

Code Enforcement Section, Development Services Department

Message from our Assistant Director

We had a great FY 2015, not only hitting all of our performance targets, but far exceeding them. Code Enforcement (CE) handled more than 85,000 cases total — **that's 38,000 more than last fiscal year.** Better yet, we achieved a compliance rate of 96% within 45 days. Our Code Officers have a proactive rate of 79%, meaning that only 21% of the cases we addressed this past fiscal year were actually generated by customer complaints, and our response to Tier 1 and Tier 2 cases is averaging 1.6 days. Our Graffiti Abatement Team abated almost 36,000 sites, an increase of 13,000 from last year. Last, but by no means least, we collected 119,186 bandit signs throughout San Antonio. Our goal, no matter what we do, is the safety of our residents.

Citizens have voiced they want more weekend presence and less bandit signs. This upcoming year will see some operational improvements with the addition of three code enforcement officers. Thank you for supporting and partnering with us. **It's this partnership that guides our processes and operational enhancements to better serve the residents of San Antonio.** We look forward to continuing this collaboration in 2016.

A common question, if not the most common, is **why is it taking so long for CE to address this?** The short answer is: **all citizens have the right to "Due Process."** The article goes into more detail that will provide insight into this means.

In this issue we have a guest writer, San Antonio Fire Department (SAFD) Chief **Brian Garret O'Neill.** His article talks about low hanging tree limbs and the dangers they pose to SAFD.



Michael Shannon, PE, CBO
Assistant Director-Field Services
Code Enforcement & Building
Inspections

All of us at Code Enforcement wish you and your family a happy and safe holiday season. As a reminder, the City of San Antonio will be observing the following holidays:

- **Thanksgiving:** Nov. 26-27
- **Winter Holiday:** Dec. 24-25, 28
- **New Year's:** Dec. 31-Jan. 1

Note: we'll be open Dec. 29 and 30.

If you have any compliance issues, let us know:

- Call 311
- Download the free "311" app onto your smart phone
- Visit our website at www.sanantonio.gov/ces and click on "Report a Violation" icon on right

Please continue to send your comments, ideas and suggestions to us at:

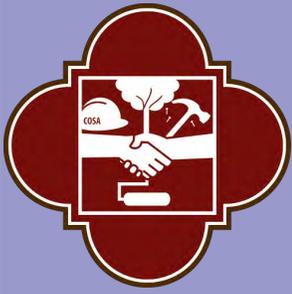
CodeConnection@sanantonio.gov

Best Regards,

Mike

Code Connection

"Partnering with our Community to build and maintain a safer San Antonio"



Contact Us

Cliff Morton Development & Business Services Center
1901 S. Alamo
San Antonio, Texas 78204

Hours: Monday – Friday
7:45 a.m. - 4:30 p.m.

To report Code Compliance issues call 311 or download City's "311" Phone App.

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Why Does It Take So Long? - Martin Ruiz

Do you ever get frustrated at how long it takes to remove a junk vehicle? Get a property cleaned? We know too well your concerns and are diligent about progressing a case with compliance in mind. Something not always known is what is happening behind the scenes. Every citizen has legal rights including appealing notices of violation, disputing a charge in court and securing compliance agreements within the legal system. These checks and balances help us meet our performance levels like proactive rate, response times and the compliance rate -- all issues the community voiced were important. Code Enforcement (CE) is committed to one goal, safety through compliance!

We must abide by the same legal standards as **any criminal investigator. It's the due process of law** that gives the constitutional right protecting citizens from unreasonable searches and seizures, as well as trial by judge or jury in criminal proceedings. Due Process allows a person to be informed of a notice of violation for potential infractions of the law wherever applicable.

What does this mean? Well, quite simply, it means that a person has a right to confront his accusers, dispute charges and work within the legal system - even as a property potentially remains in violation while a case navigates through the legal system. This could translate to a few weeks, or potentially years.

There're two legal enforcement standards we have: criminal and civil. CE leverages all resources in the interest of gaining compliance.

A **criminal case** typically is a class "C" misdemeanor reaching a fine of up to \$2000 plus a criminal conviction, unless deferred adjudication is granted by the court. Cases may take up to five months for an accused party to make an initial appearance in court, known as the arraignment. There, they have the opportunity to make a plea or set the issue for trial. A conviction here only means a citizen has been found guilty and fined.

