

6

CODE REFORM



Image 6.1 Magic City Blight Busters in Fountain Heights (Alabama Newscenter)

SAFETY

Fairfield residents are very concerned about crime, and rightfully so. Since 2006, murders have gone up from one per year to eight per year; assaults have risen from 48 to 138, all despite lower population ([City Data, 2021](#)). While law enforcement is beyond the scope of this plan, but there are a few measures the city can undertake with regard to land use that can help.

Gun violence interventions often focus on high-risk people. To achieve meaningful change, policy makers should focus on high-risk places, too. A New York Times article "To Combat Gun Violence, Clean Up the Neighborhood," this year followed two large studies focusing on place-based interventions, rather than focusing on specific people. "In partnership with the Pennsylvania Horticultural

Society, our team transformed run-down vacant parcels of land by planting new grass and trees, installing low wooden post-and-rail fences around the perimeter and performing regular maintenance. We randomly selected hundreds of lots across Philadelphia to receive either this clean and green intervention, trash cleanup only or no intervention at all. We found that after both the greening and trash cleanup interventions, gun violence went down significantly. The steepest drop in crime, up to 29 percent, was in the several blocks surrounding vacant lots in neighborhoods whose residents live below the poverty line. This signaled that communities with the highest need may benefit the most from place-based investment. Over 18 months, we analyzed for and did not find any evidence of crime simply being pushed to other parts of the city." ([The New York Times, 2021](#))

GOAL 9 INCREASE SAFETY AND SECURITY FOR RESIDENTS AND BUSINESSES.

Of the 150 Miles College students who engaged in the master planning conversation, the majority indicated that to consider making Fairfield their permanent home after graduation, the community would need to become a safer place.

ACTION 25

Adopt the 2021 International Property Maintenance Code.

To enforce property maintenance for both occupied and vacant properties, adopt all or part of the 2021 edition of the International Property Maintenance Code (IPMC) to deter property neglect. The IPMC outlines property maintenance regulations including weed and debris, vegetation maintenance, junk vehicles, water pollution, public decency, driver sight obstructions, and dilapidated properties. Adopting the IPMC would raise the minimum standard of what is acceptable for building and living conditions and would provide a greater opportunity to address issues at an earlier stage before they compound. The code provides an enforcement mechanism that applies to existing residential and commercial properties and enables the City to impose fines on the owner rather than impose liens upon the dilapidated property. For more info visit: <https://codes.iccsafe.org/content/IPMC2021P1>.

ACTION 26

Adopt an Unsafe Structures and Dangerous Building Ordinance.

As Fairfield aims to reduce the number of dangerous and unsafe buildings that attribute to blight and crime within the city, City Council should adopt an Unsafe Structures and Dangerous Building Ordinance that is in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16 of the Alabama Code of Law.

The City of Center Point's Unsafe Structures and Dangerous Building Ordinance is a model ordinance to consider (<https://www.thecityofcenterpoint.org/Ordinance%202107-4.pdf>) that clearly defines what may be deemed a "dangerous building" and outlines the procedures that the city can follow to demolish an unsafe or dangerous building. The ordinance also addresses the rights of the property owner and outlines the procedures in which they can appeal to court. This type of ordinance enables the city to address properties that contribute to blight, while also giving the city the legal means to process violators in a quick and efficient manner.

ACTION 27

Adopt and enforce a Minimum Housing Ordinance to establish minimum standards for rental housing units.

A Minimum Housing Ordinance prevents housing deterioration by providing minimum requirements for the protection of life, health, welfare, safety and property. It promotes an accountability and responsibility associated with housing quality that not only applies to

owner-occupied housing, but also to the occupants and tenants of rental housing.

