

Code Compliance Strategic Guide



**A Guide for Preventing, Resolving and Enforcing Violations of the
Town of Fuquay-Varina Municipal Code.**

November 2020

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Introduction

Introduction to the Town of Fuquay-Varina Code Compliance Division

A service unit of the Town of Fuquay-Varina's Planning Department

The Town of Fuquay-Varina Code Compliance Officers work with citizens and business owners to ensure compliance with the Town's ordinances. Minimum standards apply to things such as housing, overgrowth of vegetation, stored vehicles and illegal signs. Ensuring the minimum standards are met protects the health, safety and welfare of the Town of Fuquay-Varina's residents, business owners and visitors.

Purpose

The Code Compliance Strategic Guide was created with three primary objectives in mind:

1. To establish outreach, education, and open communication with the community so that property owners and local businesses understand the regulations and expectations of the ordinance.
2. To ensure that all property owners are treated equally and fairly by establishing a clear and defined path to code violation resolution.
3. To create an efficient and manageable database of code violation cases.

These goals will be achieved by clearly outlining the process for resolving specific types of code violations. The Strategic Guide also details practical strategies to prevent code violations, tools the Town may use in order to achieve compliance and policies that direct day-to-day decision making within the Code Compliance Division. Overall, the Strategic Guide aims to create a clear and logical guide for property owners while defining the parameters of the Code Compliance Program.

Contents of the Strategic Guide

The Strategic Guide is broken down into five sections: Framework Documents, Prevention Strategies, Compliance Schedule, Maximum Resolution Time Allotment and Compliance Tools.

Section 1: Framework Documents

- a. The Code Violation Table is an easy-to-read chart, which displays the various types of Municipal Code Violations.
- b. The Status Types and Description List outlines the different stages of code compliance cases.

Both documents allow the Code Compliance Officers to sort code cases in a manageable database.

Section 2: Prevention Strategies

This section outlines several practical steps the Town will take to prevent code violations and/or increase the likelihood the cases will be resolved in a timely manner. Strategies include a new homebuyer packet and outreach program, a new business packet and outreach program and a developer packet and outreach program. In addition to handing out or emailing packets, these will also be available on the Code Compliance web page on the Town of Fuquay-Varina web site. The dedicated Code Compliance page on the Town's website will help citizens become familiar with what constitutes a violation and give them a convenient location to file a complaint. There will also be maintained, a database of Rental Property Managers to expedite the resolution of violation cases involving rental properties. Public Service Announcements will also be utilized to help to get the word out about seasonal violations, such as grass, and services offered by the Town that relate to possible violations, such as bulky item pickup.

Section 3: Compliance Schedule

The compliance schedule outlines the recommended timing of enforcement for all Municipal Code Violations. This includes when the property owner will receive notice of a violation, when they will receive a fine and when they should expect further action. It is important to note that when a property owner abides by the timeline outlined in the Maximum Resolution Time Allotment Table, the compliance tools will not be utilized. The Compliance Schedule consists of the Compliance Schedule and the Compliance Schedule Flow Chart. Code Compliance Officers may use discretion to lengthen or shorten the resolution schedule as individual situations dictate in relation to public safety and/or the violator's genuine efforts to compliance.

