

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	*				
#ADDITIONAL FTE POSITIONS (CUMULATIVE					

Is Item Included in Current Budget? Yes ___ No ___
 Is this item using Federal Funds? Yes ___ No ___
 Is this item using State Funds? Yes ___ No ___

Budget Account No:
 Fund Dept Unit

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There are no fiscal impacts at this time.

C. Departmental Fiscal Review:

[Signature]

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature]
 OFMB 4/8/24
 4/8/24

[Signature]
 Contract Dev. & Control 4/8/24
 4/8/24

B. Legal Sufficiency

[Signature]
 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)



PALM BEACH COUNTY PLANNING, ZONING, & BUILDING DEPARTMENT'S

CODE ENFORCEMENT DIVISION

PRESENTS

Comprehensive Code Enforcement Policies & Procedures & Tools to Aid in the Enforcement of the County Codes

Whitney Carroll, Executive Director PZB
Cindy Hoskin, Deputy Executive Director PZB
Michele Pagan, Code Enforcement Director
Richard Torrance, Code Enforcement Manager



This workshop item before the Board of County Commissioners (BCC) is focused on the Planning, Zoning and Building Department's (PZB), Code Enforcement's (Division) comprehensive inspection policy as well as additional compliance initiatives and tools to encourage timely compliance.

March 23, 2023, staff provided an extensive presentation to the BCC providing the Code Enforcement Division's history, background, certifications, and overall operations.

- This presentation is meant to build on that information and address the specific areas identified by the BCC

September 28, 2023, the BCC directed Staff to review and bring back information regarding the Division's comprehensive investigation policy.

January 4, 2024, the BCC further directed Staff to review and bring back information regarding methods to aid the Division's effort to obtain timely compliance with the Palm Beach County's (County) codes.



Order of Presentation

1. Comprehensive Policies

- a. Current Comprehensive Investigation Policy
- b. Future Comprehensive Inspection Policy

2. Compliance Initiatives & Information

- a. Customer Assistance Team (“CAT”)
- b. Organized Geographical Outreach Efforts
- c. Restructuring and simplifying the Notices of Violation
- d. Restructuring (additional) compliance/enforcement officers
- e. Internal Fine Reduction Process (Within 30 days of preparation for lien recordation)
- f. Pursuing Cease and Desist Orders and Issuing Cease and Desist Demands
- g. Pursuing Injunctive Relief for Egregious Cases
- h. New Technology
 1. Introduction of Body Worn Camera (“BWC”) Program
 2. Decibel Meters (new technology to aid in the enforcement of noise complaints/violations)
- i. Discussion about renaming Code Enforcement to Code Compliance Division



EXAMPLES OF SOME VIOLATIONS



Comprehensive Policies



Review Current Policy/Procedures

- **Complaint Received**
 - Up front investigations prior to conducting an on site inspection CEO (Regardless of the nature of the complaint):
 - Researches property ownership through PAPA
 - Checks ePZB system to determine whether a current code violation case exists on the property
 - Researches all permits ever issued for the property
 - Reviews aerial *and pictometry* in GeoNav to see if any violations can be observed in comparison with permit records
 - Uploads results of research into the case file
 - Contacts the complainant and conducts on-site inspection checking for all possible violations.

Goal After Review: Improve Complaint Response Times; Improve Relationship Between Code Enforcement and the Community

Future Policy/Procedures

- **Complaint Received**
 - Focused up front investigations prior to conducting an on site inspection CEO:
 - Researches property ownership through PAPA
 - Checks ePZB system to determine whether a current code violation case exists on the property
 - Reviews aerial – to get an idea of the neighborhood and property location
 - Contacts the complainant and conducts on-site comprehensive inspection *focusing on the complaint alleged and any violations observed during inspection.*
- **Outcome**
 - CEO addresses initial complaint and any observed violation within sight from inspection vantage point.



Customer Assistance Team “C.A.T”

PZB is proposing to create a Customer Assistance Team (CAT)

This program is in the *development phase* and will require additional analysis to finalize details and set the program parameters.

- The CAT Team is intended to provide a customer focused central point of contact to assist with small projects and with working toward code compliance
- The expectation is that most customers will utilize this service to address Code Enforcement cases but the service will not be limited to correcting code violations
- Customers would be assisted in areas where they may be unfamiliar such as: construction regulations, land use requirements and the permitting process
- The CAT Team will help customers navigate through the various processes **at no additional cost**

How will the service be provided?

- Services will be available in person, over the phone, virtually, or via email (once chat is developed this will also be an option).

Who is eligible to receive this service?