A Minimum Housing Ordinance requires that all dwellings in the City be maintained to the minimum standards specified in the code. Typically, the following types of minimum standards are set forth in the ordinance:

- Standards for structural conditions that apply to floors, basements, foundations, steps, stairs, porches, roofs, windows, doors, chimneys
- Standards for electrical, plumbing, and heating systems
- Standards for weather proofing and for sanitation that apply to walls, floors, ceilings, roofs, windows and doors (i.e. to control insects, rodents and infestations)
- Standards for fire safety – facilities for egress
- Standards for light and ventilation

Cities may take this ordinance a step further to dictate owner and tenant responsibilities. For example, in many ordinances owners are responsible for certain basic elements considered necessary for safe housing such as adequate heating, safe electrical systems, sound structural elements and functional sanitation systems, while tenants are responsible for destruction to the residence or failure to comply with sections of the code that are under their control including: broken windows, improper disposal of waste, yard trash and parking violations. To enforce these ordinances, many cities establish a code enforcement officer who can write citations for violations.

ACTION 28

Create a Rental Property licensing inspection system and establish a Good Landlord Program.

During the public involvement process associated with this master plan, absentee landlords and associated code violations were mentioned as an issue. Poorly maintained rental properties can create safety hazards that negatively impact the neighborhood. A municipal licensing and inspection system provides flexibility and the authority to require higher standards.

Such a program requires landlords to be licensed and to follow minimum standards. These standards include proper maintenance, addressing public safety concerns, and other general compliances. A rental property license includes an annual fee proportionate to the cost of services. To incentivize participation in the Good Landlord Program, rental property owners who complete the program's qualifications could have their annual fees reduced or waived. Revenue from licenses go towards the cost of servicing apartments including code enforcement, mowing by the Department of Public Works, and Fairfield Police Department responses to 911 calls. Landlord licensing fees in other cities typically range from \$50 to \$115 a year.

The Good Landlord Program requires that landlords follow standards such as these:

- A written lease for every dwelling unit is required.
- All current, adult tenants living in a residence will be listed on the lease.
- The landlord or manager will serve notice of eviction within 5 days of receiving substantial evidence that a tenant or guest was involved in criminal or nuisance activity on the premises.
- Crime Prevention through Environmental Design (CPTED) is practiced on the premises.
- The landlord must maintain the rental dwelling in a fit and habitable condition, as required by state code and relevant building, fire, and land use codes.

ACTION 29

Adopt a vacant property registration ordinance to enable the databases of vacant properties.

To implement [Action 14](#) and [Action 2](#) and to manage vacant properties and maintain up-to-date information on them, the city should consider adopting an ordinance to require registration of these vacant properties. Registered information is compiled in a database including pertinent information such as parcel sizes, building footprint sizes, tax status, zoning designations, utility information, property condition, sales and lease rates, etc. This database ensures the city has access to all relevant information about vacant property and provides a resource to the realtor community and a resource for law enforcement.



Image 6.2 Vacant House, 54th St.

GOAL 10

ENHANCE CODE ENFORCEMENT EFFORTS AND ENCOURAGE BETTER PROPERTY MAINTENANCE.

During the public engagement portion of this plan, residents cited code enforcement, dumping, and neighborhood clean up as issues. The following codes and programs should be considered by the city to enhance code enforcement efforts and encourage better property maintenance, leading to cleaner, safer, and more attractive neighborhoods.

ACTION 30

Adopt newer versions of the city's current suite of International Code Council codes.

Fairfield utilizes the 2009 International Building Code (IBC), a model code that addresses both health and safety concerns for buildings. Parts of the code reference other codes including the International Plumbing Code, the International Mechanical Code, the National Electric Code, and various National Fire Protection Association standards. Therefore, when a municipality adopts the IBC, it also adopts those parts of other codes referenced by the IBC. However, the contemporary codes can make renovations challenging and this can be a significant barrier to the adaptive reuse of historic buildings.

The International Existing Building Code (IEBC) is particularly important for the adaptive reuse that is central to this plan. The IEBC establishes minimum regulations for upgrades and improvements addressing the alteration, addition or change of occupancy in existing buildings. It uses prescriptive and performance-based provisions and is intended to ensure public health and safety pertaining to the existing building stock.