There's no order to comply, but a finding. The City can then re-file the case to gain compliance. A case must be proven beyond a reasonable doubt.

A **civil case**, however, may be heard before the

Administrative Hearing Officer (AHO), Building Standards Board (BSB) or District Court. These cases need only meet a preponderance of evidence threshold, or lower burdens than criminal courts. Each of these civil bodies has progressive punitive authority. **There's no set order on where a civil case should be filed.** Our easiest and quickest tool is an AHO hearing that occurs in as little as 10 days, has escalating penalties up to \$1000 but no criminal conviction. Because of the speed of these trials, the AHO will often hold a hearing to allow a violator to come into compliance and potentially lower the penalty amount.

The BSB is the second option. Here, the Board has authority to hear violations of the San Antonio Property Maintenance Code and to order a distressed property demolished. Fines for these may range up to \$1000. A demolition, however, will always be the option of last resort and may often involve delays if a property owner appeals the decision.

The third civil enforcement tool is District Court. Few cases are brought here because most comply at notification or through the lower courts. In District Court, a Judge may order a violator to come into compliance and can hold that person in contempt of court if they **don't abide by the order, a serious offense where a person may be taken into custody for disobeying the judge's order. It's also here where BSB appeals are heard** and where the City often looks for enforcement mechanisms for those properties having a habitual history of criminal and civil action from lower courts, where often a property owner has ignored their rulings. All other avenues need to be exhausted prior to filing in District Court, so it can take a year or more before a case is heard.

This is only a brief overview of what occurs after violations are issued. Our goal is always to achieve **compliance, always mindful of the property owner's right to due process. We're in this together, and it's through this partnership that we've reached a 95% compliance rate of within 45 days.** We strive as you, for quicker compliance.

Martin Ruiz is a Code Enforcement Manager. He has been with the city 16 years. Martin has a background in Criminal Justice and is also a veteran of the United States Air Force.

The Hazards of Low Hanging Tree Limbs - Chief Brian Garret O'Neill, SAFD

Trees located close to roadways create numerous hazards for drivers. The potential for collision is obvious, as is the inherent issue of visual obstruction. Less obvious is the problem of low hanging limbs and because most vehicles are unaffected, it is often overlooked.



Low hanging tree limbs can be a significant hazard to large trucks, particularly to equipment

used by the Fire Department. While tree limb maintenance of high traveled roadways is common, less traveled ones tend to be neglected.

According to the Federal Highway Administration (FHWA), trees located on roads with higher volumes of large trucks are trimmed by default. This means the truck traffic itself maintains the limb height by trimming the branches of the small trees as they drive by. It is a situation that should be avoided, but **where "default trimming" does not happen and trees are not trimmed in a timely manner, the limbs may grow large enough to create an overhead object hazard that can cause a significant amount of property damage to the tree and the truck.**

Fire Apparatus serve every roadway in the City. As such, they are likely to travel roadways that are less common for large trucks. Compounding the problem is the issue of emergency response. Firefighters respond to emergencies at all times of the day and night, as well as in any weather condition. A night time response to an infrequently traveled roadway is a recipe for collision with a low hanging tree limb. Heavy rain can obscure the drivers vision, particularly overhead and will cause limbs to hang lower than normal, creating a greater potential for collision. As a result, Fire Apparatus accidents with low hanging tree limbs are common.

Fortunately, the San Antonio Fire Department (SAFD) has taken steps to protect its Firefighters and trucks from the hazards caused by low hanging tree limbs. Periodically, San Antonio Firefighters will

drive their respective response districts to identify low hanging limb hazards. This proactive approach has reduced the number of tree-limb related accidents. For the SAFD, the time taken to identify tree limb hazards is an important and worthy task. However, with a city the size of San Antonio, the department no doubt needs assistance with this matter. Hitting a low hanging tree limb on the way to an emergency call is not the way to learn of its existence.