- Property owners needing assistance with small projects or code compliance resolution



Organized Geographical Outreach Efforts

- **Goal:** Educate and engage community in a positive way
- **Goal:** Improvement of Response Times
- **What Would This Look Like:**
 - During a regular inspection route, a CEO identifies a code concern throughout a geographic area and notifies his/her supervisor (i.e., properties in disrepair/maintenance, etc.
 - Supervisor brings this to the attention of Administration who reaches out to the appropriate Commission office with a courtesy communication of the concern and discusses the outreach effort to be conducted.
 - Outreach would consist of a small team of CEOs walking the geographical area knocking on doors and discussing the compliance issues with the residents, leaving door hanger info on properties where no one is home.
 - Partnerships with other agencies and Departments could be sought – if applicable.
 - This outreach information would include notification that the Team will return at a given future date to monitor the efforts to correct the violations – at that time NOV's could be issued.
 - If NOV's are issued then cases would progress as usual.




Restructuring and Simplifying Notices of Violation (“NOV”)

- **Current:** Multiple Violations Cited on Single NOV
- **Revised:** One violation per NOV

- **Current:** Multiple Violations per Enforcement Case
- **Revised:** One NOV per Case

- **Goal:** Easier for Customer to understand nature of violation and how to cure

- **Goal:** Allow Customer to Close Cases and Reduce Potential for Fine Accumulation While Working Toward Full Compliance



NOTICE OF VIOLATION

PALM BEACH COUNTY PLANNING, ZONING & BUILDING DEPARTMENT
2300 N. Jog Road, West Palm Beach, FL 33411
(561) 233-5500

To:	RESPONDENT NAME	105.1 PBC Amendments to FBC 6th Edition (2017)
Address:	RESPONDENT MAILING ADDRESS	Code Reference: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
Premises:	SUBJECT ADDRESS WHERE VIOLATION WAS OBSERVED	Observations: post structure (lighting) has been erected or installed without a valid building permit.
Zoning District:	NOTED IF APPLICABLE	Requirements for Correction: Obtain required building permits for the post structure (lighting) or remove the post structure (lighting).
Future Land Use:	NOTED IF APPLICABLE	Contact: Zoning_Enforcement@pbcgov.org for information on setback prior to submitting the building permit through the Building Division online portal on XXXXXX.
Complaint Number:	C-YEAR-XXXXXXX	
Notification Date:	DATE NOV ISSUED	
Compliance Deadline:	DATE OF COMPLIANCE INSPECTION = DATE COMPLIANCE DUE	

You are hereby notified that an inspection of the above premises disclosed that you have violated one or more codes of Palm Beach County, Florida as outlined in the attached exhibit.

If the violation is not corrected by the Compliance Deadline specified above in this notice, or if the violation is corrected and then reoccurs, the case may be presented to the Special Magistrate for hearing, even if the violation has been corrected prior to the hearing. If you are found to be in violation by order of the Special Magistrate, there may be imposed against you a fine up to \$1,000.00 dollars per day for each day the violation continues past the compliance date set by the Special Magistrate.


Furthermore, the County shall be entitled to recover from you all costs it incurs in successfully prosecuting this case before the Special Magistrate.

If you wish to be represented in this action by someone other than yourself (other than an attorney), you must provide a notarized statement to this office naming the individual(s) authorized to represent you in this case. If you wish to be represented in this action by an attorney, such attorney must file a notice of appearance with this office indicating higher scope of authority to represent you in this case.

Should you have any specific questions regarding this violation notice, please contact the Code Enforcement Officer between 8:00 am and 9:30 am.

NOTE: It is your responsibility to contact this office when compliance has been achieved.

CEO NAME, Code Enforcement Officer
Palm Beach County Planning Zoning & Building Department
Code Enforcement Division
(561) 233-5029; (561) XXX-XXXX (ext): CEOEMM1@pbcgov.org



NOTICE OF VIOLATION

PALM BEACH COUNTY PLANNING, ZONING & BUILDING DEPARTMENT
2300 N. Jog Road, West Palm Beach, FL 33411
(561)233-5000

To:	RESPONDENT NAME	MONTH DAY, YEAR
Address:	NO-XXXXXX-NI XXX-XXXX-XXXX	
Premises:	SUBJECT ADDRESS WHERE VIOLATION WAS OBSERVED	
FCN:	XX-XX-XX-XX-XX-XX-XX-XX-XX	
Zoning Classification:	ZONING DISTRICT	
You are hereby notified that an inspection of the above premises disclosed that you have violated one or more codes of Palm Beach County, Florida as follows.		
<p>1) Section 14.20 (a) Palm Beach County Property Maintenance Code</p> <p>2) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>3) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>4) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>5) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>6) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>7) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>8) 6.4.1.2 (2) Unified Land Development Code</p> <p>9) 105.1 PBC Amendments to FBC 6th Edition (2017)</p> <p>10) 4.0.1 E.10. Unified Land Development Code</p> <p>11) 4.0.1 E.10. Unified Land Development Code</p> <p>12) 4.0.1 E.10. Unified Land Development Code</p>		
Complaint Number: C-YEAR-XXXXXXX		

And particularly

1) It shall be unlawful for the owner or occupant of a building, structure or property to allow the premises of such property for the open storage of any motor vehicle which is inoperable and in a state of disrepair, appliances, glass, building material, construction debris, automotive parts, tires, vegetable debris, garbage, trash or similar items. More specifically: Open storage including but not limited to water tanks, ladder, hose, plastic bin, baskets, and work bench.

2) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, metal study structure has been erected or installed without a valid building permit.

3) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, several study structures has been erected or installed without a valid building permit.

4) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, wire cage structure has been erected or installed without a valid building permit.

5) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, wire cage structure has been erected or installed without a valid building permit.

6) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, metal study structure has been erected or installed without a valid building permit.

7) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, metal study structure has been erected or installed without a valid building permit.


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11) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, metal study structure has been erected or installed without a valid building permit.

12) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. More specifically, metal study structure has been erected or installed without a valid building permit.



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2300 N. Jog Road, West Palm Beach, FL 33411
(561) 233-5500

To:	RESPONDENT NAME	Exhibit 1 - Violations
Address:	RESPONDENT MAILING ADDRESS	Code Reference: It shall be unlawful for the owner or occupant of a building, structure or property to allow the premises of such property for the open storage of any motor vehicle which is inoperable and in a state of disrepair, appliances, glass, building material, construction debris, automotive parts, tires, vegetable debris, garbage, trash or similar items.
Premises:	SUBJECT ADDRESS WHERE VIOLATION WAS OBSERVED	Observations: Open storage including but not limited to water tanks, ladder, hose, plastic bin, baskets, and work bench.
Zoning District:	NOTED IF APPLICABLE	Requirements for Correction: Remove all open/door storage of inoperable vehicles, appliances, glass, building material, construction debris, automotive parts, tires, vegetable debris, garbage, trash or similar items on the property.
Future Land Use:	NOTED IF APPLICABLE	Contact: CEO NAME, CE Officer, (561) 233-5029; (561) XXX-XXXX (ext): CEOEMM1@pbcgov.org
Complaint Number:	C-YEAR-XXXXXXX	
Notification Date:	DATE NOV ISSUED	
Compliance Deadline:	DATE OF COMPLIANCE INSPECTION = DATE COMPLIANCE DUE	

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Furthermore, the County shall be entitled to recover from you all costs it incurs in successfully prosecuting this case before the Special Magistrate.

If you wish to be represented in this action by someone other than yourself (other than an attorney), you must provide a notarized statement to this office naming the individual(s) authorized to represent you in this case. If you wish to be represented in this action by an attorney, such attorney must file a notice of appearance with this office indicating higher scope of authority to represent you in this case.

Should you have any specific questions regarding this violation notice, please contact the Code Enforcement Officer between 8:00 am and 9:30 am.

NOTE: It is your responsibility to contact this office when compliance has been achieved.

CEO NAME, Code Enforcement Officer
Palm Beach County Planning Zoning & Building Department
Code Enforcement Division
(561) 233-5029; (561) XXX-XXXX (ext): CEOEMM1@pbcgov.org

Restructuring (additional) compliance/enforcement officers

- **PHASE I (Restructuring of Existing Resources occurring in 2024)**
 - **Current:**
 - Seven Commission Districts served by five code enforcement teams Code Enforcement Officers (“CEO”)
 - One Special Project Team consisting of one Senior Code Enforcement Officer (“SCEO”)
 - **Proposed:**
 - *Reallocate CEOs* such that Seven Commission Districts are served by Seven code enforcement teams of CEOs
 - *Reallocate CEOs* such that Special Project Team consists of one Senior CEO and one CEO
- **PHASE II (Adding Officers and Supervisors recommending to occur in 2026 budget year)**
 - **Current:**
 - In 2019 the number of CEOs increased from 25 to the current 30.
 - 5 SCEOs and 30 CEOs
 - 1 SCEO (Special Projects) and 0 CEOs
 - **Proposed:**
 - 7 SCEOs and 35 CEOs
 - 1 SCEO (Special Projects) and 2 CEOs
- **STATISTICS:**
 - According to the PBC Property Appraiser, there are 286,244 total parcels (residential and commercial) in unincorporated PBC. This equates to 9,541 parcels *for each* of the current 30 CEOs
 - ***For the years 2019 through 2023*** the following has occurred:
 - 12,467 residential permits were issued for new construction
 - **Residential Units** in unincorporated Palm Beach County has increased by 11,901 for a total of 300,723.
District One 697 (21,773); District Two 1,473 (53,403); District Three 838 (45,560); District Four 169 (24,052); District Five 4,441 (113,457); District Six 4,217 (34,009); and District Seven 66 (8,469).
 - **Population** in unincorporated Palm Beach County has increased by 21,425 for a total of 666,463.
District One 1,467 (49,774); District Two 2,496 (123,791); District Three 1,865 (120,525); District Four 128 (43,290); District Five 7,109 (216,347); District Six 8,255 (91,204); and District Seven 105 (21,532).