The following versions of the technical codes should be adopted by the city to ensure the health, safety and welfare of residents:

- 2021 International Building Code
- 2021 International Plumbing Code
- 2021 International Existing Building Code
- 2021 International Mechanical Code
- 2021 International Residential Code
- 2021 International Fuel Gas Code

ACTION 31

Encourage property owners to maintain neglected properties.

Overgrown and vacant lots, abandoned properties, and dilapidated structures present issues for residents, business owners, investors, and the city. Unsound and dilapidated structures pose health and safety hazards for citizens. Abandoned structures attract criminal activity and are unsafe for children and residents in its immediate area. Blighted properties impose a burden on city services needed for additional maintenance, policing, and fire protection.

It is recommended that the city work proactively with its citizens to improve existing properties that have been neglected or that exhibit substandard housing and property maintenance elements. Since the lack of property maintenance is a multi-faceted issue relating to code enforcement, the age of housing stock, economic conditions, and general pride in homeownership and neighborhood community, the city will need to consider a range of appropriate strategies: whether that's stricter code enforcement of property maintenance standards, partnering with nonprofits to conduct lot cleanup program, condemning and demolishing dilapidated structures, establishing a "tool lending library" for residents, etc. The City should always provide for the fair and equitable consideration of private property rights while ensuring appropriate protection for the health, safety, and welfare of its citizens.

CASE STUDY ATLANTA COMMUNITY TOOL BANK

In 1991, a group of volunteers incorporated as Community Redevelopment, Inc (CRI) in order to provide low-income seniors in South Atlanta access to home repairs. The program was wildly successful, and in 1998, CRI officially became the Atlanta ToolBank. Now more successful than ever, the Atlanta ToolBank has equipped 234 nonprofits for action, mobilized 49,957 volunteers to serve, and has completed over 2,000 service projects. In general, the lending program helped complete 864 greenspace restoration projects, 4,000+ new plantings, 1,546 fresh coats of paint on benches, tables, youth centers, shelters and more, 75 new public works of art, 36 school campus improvements, and 254 home and facility repairs. In 2020, member agencies borrowed over \$1.5 million worth of tools. (Atlanta ToolBank, 2021)

HOW DOES IT WORK?

By using ToolBank tools, nonprofits avoid the expense of purchasing, repairing, and storing tools. Instead, the ToolBank program enables organizations to rent tools to avoid ownership expenses. Members of the lending program pay handling fees to borrow tools based on a percentage of retail costs. As of 2021, the tool bank offers 291 different types of tools and has over 46,000 individual tools in their inventory.

WHO CAN RENT TOOLS?

Organizations that are eligible to borrow tools include nonprofit/charitable/tax exempt organizations, schools and PTAs/PTOs, neighborhood associations, faith-based groups, civic organizations, and government agencies; organizations do not have to present a 501(c)3 tax exempt letter. The membership dues are based on the applying agencies budget. For membership dues, please see Table 2.1 below.

Table 6.1 Atlanta ToolBank Membership Fees

AGENCY BUDGET	FEE
\$ 0 - \$ 100,000	\$ 15
\$ 100,001 - \$ 250,000	\$ 25
\$ 250,001 - \$ 500,000	\$ 50
\$ 500,001 - \$ 750,000	\$ 75
\$ 750,001 and above	\$ 100
* Public school system	\$ 10
* All government agencies	\$ 100

ACTION 32

Create a “Citizen’s Guide for Code Enforcement” that enables citizens to report code violations and blighted properties.

A code enforcement guide helps increase the city’s capacity to identify and track blighted properties by streamlining the public reporting process. Through the code enforcement guide, residents would be able to report various issues relating to property maintenance and other health and safety violations. To improve the accessibility and efficiency of both the guide and reporting process, a mobile app, in addition to a hard copy of the guide, should be created. The mobile app allows residents to take photos of the issues they want to report, tag them with GIS integration, add notes to the report and send it out to the appropriate parties. This provides code enforcement officers with real time data, enabling them to better track violations in the community and provide prompt feedback to residents concerning the status of their reports.

