



FARMERS
BRANCH

Code Enforcement Task Force

Outcomes and Recommendations



The Code Enforcement Task Force

On January 5, 2021, the City Council supported Mayor Dye's formation of the Code Enforcement Task Force for the purposes of:

- Reviewing and providing feedback on the City's existing property maintenance regulations
- Offering recommendations for code updates

Each Councilmember selected 2 members of the Task Force to act as representatives on behalf of their district.

- Mr. Bronson Blackson, Task Force Chairman
- Councilman John Norwood, Task Force Council Liaison
- Code Enforcement Manager Leo Bonanno, Task Force Facilitator

Methodology

In order to meet its goals, the Task Force:

- Examined several aspects of the City's codes, including:
 1. Their purpose and impact as they relate to public health and safety
 2. Their clarity, enforceability, necessity, strictness and consistency
 3. Their purpose and impact as they relate to community aesthetics
- Examined the general behaviors and assumptions of residents in our community as they relate to private property maintenance

Methodology

The Task Force was instructed to consider the circumstances of others in the community while reviewing codes to ensure fair representation during the process. This included, but was not limited to, considering:

- Property owners and renters
- Home dwellers and apartment dwellers
- Residential properties and commercial properties
- New builds and existing structures
- The equity of regulations and their impacts across our diverse city

Finally, Task Force members were asked to contribute to all discussions, justify their opinions and ask questions to arrive at rational conclusions.

Results: Generally

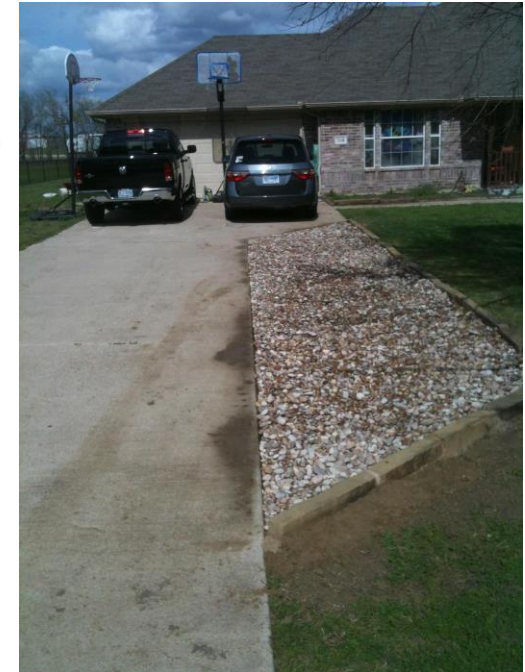
General feedback collected from the Task Force revealed the following:

A Lack of Clarity and/or Readability

- Some regulations are difficult to understand because phrases are not defined or the requirements of the law are unclear.
- Some regulations are difficult to find.

Examples

- Terms like “trash”, “garbage”, and “refuse” are not defined.
- Driveways can be expanded but acceptable materials aren’t specified.
- Parking rules vary depending on vehicle type and property type.
- Inoperable vehicles are a property maintenance issue but their regulations aren’t found in this code.



Results: Generally

General feedback collected from the Task Force revealed the following:

A Level of Unenforceability

- Some regulations require evidence to enforce that can't be obtained in a reasonable manner.
- Some regulations include language that would make enforcement difficult to justify.

Example

- It is currently illegal to live or sleep in a vehicle. However:
 - The code does not define what “living” is.
 - Some vehicles are specifically designed to be lived or slept.
 - Proving someone is living or sleeping in a vehicle is almost impossible.



Results: Generally

General feedback collected from the Task Force revealed the following:

Redundancies

- Regulations appear multiple times throughout the code and, in some cases, conflict with each other.

Example

- Stair maintenance regulations appear in the code in 4 different sections.
- Trash is prohibited in one part of the code but allowed in another.
- Building number regulations appear in at least 3 different codes.



Results: Generally

General feedback collected from the Task Force revealed the following:

Necessity

- The purpose of some regulations is unclear.
- Some regulations are better addressed in other codes.
- Some regulations are necessary but don't exist.

Examples

- Insect screens are required for windows as high up as the 5th floor, beyond which they are not required.
- The property maintenance code addresses temporary signs which are better addressed by the sign code.
- There is no requirement for keeping trash containers closed to prevent trash from blowing into neighbors' yards.



Results: Generally

General feedback collected from the Task Force revealed the following:

Overly Strict Standards

- Some regulations were seen as overly strict and deemed more appropriate for an HOA.
- Overly strict standards were seen to target certain community groups over others.

Examples

- All address numbers must be placed on a building.
- Lawn furniture is limited to 42 inches in height.
- Grass and weeds can be no taller than 8 inches; no exemption exists for native grasses.
- Trash/Recycling carts must be completely screened from public view.



Results: Generally

General feedback collected from the Task Force revealed the following:

Weaponized Language

- Some regulations were seen as “weaponized” to pit neighbors against neighbors rather than focus on safety issues.