Internal Fine Modification Process

Goal: Incentivize compliance by providing a streamlined administrative approach to fine reduction/modification if the property becomes compliant within 45 days of case being prepared for lien recordation (prior to recording the lien).

- **Current Process:**
 - Once a case is fully prepared for lien *recordation*, the lien package is sent to the accounting department to record the lien.
 - Case is then in pending status for referral of the lien collection to the Office of Financial Management & Budget (“OFMB”)
 - 90 days after the lien is *recorded* the collection of the lien is scheduled for referred to OFMB.
 - To modify (reduce) a fine from the balance due, a property owner must either request a modification hearing (if the case has not been referred to OFMB *or* (if the case is already referred to OFMB) for settlement amount reductions over \$2,500, they must appear before the BCC.
- **New *additional* Process:**
 - Include Language in Magistrate Orders allowing the *Department* to reduce fines administratively once compliance is achieved up to a specified percentage *current average collections of liens on homesteaded property is approximately 10%, non-homesteaded properties is approximately 20%.*
 - **Notice of Intent to Lien (NOIL)**
 - Create an *interim* notice NOIL that includes a specified offer (percentage) to reduce the fine amount prior to recording the lien, if the property owner achieves compliance and pays the reduced amount within 45 days from the date of the mailing of the NOIL.



Pursuit of Cease and Desist (“CD”) Demands and Cease and Desist Orders

- **Goal:** Achieve compliance in *egregious cases* where a property owner or respondent has failed to comply with the Code after receiving time to comply *or* in cases where possible irreparable or irreversible harm may be caused if an injunction is not granted.
- **Process:**
 - Develop a process to issue a *CD Demand* by the Executive Director or designee.
 - Develop a process to seek to a *CD Order* from a Magistrate.
 - Cases where violations were previously adjudicated and compliance was not met within the time allotted *or* those with irreparable or irreversible harm would be eligible to receive a CD.
 - The Code Division Director would refer eligible cases to the Department Director or designee requesting to seek a cease and desist.
 - If approved, either a CD Demand would be issued or a CD Order would be pursued – once issued compliance with same will be monitored.
 - If compliance with the CD is not met, the case would be analyzed for next steps.

Pursuit of Injunctive Relief for Egregious Cases

- **Goal:** Achieve compliance in egregious cases where a property owner or respondent has failed to comply with the Code after receiving time to comply or in cases where possible irreparable imminent harm may be caused if an injunction is not granted.
- **Process:**
 - Work with the County Attorney's Office to develop a case referral program whereby PZB packages information and case evidence in support of seeking the injunction.
 - Cases would only be eligible for referral after approval by the Division Director and then the PZB Executive Director or designee.



New Technology

Body Worn Camera (“BWC”) Program

- **Goal:** Provide open, transparent code enforcement operations and enhanced safety for CEO field staff.
- **Process/Status:**
 - The Division is working in conjunction with the Palm Beach Sheriff’s Office to implement this Program.
 - In addition to individual CEO training, the Division is conducting a pilot training program where ten CEOs in multiple areas have received their cameras and equipment and are utilizing the BWCs in accordance with stated procedures.
 - On May 1st, upon completion of this pilot training period, any necessary revisions to the operating procedures will be made and the remaining equipment will be distributed to the full CEO field staff for full field implementation

Decibel Meters

- **Goal:** Obtain reliable technology to utilize in the enforcement of Noise complaints
- **Process/Status:**
 - The Division works in conjunction with the Palm Beach Sheriff’s Office to investigate noise complaints.
 - Current procedure is CEO or Deputy stands at corner of complainant’s property and, based on his or her observations, determines whether the sound heard equates with the “excessive noise standard” which is whether it would “*disturb a reasonable person of normal sensitivity*”





Renaming the “Code Enforcement Division” to the “Code Compliance Division”

- While the focus of the Code Enforcement Division is always to achieve compliance, much can be inferred by a name.
- Many of the programs and policies discussed in this presentation are intended to assist the public to achieve compliance in a more community focused approach.
- Changing the name of the Division to reflect its intended goal of compliance is an additional approach to pursue better community relations.

GOAL SUMMARY

- **Provide code compliance in a comprehensive manner *focusing on the complaint but addressing all observed violations.***
- **Utilize incentives, the C.A.T., and community based approaches to achieve timely compliance.**
- **Expand tools to assist in compliance, in conjunction with the County Attorney's Office, to address egregious cases.**
- **Improve community relations, transparency, and public perceptions.**





QUESTIONS