Section 4: Maximum Resolution Time Allotment

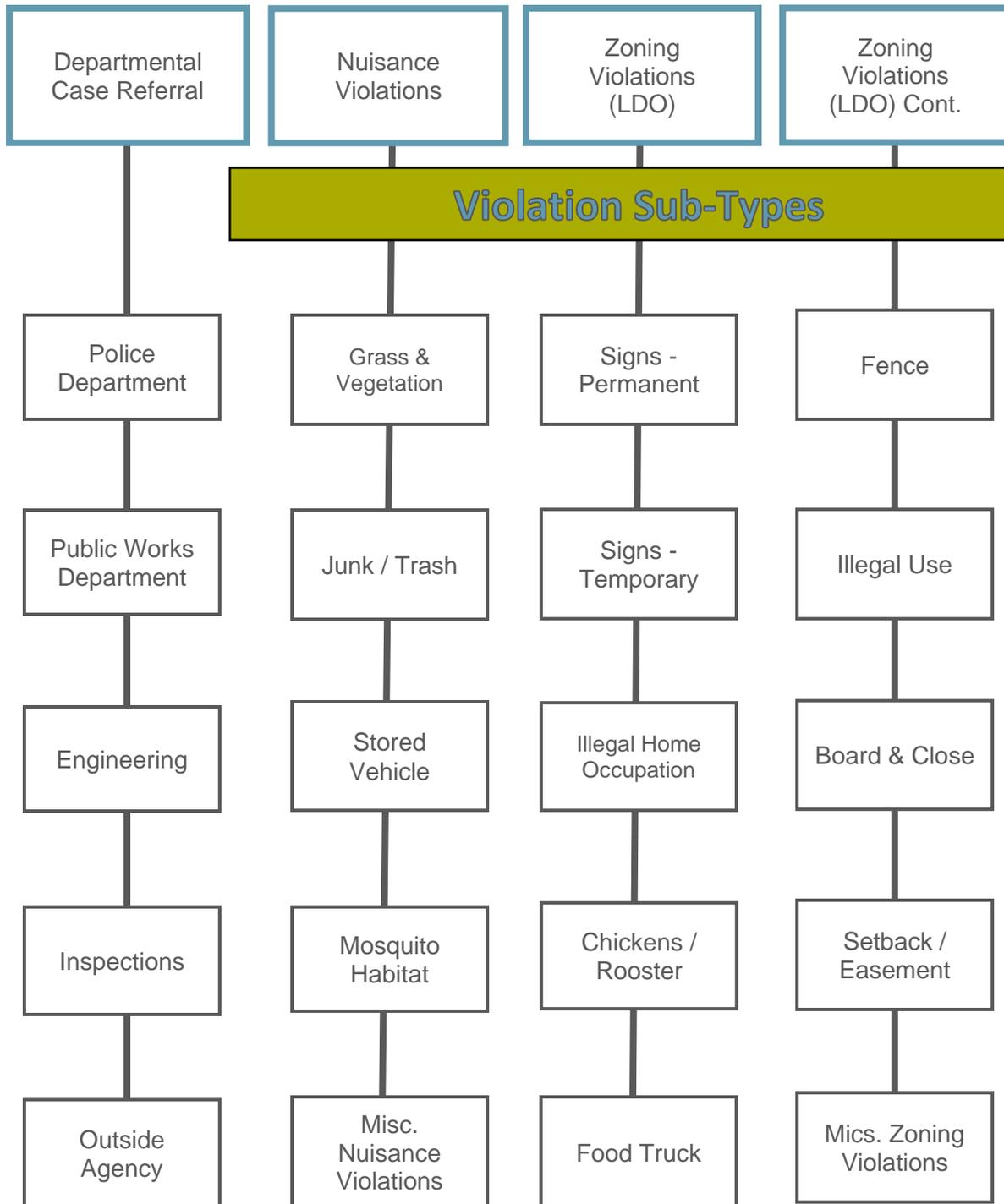
For each category of violation found within the Code Violation Table, a matching maximum resolution time has been identified. The resolution time sets an overall timeline for resolving the code compliance case. If the property owner abides by the maximum time allotment, they can avoid fines and other action being taken by the Town.

Section 5: Compliance Tools

It is always the goal of the Town to resolve a Municipal Code violation as quickly and efficiently as possible. While immediate termination of a code violation is the best way to resolve a violation, following a resolution agreement should also lead to compliance. In the event neither path is chosen, the Town must have the necessary tools in place to enforce the Municipal code. This section outlines what those tools are, and the process to implement the available tools. Examples of compliance tools are a notice of violation, a fine or a lien on the property.

Section 1. The Framework Documents

Code Violation Table



Status Types and Description List

Status Type	Description
Complaint	When the Code Compliance Division receives a complaint, the case will be entered into the Code Compliance database.
Verbal or written warning	When the Code Compliance Officer observes a violation, an informal verbal or written warning may be the first method of resolution. The warning will be documented in the Code Compliance database.
Notice of Violation (N.O.V)	When a Code Compliance Officer conducts a site inspection and confirms a violation exists, a Notice of Violation (N.O.V.) will be issued to the property owner and/or responsible party. The N.O.V. will be documented in the Code Compliance database.
Resolution Agreement	Most non-nuisance cases are resolved through resolution agreements, which allow for a reasonable amount of time to bring a property into compliance.
72 Hour Notice of Citation	When a property owner does not respond to the N.O.V., does not comply with the resolution plan or has a repeat violation, a 72 Hour Notice of Citation will be issued.
City Attorney	For certain cases, the advice of the city attorney is required. Other cases require city attorney action because the property owner is not responding to Code Compliance staff.