Examples

- Light glare is considered a safety hazard if it distracts drivers, but it is seen by the Task Force as a neighbor dispute if a neighbor is negatively affected.



Results: Generally

General feedback collected from the Task Force revealed the following:

A Lack of Code Officer Discretion

- Some regulations were too specific, or not specific enough, to be enforced effectively.
- Some regulations could be enforced better if Code Officers were given more discretion.

Example

- Currently, a fence can lean no more than 10 degrees.
- Instead of measuring a fence's lean, a Code Officer can gauge the safety hazard posed by the damage.



Results: Proposed Policy Change

The Code Enforcement Division currently accepts anonymous and 3rd party complaints. The Task Force voted overwhelming to end this practice.

Task Force members felt it was unfair for residents to file code violations in neighborhoods in which they do not live. Complaints filed by individuals who may not reside in the City at all were also frowned upon.

It is the belief of the Task Force that requiring complainant information at the time of submission will curb some of this undesirable behavior while at the same time reducing the frequency in which Code Enforcement is used as a weapon between residents.

*This topic was a discussion on a division policy, not an existing code or regulation.

Measuring Success

Members were asked two questions at the conclusion of the Code Enforcement Task Force activities:

1. What does success look like when codes are updated?
2. What is the purpose of Code Enforcement?

Measuring Success

“The purpose of Code Enforcement is to ensure that the City of Farmers Branch is safe and healthy for all residents and visitors. The rules should be available, easy to understand and enforced equitably for the good of all citizens and visitors.”

“Codes should be clear and equitable for all citizens regardless of neighborhood or socioeconomic position. The purpose of Code Enforcement is maintaining and ensuring health and safety as it specifically applies to properties in our community. Its purpose is not to act as a city-wide HOA.”

“The purpose of Code Enforcement is to support a safe and healthy work environment within the boundaries of a city and for its citizens. Code language should be logical, reasonable, easy to understand, and promote a safe and healthy living environment. Codes should not be used punitively or as a fee-based revenue stream. It should not have confusing or conflicting doublespeak. It should not be difficult for a citizen to understand or a code officer to defend.”

Thank You to Our Task Force Members

Mayor Dye

- Rachelle Hale
- Traci Williams

District 1

- Jamie Macedo
- Loretta Almanza

District 2

- Kate Bergeron
- Charles Smith

District 3

- Nancy Hardie
- Teresa Webster

District 4

- Linda Bertle
- Luis Currea

District 5

- Joyce Benoit
- Monica Griego

Bronson Blackson, Task Force Chair

John Norwood, City Council Liaison



Questions

Proposed Changes to Chapter 56: General

Improvement	Description	Results	Service Change
Clarity & Readability	Reorganize and edit existing code without changing regulations	Regulations are easier to find and understand for residents and easier to enforce for Code Officers.	None
Enforceability	Edit unenforceable regulations to make them enforceable or remove them	Regulations are enforced fairly and effectively. Resources aren't wasted addressing unenforceable regulations.	None
Redundancy	Eliminate redundant regulations by deleting or combining them	The code is shorter, easier to read, and less likely to conflict with itself or other codes.	None
Necessity	Keep or add regulations that are necessary to address the City's current or anticipated challenges while removing all others	Removing irrelevant regulations makes remaining material easier to find and understand.	None
Stringency	Adjust regulations to a more reasonable standard based on feedback from Council and CETF Increase Officer discretion to address violations in a manner that is comparable with their severity, where feasibility	Reasonable standards are easier to reach and maintain. Less friction can also be expected between private parties and public/City officials.	Levels of enforcement will vary as stringency varies Examples: Raising the grass height prohibition reduces enforcement Listing driveway materials may increase enforcement Removing outside storage limitations reduces enforcement

Changes Worthy of Special Consideration

Topic	Proposal	Results
Tree Stumps	The current language does not require the removal of all tree stumps, just those that are the result of the removal of a dead or hazardous tree. The expectation of the current language should be made clear. The language must then be adjusted to meet this expectation and make enforcement possible.	Improved Clarity & Readability Ensuring Enforceability Ensuring Equity Confirming Necessity
Cart Storage	Current language requires the complete screening of all carts. According to the CETF, this standard should be lowered to allow cart storage at the side or rear of a home if the lower standard is desired.	Setting Reasonable Standards Ensuring Equity
Outside Storage	Current language limits the number of certain objects in front yards to five. The CETF believes this limitation should be eliminated as long as items legally stored in the front yard remain in good condition at all times.	Setting Reasonable Standards Ensuring Equity
Parking	Current language bases parking regulations on 3 vehicle types, 2 property types, and 3 parking locations. The CETF recommends reducing vehicle types to 2 and to use more consistent regulations while focusing on safety hazards created by vehicles	Improved Clarity & Readability Setting Reasonable Standards Confirming Necessity
Parking	Current language authorizes driveway expansions but does not provide guidance for expansion material. The CETF recommends establishing requirements for expansion material, but could not agree on the specific requirements.	Improved Clarity & Readability Setting Reasonable Standards Ensuring Equity