

XIII. CODE ENFORCEMENT

Code Enforcement Office

In the early 1990's, the City began to transform its Code Enforcement Office. It was included under the purview of the City's Fire Department, and the City began an effort to train its paid firefighters as code enforcers and fire inspectors. The goal was to expand the department's ability to complete required fire safety inspections, and to provide round-the-clock code enforcement services for the public.

Today the Code Enforcement Office consists of two full time code enforcers who deal primarily with site plan enforcement and building construction. This is a recent reduction from the three that previously staffed the office. Additionally, one person is trained to answer zoning, code, and planning questions. Twenty-five (25) fire fighters are certified fire safety inspectors. The NYS Uniform Fire Prevention and Building Code recently enacted stricter guidelines for more frequent inspections, which means the City has to increase the man hours devoted to this effort.

With an aged and deteriorating building stock, a large off-campus housing population, and the day-to-day workload facing the Code Enforcement Office, it is important that the Code Office has the resources to undertake their jobs in a timely and efficient manner. As previously mentioned in this Plan, the City is inhabited by a significant lower income population, and challenged by a stagnant economy, which limits the City's ability to raise the taxes needed to hire additional staff, purchase needed equipment, or expand its programs and services. The City's 2010 budget is so challenged, it is considering cuts to all departments which has prompted several employees to retire. These staffing changes could result in a change in the organizational structure of the Fire Department, including the Code Office.

Regardless of any potential changes in the reorganization of the Code Office, there are a number of issues that are a high priority. For example, the implementation of the Rental Permit Law, previously discussed in *Section VI. Housing*, will place greater administrative demands on the Office, as will several of the recommendations of this Plan. The Code Office recently upgraded its property management software, which will greatly assist in this effort, and should help to streamline Code Office operations. Additional technological improvements, such as implementation of a GIS, could further increase efficiencies. Despite these recent technology upgrades, the Code Office also has a large volume of maps, blueprints, (recent blueprints submitted to the department must now be in electronic format), and other paperwork that it must maintain, and which are taking up an inordinate amount of office space. At the present time, the department's paper records are occupying at least 40 four-drawer file cabinets in City Hall, a building where floor and office space is at a premium. Large format maps are being stored at the County/City Records Storage building which makes access and retrieval more difficult. A concerted effort should be made to address backfile conversions for these paper documents in



order to enhance efficient operations, while freeing up valuable floor space in City Hall. (see also Section XV. *Development Management*)



As mentioned, with new and planned code initiatives, resources in the department are stretched. Without the appropriate resources code enforcement, in all likelihood, will continue to be reactive to building code violations rather than proactive. Recent staff changes in the office, including the retirement of the Zoning Officer and promotion of the Director of Code Enforcement, is an opportunity to review the entire code enforcement system to ensure that the highest level of services are provided in the most efficient manner. In reviewing its code enforcement program, the City

should carefully review all options, including maintaining the status quo, separating Code Enforcement from the Fire Department, establishing an intermunicipal code office with neighboring communities, and/or contracting with an outside firm to provide code enforcement. As detailed in Section XV. *Development Management*, it is recommended that the Zoning Officer position be expanded to provide a more comprehensive review of zoning, planning, and site plan review.

Nuisance Property Law

The City has enacted various laws in a reactive manner to address problems in the City, such as the Nuisance Party Law. The City does not, however, have an effective means to address nuisance properties: properties that have continued and repeated building code violations, police calls, and other complaints. Typically a nuisance property arises from a combination of poor tenant behavior and poor oversight and maintenance by the property owner.

A Nuisance Property Law should be developed and adopted in order to provide the City a means to address such properties. Typically, such laws establish a point system, whereby a certain number of points are assigned for code violations, various police calls, crimes, etc. Based on an accumulation of points over a specified period of time, property owners may face penalties ranging from fines to revocation of their Certificate of Occupancy. The law should be carefully drafted so as to not penalize conscientious property owners who may have an occasionally unruly tenant, but to address those properties with a history of continued problems stemming from poor maintenance and management. Consideration should be given to property owners that take proactive measures to address problems, such as initiating the eviction process for problem tenants. The City may want to consider including the Nuisance Party Law as a part of the Nuisance Property Law.



Vacant Buildings Law

Cortland has a number of prominent buildings that have been wholly or partially vacant for a number of years and are in various states of repair. Vacant and abandoned properties contribute to neighborhood blight, degrade property values, detract from their neighborhoods, and present safety concerns. The Code Enforcement Office is limited in its ability to inspect such properties and mandate repair, maintenance, or re-use. The adoption of a vacant buildings law would enhance the ability of the Code Enforcement Office to address such properties while moving toward elimination of visual and structural blight in the City.