Two models to reference are the “Citizen’s Code Enforcement Guide” from Manatee County (see case study below), Florida and “Access Cupertino” from the City of Cupertino, California.

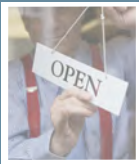
Common code violations in the City of Fairfield include those related to:

- Weeds and debris
- Off-street parking
- Inoperable vehicles in driveways
- Communal living ordinance
- Noise ordinance
- Animal control

Citizen’s Code Enforcement Guide

This guide addresses the most common questions regarding Manatee County Code Enforcement. Manatee County does not enforce neighborhood deed restrictions. Below are some of the most common neighborhood complaints and code violations.

Home-Operated Businesses



If you are planning to begin a home-based business, you may need to obtain local approval and some restrictions might apply. Call (941) 749-3070 to learn how to get your home-based business up and running.

Address Numbers



Overgrown yards

Properties throughout Manatee County must be mowed and maintained so that they do not create a nuisance or other unsanitary condition.

Agricultural Animals

Up to four hens (female chickens) are allowed in residential areas throughout Manatee County. Roosters are not allowed. Hens must be kept in a chicken coop or poultry house which measures at least four square feet per hen. In other words, if you have four hens, the enclosure must measure 16 square feet. Other farm animals such as cows, horses and goats are not allowed in residential areas.

Inoperable vehicles

Any vehicle which would not be permitted to operate on public roads under the laws of the State of Florida is not allowed unless kept in an enclosed garage or building. Registration tags must be on all vehicles.

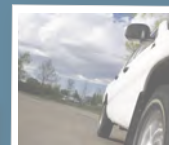


Restricted Vehicles



Restricted vehicles like motor homes, campers, trailers, boats must be stored in the side or rear yard or entirely within a carport or garage. A restricted vehicle should not be occupied unless it is in an RV park.

Commercial Vehicles



One commercial vehicle per residential property is allowed in most areas when used by the resident and parked off-street in a garage, carport, or driveway. To learn more about commercial vehicles, call (941) 748-2071.

Vacant properties

All properties that are vacant and that are in foreclosure must be registered through Manatee County Code Enforcement. To learn more, visit www.mymanatee.org/codeenforcement

CASE STUDY: CITIZEN’S CODE ENFORCEMENT GUIDE

Manatee County provides residents with a code enforcement guide, available online. It answers frequently asked questions such as “How do I file a complaint or contact the Code Enforcement Office”, “Can I remain anonymous when I call with a complaint” and “Who do I contact for follow-up action”. In addition, the guide also includes building permit information, contractor licensing information and common code violations. The guide is available online at www.mymanatee.org

Zoning

- E-1 Single Family Estate
- R-1 Single Family
- R-2 Single Family
- R-3 Two Family
- R-4 Multiple Dwelling
- R-5 Townhouse
- I Institutional
- O Office
- B-1 Neighborhood Business
- B-2 Central Business
- B-3 Community Business
- B-4 General Business
- M-1 Light Industrial
- M-2 Heavy Industrial