Interdepartmental Referral	A majority of non-nuisance related code compliance cases require the property owner to obtain permits or direction from other Town of Fuquay-Varina Departments to achieve compliance. Please note the code compliance case will not be closed until all aspects of the case are resolved.
Public Works Referral	For cases that require Town abatement, the case will be referred to the Public Works Department. Once the violation is abated, the case will be referred back to Code Compliance for completion.
Outside Agency Referral	There are certain types of code compliance cases that require the assistance of agencies outside the Town of Fuquay-Varina (e.g. Wake County Health Department). The database will indicate when the code compliance case is awaiting a determination from an outside agency.
Case Closed – No Merit	For cases where the Town receives a complaint, and the Code Compliance Officer cannot verify the violation or find the violation(s) do not exist.
Case Closed – Resolved	For cases where the property owner has taken all the necessary steps and the violation no longer exists.

Section 2. Prevention Strategies

Prevention Strategies

Town of Fuquay-Varina Homeowner Packet and Outreach Program

The New Homebuyer Packet will consist of the Home Occupation User Guide and the Backyard Chicken User Guide in both English and Spanish. There will be a list of useful contacts for Town Services including bulk pick-up. The packet will also include a guide to avoiding common residential code violations and the associated Town Regulations.

Town of Fuquay-Varina Business Owner Packet and Outreach Program

The New Business Packet will consist of the Commercial Sign Regulations User Guide and a guide to avoiding common commercial code violations and the associated Town Regulations.

Town of Fuquay-Varina Contractor Packet and Outreach Program

The New Development Packet will consist of the Commercial Sign Regulations User Guide and a guide to avoiding common development code violations with the associated Town Regulations.

Rental Property Managers List

A list of Rental Property Managers will be compiled and maintained to facilitate a more rapid resolution in code violation cases. The list will be used to allow quicker contact with the person most likely to facilitate a quick and permanent resolution for properties with out-of-town owners.

Public Service Announcements

Code Compliance related announcements and seasonal reminders will be included in the monthly Focus on Fuquay newsletter that is mailed and emailed with the water bills as well as on Town's social media posts. There will also be a dedicated page on the Town's website for Code Compliance complete with a complaint and contact form.

Code Compliance Web Page

There will be a dedicated Code Compliance web page on the Town of Fuquay-Varina's website that will be available to both citizens and local businesses. This web page will outline exactly what constitutes a violation in the Town of Fuquay-Varina and how to avoid them. Each violation section will be accompanied by the official Town Code and photo examples to facilitate a better understanding. There will also be links to Town services that may be used to help avoid a violation. Also available on this page will be easy access to the complaint form, used to submit a complaint. The process for Code Compliance violations will be outlined and used to help citizens understand what happens, and when, if they have received an official Town violation. This page will be updated routinely.