A vacant building may be defined as any residential or non-residential building that is not being used or occupied or its use is very limited. The purpose of a vacant building law is to ensure that vacant buildings meet basic standards of maintenance so that they do not detract from neighborhoods, do not pose an undue hazard for firefighters or the general public, that the building is secure from unauthorized entry, and that the interior and exterior of the structure and the yard surrounding it are maintained. Some laws allow boarded windows and doors, while others prohibit them, the latter being recommended in Cortland. Other issues may include fencing, signage, fire/code department access and security. Most vacant building laws use a system of registration or inspection, with fees to identify and monitor vacant or abandoned buildings. Some municipalities impose fees, fines, warnings, and may ultimately demolish the structure. A vacant building law in the City should clearly differentiate between buildings that are truly vacant, and those that may be temporarily vacant while for sale, transitioning between tenants, or being used for storage.

Educational Programs

Another way that the Code Office can become more efficient is to develop an expanded educational program related to Code Enforcement. This could include, but not be limited to, educational brochures for existing and new property owners, information posted on the City's website, and informational workshops sponsored by the Code Office. Building code and other fillable forms could be available via the City's website, lessening the reliance on face-to-face meetings with the Code Officer, and better informing the public on the legal constraints imposed on code offices.

The City must ensure that all Code Enforcement officials are well-trained in order to enforce codes aggressively, fairly, and consistently. Code officials must also be trained to develop and present code enforcement cases to the court system in order to better ensure convictions.



Housing Court

One of the primary issues concerning Code Enforcement in the City is the lack of success in prosecuting violations through the court system. While many of the code violations are addressed by the owner after a cooperative negotiation with the City, when an owner is not cooperative, and all the proper steps have taken place, the matter winds up in City Court. Oftentimes, the Code Office is not successful in securing a conviction and/or stiff penalty for violations. This can result in a non-cooperative owner feeling confident that he or she can continue to disregard code violations. The issues involved with adjudicating housing/zoning/code issues can be complicated and problematic. With the recent enactment of the Rental Permit Law, it is likely that the caseload involving such issues will increase. A Housing Court should be established that would be devoted exclusively to dealing with housing issues, to provide consistency regarding the fines that are levied, and to provide disincentives for repeat offenders. The City may want to partner with other nearby communities, or Cortland County, to make this effort financially feasible. The Village of Homer, for example, is interested in a combined Housing Court. Furthermore, the City's Corporation Counsel should work with Code Enforcement officials to increase their ability to document and present cases in court in order to increase the number of successful convictions.

Fees

To provide disincentives for code violations, and to ensure its fees for such things as building permits are adequate, the City should have a more frequent review of its charges for violations, permits, attorneys' fees, and for the overall review of projects, particularly when additional expertise is needed for adequate review.

GOALS AND IMPLEMENTATION MEASURES

GOAL 58: All properties in the City of Cortland shall be in compliance with all City regulations.

IMPLEMENTATION MEASURES:

- A) Increase the resources available for Code Enforcement, as necessary, to provide proactive Code Enforcement.
- B) Include a comprehensive citizen educational component as part of the Code Enforcement effort.



GOAL 59: Adopt Code Enforcement policies that complement and enhance its Code Enforcement Program.

IMPLEMENTATION MEASURES:

- A) Develop and adopt a Nuisance Property Law that establishes a point system for Code violations and police calls with subsequent municipal enforcement action ranging from fines to revocation of certificate of occupancies for properties reaching a certain number of points over a specified period of time. Develop reasonable steps a landlord can take to address the point system.
- B) Develop and adopt a vacant buildings law that uses financial and other disincentives to discourage property owners from leaving structures in an abandoned state for an extended period and allowing vacant structures to fall into a state of disrepair.
- C) Prohibit demolition by neglect.
- D) Annually conduct a comprehensive review of Code Enforcement policies.
- E) Stricter enforcement of all codes will be the centerpiece of policy changes.
- F) Develop a consistent policy for prosecution of violations.
- G) Study the establishment of a Housing Court and implement with other local governments, if determined feasible.

GOAL 60: Review and update City building code/local laws/policies, including monetary and other penalties for non-compliance, and make changes as needed.

IMPLEMENTATION MEASURES:

- A) Amend or adopt stricter/improved local codes, where necessary.
- B) Review and update penalties for violators of building codes/local laws.
- C) Review building code fee/permit schedules.



GOAL 61: Expand the technological and informational resources of the Code Enforcement Office.

IMPLEMENTATION MEASURES:

- A) Periodically review and update, when necessary and financially feasible, property maintenance and other software, and hardware to provide greater department efficiency and effectiveness.
- B) Provide the resources necessary for Code Officers and staff to continue their education regarding code enforcement issues and technology.
- C) Expand the Zoning Officer position to provide comprehensive review of projects with respect to zoning, site plan review, and overall conformance with the planning goals of the Comprehensive Plan.
- D) Work with the City on completing a City-wide Geographic Information System (GIS) Needs Assessment and subsequently implementing a City-wide GIS as recommended in the Needs Assessment.