Citizens can help reduce the hazard for Firefighters by maintaining trees that are on their property. According to City of San Antonio Ordinance, Section 29-10:

It shall be the duty of the occupant, owner or agent of every premises in the city to keep all trees and shrubs on his premises well trimmed so that they will not overhang the sidewalks or streets in such manner as to interfere with free passage over the same.

Obviously, not all roadside trees are on private property. If you are aware of areas in the City where tree limbs may need trimming please call 311, an easy-to-remember telephone number for City service requests.

Brian Garret O'Neill is the San Antonio Fire Department Safety Division Chief. He has 14 years of service and is a 3rd generation San Antonio Firefighter

"A night time response to an infrequently traveled roadway is a recipe for collision with a low hanging tree limb."



"Partnering with our Community to build and maintain a safer San Antonio"

Did You Know...

Effective Jan. 1, 2016, homes using an alleyway longer than 10 lots in length to access a rear garage, carport or driveway will be required to have address numbers in **the rear of the property along the alley (Sec. 304.3)**. To see San Antonio's Property Maintenance Code, visit sanantonio.gov/dsd/codes.asp . For all of San Antonio's Codes, go to: www.municode.com/library/TX/San_Antonio

Performance Measures — September/October 2015

We want you to know what we are doing! Our main goals are to be more proactive and to gain quicker compliance. These performance measures track our level and effectiveness of our service for Tier I and II issues. **Tier I** includes key health and safety issues, such as high weeds, trash, unsecure structures, visual obstructions. **Tier II** encompasses building maintenance and zoning.

	SEPT.	FY 2015 TOTAL	OCT.	FY 2016 (FY = Oct. 2015 - Sept. 2016)
Cases initiated by Code Officers (Proactive)	7,125	58,651	5,736	5,736
Cases initiated through complaints/calls (Reactive)	1,476	15,918	1,271	1,271
Pro-activity Rate (Goal of 50%)	81%	79%	80%	80%
Response Time—Tier I (Goal of 2 business days)	1.4	1.5	1.2	1.2
Response Time—Tier II (Goal of 6 business days)	1.8	1.7	1.7	1.7
Compliance Rate (Goal of 90%)	96%	95%	96%	96%
Graffiti locations abated	6,009	35,898	5,173	5,173
Square footage of Graffiti Abated (Goal of 3.6 million)	442,952	3,626,137	472,989	472,989

Graffiti Corner

To celebrate National Code Compliance Month, our Graffiti Abatement Program team reached out to elementary students throughout San Antonio and read ***Graffiti in Tahiti***, a children's book that discusses peer pressure that can lead to graffiti. In partnership with San Antonio Police Department (SAPD) and Park Police officers, we reached 7,049 youth and adults who, thanks to the tale of Bert and Tom, now know the foibles of doing graffiti, the difference between art and graffiti, and how to report it. This educational and informative book, is available for check-out at all City of San Antonio libraries.

To find out the location of a library near you, or to report graffiti, call 311. **If your child's school would like to request a presentation**, please contact Lisa McKenzie at lisa.mckenzie@sanantonio.gov.



Our partners in preventing crime Officers Gonzalez and Barrera Jr., at Mary Michael Elementary.

Cliff Morton Development & Business Services Center
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We're on the web!
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What You're Saying

"NCTONA's grateful thanks to David Simpson, North Sector Code Enforcement Supervisor, for sending round a City crew to scoop up the pile of debris on the bridge at Delachaise. We are most appreciative. This demonstrates the close partnership we've developed between DSD and the North Central Thousand Oaks Neighborhood Association to our mutual benefit. **Warm wishes always!**" - *Larry (and the full NCTONA board)*

"I am writing to give KUDOS to Officer Rene S. Campos. He must have one of the toughest jobs in the City as a Code Enforcement Zoning Officer. He had the responsibility to tell me that I needed to clear some brush from my land and limbs from my trees to provide a clear line-of-sight for vehicles turning at my corner. I wish you to know that Rene was both pleasant and professional, and represented the City in the highest and best manner!

After I had completed my task and let him know, he quickly reviewed the location and professionally showed me what else I needed to accomplish. What could have been a confrontational or uncomfortable situation for one or both of us was handled very, very well, and I wanted to let you know that I most appreciate Mr. Campos style, tone, and interpersonal skills. Well deserved KUDOS." - *Resident*

