)
- Home occupation

**Priority 3 Violations:**

A Priority 3 violation is one that has been in existence for some time, and where a delayed response would not substantially increase any detrimental impacts on the livability of the community. This also includes violations that have little impact on the community and where a delayed response will also not have any additional impact on the livability of the community. Examples of Priority 3 violations are:

- Carts left at the curb
- Bags outside carts
- Category III structures (minor substandard)
- Oversized vehicles
- Fence repairs (other than pool barriers and aggressive dogs)
- Fence height in front yard
- Garage sales
- Yard trimmings
- Missing address numbers
- Carts removed from the curb, but not behind the front building line

Code officers respond to violations as soon as possible. However, in cases where workload exceeds available time, the response to initial complaints and case follow-up should be based on the priority of the violation. Unless given specific direction to respond otherwise, officers respond according to the hierarchy of priority and will not handle lower priority violations until higher priority violations are addressed. Officers responding to Priority 1 and 2 violations address all infractions of the ordinance on the property regardless of priority. The priority of a property having several different issues is prioritized based on the issue having the highest priority. Nothing in the policy prevents an officer, while exercising reasonable judgment, to modify his/her response if circumstances warrant.

For questions regarding this information, please contact Brandon Bennett, Code Compliance Director at [Brandon.Bennett@fortworthtexas.gov](mailto:Brandon.Bennett@fortworthtexas.gov) or (817) 392-6322.

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