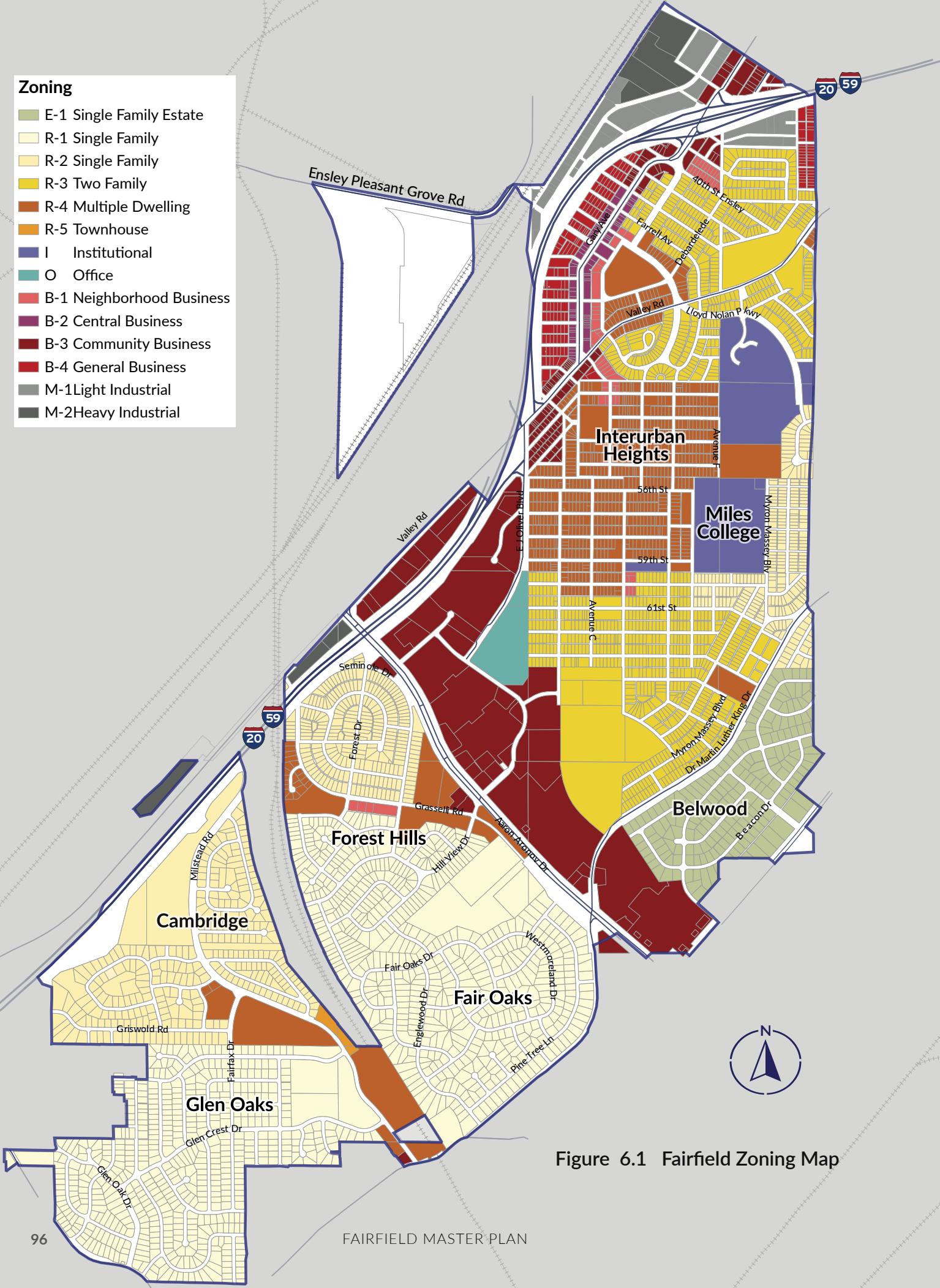


Figure 6.1 Fairfield Zoning Map

DEVELOPMENT

GOAL 11

UPDATE THE ZONING ORDINANCE TO REFLECT THE VISION OF THE MASTER PLAN.

The zoning ordinance standards were designed to create the late 20th century development patterns and buildings. These standards are applicable in some portions of Fairfield, but they do not reflect nor protect the historic areas of the city. The zoning assessment in the appendix summarizes the various zoning districts, and those indicated on the zoning update diagram [Figure 6.2](#) should be adjusted to reflect the areas they are applied to.

ACTION 33

Adopt an adaptive reuse ordinance to support the goals for Gary Avenue and Aaron Aronov Drive.

An adaptive reuse ordinance makes the reuse of vacant buildings easier by minimizing certain zoning and code regulations for reuse projects. Currently, reuse projects are required to meet the same regulations as new developments. The city should consider adopting an adaptive reuse ordinance in areas with concentrations of historic and underused buildings. The ordinance works by reducing specific zoning requirements for reuse projects, such as parking, setback and density requirements. The city should work with architects, engineers, and developers to find out which requirements are the most difficult obstacles when considering the redevelopment of sites. The ordinance could increase the number of rehabilitations and reduce the number of demolitions of older buildings.

