

Code Compliance Division Comprehensive Guide



City of New Braunfels
Code Compliance Department

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Welcome to the City of New Braunfels

The **mission** of the City of New Braunfels Code Compliance Division is to preserve and enhance the community through compliance with the municipal and other codes relevant to protecting the public health, safety, and welfare.

The Code Compliance Division is the act of living within the code outlined by a community. Our **purpose** is to protect property owner investment, promote general health and welfare and enhance the quality of New Braunfels neighborhoods.

Code Compliance's **goal** is to first obtain compliance through education and collaboration, as opposed to focusing on punitive measures such as penalties and fines.

Our **objective** is to gain compliance with our City's codes and regulations, which are intended to enhance and improve the community. Code Enforcement only comes into the picture when someone falls below the standards set by ordinances and codes establishing "code compliance."

Our **values** are integrity, fairness, respect for ourselves and those we serve. Responsibility to our community and to provide excellent customer service.

Introduction

The City of New Braunfels enacts ordinances for the good of the entire City. These ordinances are the official set of laws that govern the community adopted over the years by various city councils. These include rules and regulations that take into consideration the safety and well being of the public.

Code Compliance handles complaints on numerous municipal code regulations ranging from tall grass and weeds, junked vehicles, outside storage of trash/debris to bandit signs, graffiti and zoning violations. (along with other nuisances).

Education

The Code Compliance division strives for voluntary compliance through education. This ensures that the division will make every attempt to bring a violator into compliance with the opportunity to voluntarily correct a violation prior to filling a complaint with the City's Municipal Court.

It is always a goal of the City to resolve a violation as quickly as possible. Often many code violations cases that are caused by city residents and business owners are simply a matter of not knowing City rules and regulations. Education is often considered the first step in prevention. Educating the residents and community and issuing a Notice of Violation many times will resolve the violation and prevent the violation from recurring.

Education is often considered the first step in prevention



"In New Braunfels, Ist das Leben shon!" (Life is good!)

Goals

The primary goals of Code Compliance with regard to objectives are:

1. Elimination of hazardous conditions to our residents and visitors.
2. Protection of property values.
3. Maintain a standard of living.
4. Community enhancement.
5. Protection of rights and freedoms to enjoy the City of New Braunfels where citizens live, work and play.

Requests for Service

Requests for service are responded to using **priority based system**. Conditions which present an immediate, imminent danger are investigated within 24 hours. All other requests are addressed as soon as possible.

The division's goal is to respond to requests within 72 hours and schedule initial follow-up inspections within 15 – 30 days depending on the violation and time given to abate.

Code Compliance Process

Complaints and violations are reported to Code Compliance in a variety of ways:



In person



Telephone



Mail



Online

Summary

Once a complaint is received in our office it is reviewed for appropriateness and adequacy of information. The City of New Braunfels recommends, but does not require reporting party's information. Keep in mind that anonymous complaints prevent staff from obtaining critical detail and information on the subject property as part of the research process, which could possibly prevent our staff from verifying a complaint.

Code compliance violations are not intended to be selective or discriminatory against any one individual, group, area, or business. Alleged code violations are treated equally and investigated by staff as they are reported.

Private Disputes — Residents are urged to establish good relationships with neighbors and work together to solve problems before conflicts arise. In these instances, if neighbor-to-neighbor issues arise staff cannot get involved with civil matters. If the dispute involves a violation of a City code and not a private civil matter, then the City may be brought in to investigate the complaint.

ITEMS NOT ENFORCED

Typical examples of private disputes are:

- HOA's
- Property line disputes between neighbors
- Trees roots causing damage to a private property fence or structure
- Branches overhanging onto private property
- Landlord/tenant disputes
- Nuisance complaints

What happens when code complaints are received?

Complaints are reviewed to see if they are in fact issues that can be address by the Code Compliance Department. Complaints not code-related are referred to the appropriate department or agency.