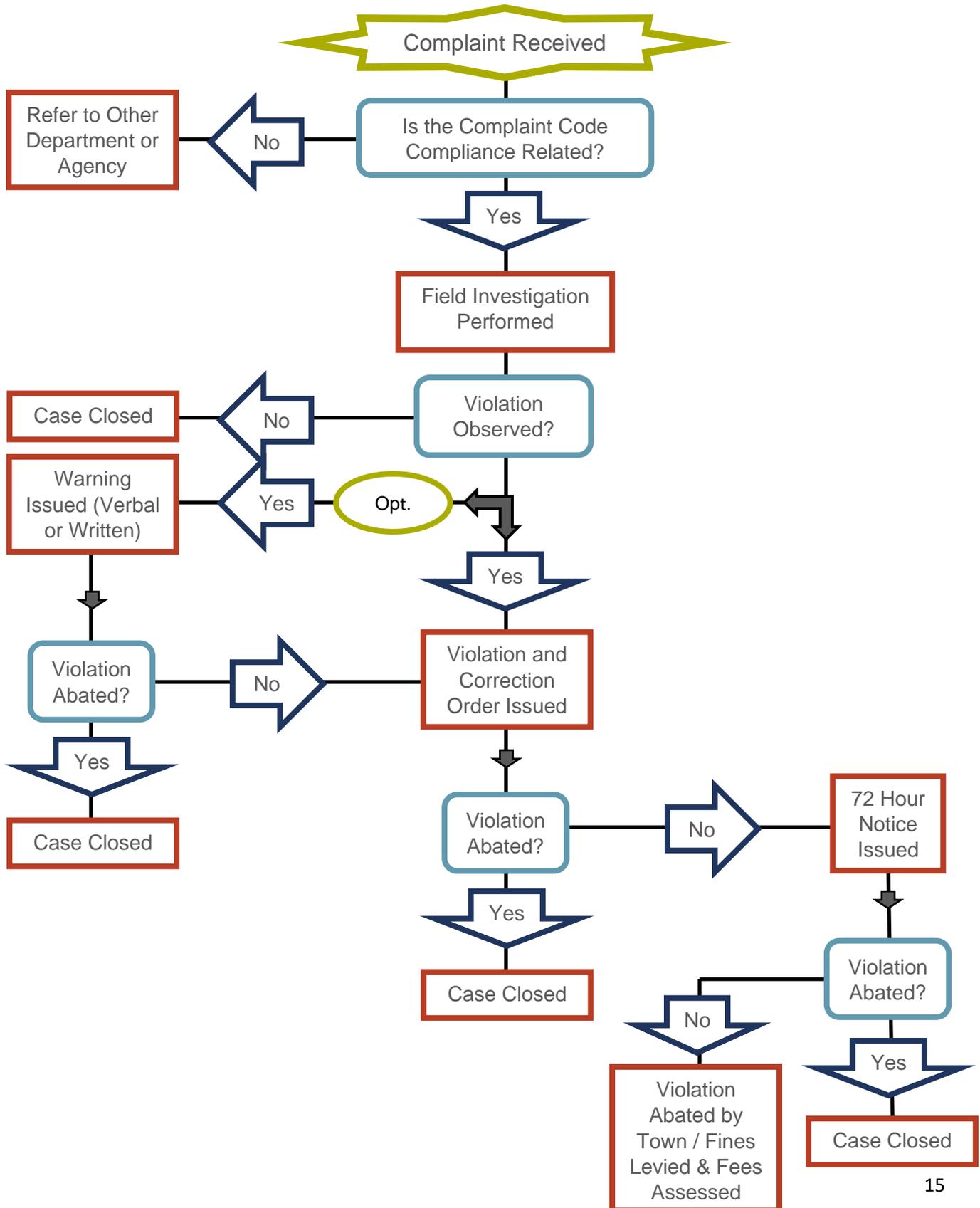
Section 3. Compliance Schedule

Compliance Schedule

Field Investigation	A field investigation with photo documentation, if necessary, will be performed within three (3) days of the receipt of a complaint.
Verbal or Written Warning	At the Code Compliance Officer's discretion, a verbal or written warning may be issued. This warning allows 10 days to contact the Planning Department and discuss the violation and enter into a resolution agreement. If the warning is mailed, a three (3) day grace period is added to account for mail transit times. This warning, if utilized, shall be issued within two (2) days of completing the field investigation.
Notice of Violation (NOV)	Within two (2) days of completing the field investigation, or within two (2) days of the expiration of the verbal or written warning, the Official NOV shall be issued. An NOV can be mailed, hand delivered or issued via electronic mail. Regardless of the delivery type chosen, an additional copy of the same notice shall be sent via Certified Mail, at the same time. If the NOV is mailed, a three (3) day grace period is added to account for mail transit times. Depending on the type of violation, the NOV may allow either 10 days (nuisance violations) or 15 days (zoning violations) to contact the Planning Department to discuss the violation and enter into a resolution plan.