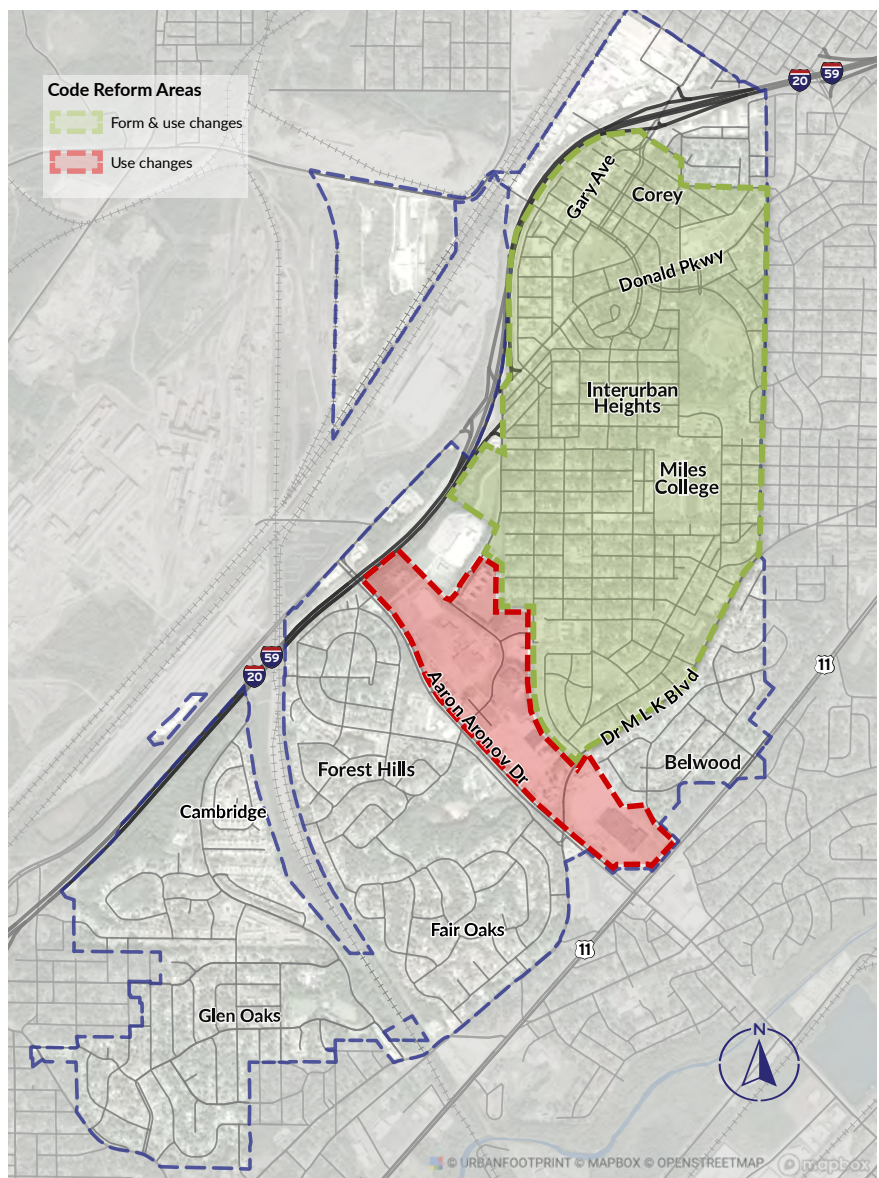


Figure 6.2 Zoning Reform Areas

ACTION 34

Update the zoning ordinance to reflect the existing conditions.

Legal nonconforming status can be detrimental to properties in a number of ways. It limits the ability to alter the property through additions, porches, decks, or accessory buildings; it can be a barrier to refinancing in some situations; and it may create an increase in insurance rates. Many of the properties within the R-4 zoning district fit within the nonconforming status because of their building setbacks.