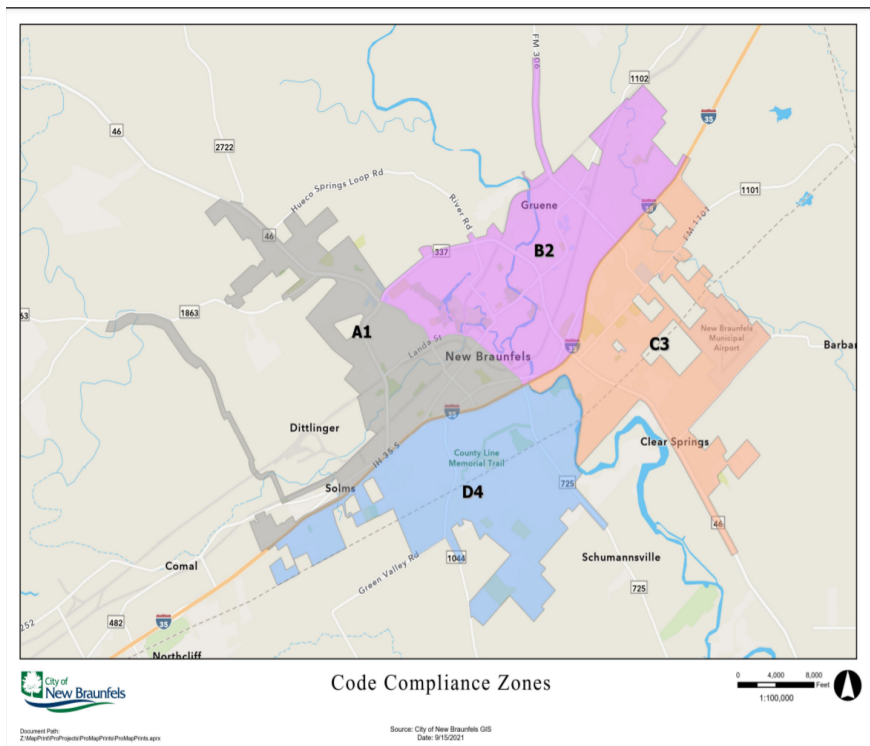
If complaints are Code Compliance related, the requests for service are entered into a database system for tracking and record keeping purposes. A code compliance case is initiated and assigned to the appropriate area officer for initial inspection.

What information must be included in order to process the complaint?

- Name of reporting party (optional)
- Telephone number (optional)
- Physical address
- Email address

Complaints that are not handled by Code Compliance

- ⇒ Animal related (barking dogs, excessive animals) - Animal Control
- ⇒ Drugs/illegal activity - Police Department
- ⇒ Traffic signs/debris in road - Public Works
- ⇒ After hours noise complaints - Police Department
- ⇒ Vehicles on public streets or right-of-way - Police Department



Currently the City is divided into four districts.

Notice of Violation

When a complaint is issued, a Code Compliance officer must first confirm validity of the violation. This often requires research, fact-checking, and a site visit.

When an initial inspection of a property is conducted by a Code Compliance officer and it is found that violations on the subject property exist, a Notice of Violation document is generated for the purpose of:

1. Alerts the responsible party that a violation is on their property
2. The correspondence details, what Municipal Code sections are in violation
3. The corrective actions that need to be taken and the time allotted for the violation to be abated.

What happens if the property owner/occupant complies with the notice before the compliance date is given?

A closing inspection will be conducted by the assigned Code Compliance officer in order to verify the compliance and the case will be closed. No further action will be required to be taken by the property owner/occupant.

What happens if no corrective action is taken?

It is the discretion of the assigned case officer or the supervisor on what action can/should be taken next. The following actions CAN be taken:

- Extension granted - compliance date is pushed out by the assigned case officer (typically done when the property owner/occupant needs more time, or if the PO/occupant is not able to comply due to unforeseen circumstances)
- Final Notice - Allows for additional time for the property Owner/occupant to comply and is provided official documentation which states the compliance date.

- File complaint with City's Municipal Court - requires a property owner or occupant to appear in court to answer to charges of the issued violation
- Abate and place a lien on property - depending on the violation the City may remove the nuisance and record a lien against the property to recover costs and to notify current and any future/potential interested parties.

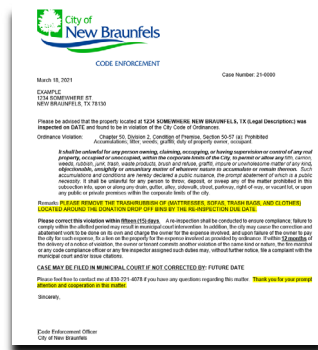
Filling a Municipal Court Complaint

An Municipal Court filing occurs when a property owner, business owner or occupant there continues to violate a portion of the municipal code and can be subject to a fine up to \$2000.00

How are notices given to the violator?

The following ways a notice can be sent are:

- Personal service.
- United States Postal Service (certified and regular mail).
- Posting a notice on the property.