72 Hour Notice of Citation	If no response is received within the allotted time on the NOV and no abatement has been enacted, the 72 Hour Notice of Citation will be issued within two (2) days of the expiration of the NOV's deadline. An NOV can be mailed, hand delivered or issued via electronic mail. Regardless of the delivery type chosen, an additional copy of the same notice shall be sent via Certified Mail, at the same time. If the notice is mailed, a three (3) day grace period to account for mail transit times will be added. The 72 Hour Notice of Citation allows 72 hours to contact the Planning Department to discuss the violation and enter into a resolution plan.
Town Resolution	Once the 72 Hour Notice of Citation has expired, there are two choices for Town enforcement. The Town may either abate the violation, such as in the case of a grass violation, or fines may be levied, such as in the case of an illegal home occupation. The fines are \$100 per day per violation. Each day constituting a separate and distinct violation. Once either of these two solutions are used, the accompanying fees or fines will be billed to the property owner. If the fees or fines are not paid in the required time, they will be assessed to the property with the Wake County Tax Office for collection as taxes.

Compliance Action Flow Chart



Section 4. Maximum Resolution Time Allotment

Maximum Resolution Time Allotment Table

Grass and Vegetation	10 Days
Junk/Trash	10 Days
Stored Vehicle	15 Days
Mosquito Habitat	60 Days

Zoning Violations	Maximum timeframe
Signs – Permanent	30 Days
Signs – Temporary	3 Days
Illegal Home Occupation	60 Days
Chickens / Roosters	30 Days
Food Trucks	15 Days
Fences	60 Days
Illegal Use	60 Days
Board and Close	60 Days
Setback / Easement	90 Days
Misc. Zoning Code	N/A

The timeframes shown above are suggested maximum timeframes, which may be modified by the Code Compliance Officer for specific situations after approval by the Planning Director.

Section 5. Compliance Tools

Compliance Tools

- **Warning (Verbal or Written)**

The warning, delivered through either verbal communication or a mailed letter, lets the property or business owner know that a violation of the Town's regulations has been found. The warning is used to present a softer and perhaps more personal approach to gain a quicker resolution while not giving the citizen the impression that the Town is too harsh. This warning is optional and at the discretion of the Code Compliance Officer. The warning is not to be used on cases where a resolution is not likely to be quick as it would allow more time before compliance tools could be utilized. The warning gives the violator 10 days to contact the Town to discuss the violation and enter into a resolution agreement or correct the violation.
- **Notice of Violation and Correction Order (NOV)**

The Notice of Violation and Correction Order, or NOV, is a more direct way to inform the property or business owner that they are in violation of at least one of the Town's Code of Ordinances. This violation gives the violator between 10 and 15 days, depending on the violation, to respond to the letter and contact the Town to discuss the offense and enter into a resolution agreement or correct the violation. The NOV shall outline the Town Code that is being violated as well as the time to contact the Town. The NOV can be either mailed and/or posted on the property.
- **72 Hour Notice of Citation**

The 72 Hour Notice of Citation is the final step before Town abatement and/or fines. The 72 Hour Notice, as the name implies, gives the property or business owner 72 hours to contact the Town to discuss the violation and enter into a resolution agreement. The 72 Hour Notice will spell out the Town Regulations that are being violated and will explain the fines and/or Town resolution that will commence at the expiration of the notice. The 72 Hour Notice can be either mailed and/or posted on the property.
- **Town Abatement**

Once the 72 Hour Notice has expired and no contact or abatement has been achieved, or if the resolution agreement expires, the Town can go onto the property and abate the violation. The Town will then bill the property owner for all incurred cost associated with the Town abatement, including materials, equipment usage and man hours. The property owner will have 30 days to remit payment to the Town for these fees.

- **Fines (\$100 per day)**

If a fine is levied, the amount is \$100 per day per violation. Each day constituting a separate and distinct violation. These fines shall be presented to the Town Board on a monthly basis and with Town Board approval, be filed as a lien on the property as outlined below.

- **Property Assessments**

If the property or business owner does not remit payment for the Town abatement fees or any fines levied for non-abatement within the 30 days allowed the case to file a lien shall be presented to the Town Board. Once the Town Board approves the lien, the Code Compliance Officer shall go to the Wake County Register of Deeds and file a lien on the property so the monies can be collected as a tax. The fee to file with the Wake County Register of Deeds shall be added to the lien.