Compliance

Resolutions however, can take weeks, months and sometimes longer depending on the complexity and legal ramifications involved.

Should the complainant have follow-up questions in regards to the complaint that was previous submitted city staff will communicate if the case is closed or open. If the case is open, staff will advise the complainant that the code compliance officer is actively working on a resolution with the violator.

The Code Compliance department has the discretion to not take further enforcement action if diligent progress is made towards obtaining compliance. Such as a specified timeline is agreed upon, or no new violations occur during the processing of a required permit.

Code Compliance Officers are not Peace Officers and cannot issue citations. However, officers have the ability to file complaints with the City's Municipal Court for any property owner who violates a provision of the Municipal Code and upon conviction may be subject to a fine.



Violation Topics

The following is a list of some of the most common issues we deal with on a regular basis.

Outside storage of junk and trash - Property owners shall maintain the property in a safe and sanitary condition, free from conditions that would be hazardous to the health and welfare of the occupants. Property is to be kept free from any conditions which would cause the property to become unsightly, including of any accumulation of garbage, litter or debris which include:

- * Landscape trimmings
- * Grass/weeds that exceeds 12 inches high
- * Overgrown vegetation
- * Construction materials
- * Old furniture, furniture parts
- * Abandoned/neglected equipment
- * Auto parts/scrap metal
- * Household fixtures/appliances



Graffiti abatement - Graffiti can be unsightly and detrimental to neighborhoods. Graffiti or defacement must be removed and clean of all visible markings.

Green pools - Pools and bodies of water need to be maintained in a healthy and usable condition. Free of standing/stagnant water or conditions that promote insect infestation or deterioration.



Parking house cars - Recreational vehicle or any vehicle **cannot** be used for human habitation. All vehicles must be stored in an area designated on your property for vehicle storage. This may include any area that is an improved surface, such as your driveway.

Tall grass and weeds - Any overgrown vegetation over 12 inches high in the front, back or side yards. Residents must maintain their yards all year long.

Sight Distance - Any visibility obstruction that constitutes a driving and pedestrian hazard a “sight triangle” will be observed at all street intersections, ally, and driveway intersections with streets. Within the sight triangle no landscape material or wall may obstruct between the height of two and one half feet and seven feet above the street. All bushes must be trimmed a minimum of 48 inches back from the curb.

Bandit signs - Bandit signs are declared to be abandoned trash and clutter. Bandit signs are any sign that is attached to a utility pole, street sign, traffic control box, or placed in the public right-of-way (ROW). Removing these signs help improve the appearance of our community by reducing bandit signs.

Junk and abandoned vehicles - Inoperable, wrecked or dismantled vehicles cannot be openly parked or stored on any public visibility premises. Such vehicles must be stored in a garage or other permitted structure designed for that purpose.

Dismantled vehicle (a vehicle which is missing an engine, transmission, or other parts necessary for the vehicle to be safely operated on a highway).

Wrecked vehicle (a vehicle which has sustained body damage sufficient to prohibit its ability to be safely operated on a highway).

Inoperable vehicle (a vehicle which is incapable of being operated)
Note: unless it is obvious in the photograph, it is necessary to note under the Vehicle Condition what assisted you in making your determination, such as flat tires, missing battery or other engine components.

Yard/Garage Sales - Yard/Garage sales are limited to two (2) per a year and the sales will not last more than five consecutive days. Sales shall not be held within six months of each other



Reduce Your Risk of a Code Violation

Property

- Maintain your property in a clean, orderly fashion.
- Keep lawns regularly mowed and clear of any accumulation of trash, junk and debris.
- Schedule a special collection pick up for large bulk items
- Establish a good relationship with your neighbors and work together to solve issues before any conflicts arise.

Vehicles

- Maintain your vehicles in proper operating condition with inflated tires.
- Do not store junk, trash or debris in or around the vehicle.
- Do not let weeds grow up around vehicle.
- Non-operable vehicles must be fully enclosed on private property and out of public view.



Closing Thoughts

Code Compliance Departmental staff work diligently each and every-day resolving disputes, complaints, issues, and violations. They flex their hours at times to address issues that may be occurring over the weekends. They are attending City and professional organization meetings. They are in the community creating relationships and increasing their personal contact with as many individuals and groups possible. Our neighborhoods are where we work and live. They are an extension of our homes and, just as we take care of our homes we also need to take care of our neighborhoods. Working together The Code Compliance Division is proud to serve and continue to make the City of New Braunfels a **BEST** place to live.