Other areas of the city are unprotected from the potential destruction of historic context because the building form that was a product of the history of Fairfield is not required, and often not permitted, by the zoning code. Gary Avenue is within the B-2 zone, and while it permits a zero foot front setback, reflecting the historic context, it is not required. In the late 20th century some demolitions and redevelopment resulted in the strip center model that damaged the integrity of Gary Avenue. B-2 uses should be adjusted to permit residential uses.

Updating the zoning ordinance to reflect the Future Land Use map could be accomplished in one of two ways:

1. Adjust the current zoning districts, R-2, R-3, R-4, B-1, B-2, B-4 to reflect the context. Where they are applied to historic and suburban areas, an overlay could be used for the historic areas.
2. Consider developing three new zoning districts for the historic areas of Fairfield, including
 - a. **Downtown** – a mixed use district reflecting the historic development patterns of Gary Avenue and Valley Road. Assure the new standards provide minimum as well as maximum front setbacks, and parking location standards.
 - b. **Neighborhood center** – small mixed use centers embedded within neighborhoods like the 60th St Ensley and Avenue D or Avenue C and 51st Place.

- c. **General neighborhood** – a blended density context that reflects the historic Corey development and the Interurban Heights neighborhood. This includes small lot single family, duplex, triplex and small apartment buildings for residential buildings, and small shops or cafes for commercial use.

If the first option is selected it could be accomplished through a text amendment, if option two is selected a zoning map amendment will be required.

ACTION 35

Update the zoning ordinance to remove barriers to naturally occurring affordable housing.

Many of the barriers to the incremental development of affordable housing will be resolved by [Action 34](#), but there are additional zoning barriers that are also artifacts of historic exclusionary zoning practices and systemic racism. [Action 34](#) will correct setback, lot size, and building coverage barriers, but parking minimums should also be amended.

Smaller multifamily dwellings can be nearly impossible to build if two paved, off-street parking spots are required per unit. On-site minimum parking requirements for housing should seldom be more than one per unit. If street parking or other shared parking spaces are available then even less parking can be required. Allowing on-street or shared parking to count toward the minimum required parking spaces will provide some flexibility for landowners. On-street parking is shared among many users and has the additional benefit of separating pedestrians from moving vehicles.

In recent years, municipalities across the country have begun to accept that parking minimums have been a poor planning tool, both in accurately predicting parking needs and successfully producing great places. In most cases, lenders and tenants will demand a minimum number of parking spaces, which will be provided regardless of municipal regulations. Municipalities should focus on where that parking is located, rather than in how much parking is required. Within historic neighborhoods, minimum parking requirements can be eliminated entirely, or at least reduced substantially.

The effects of excessive parking requirements on housing affordability are often underestimated. In areas that are walkable to school, jobs, and other daily needs, the cost of each unneeded parking space inflates the cost of housing. The average cost of a paved parking space is estimated at about \$4,000. Overly high parking requirements can block new housing options that fit seamlessly into existing neighborhoods, such as accessory dwellings, small infill buildings, and conversions of large houses into more than one residence.

Recommended code changes. Amend ARTICLE XX OFF-STREET PARKING AND LOADING REQUIREMENTS to:

1. Reduce residential parking minimums to one off-street parking space per dwelling or eliminate parking minimums altogether.
2. Allow shared parking to count toward parking minimums.
3. Allow on-street parking to count toward parking minimums.

ACTION 36

Update the zoning ordinance to enable artisanal manufacturing throughout commercial areas.

Historically, manufacturing and industrial uses have been restricted from proximity to housing due to the noxious nature of those uses: their noise, smell, and effect on air and water quality. Small-scale artisanal manufacturing and light industrial are not incompatible with downtown districts or commercial neighbors provided there are some basic constraints.

If permitted, the Zoning Ordinance could control the types of non-hazardous, small-scale manufacturing and light industrial development through the following regulations:

1. Limit building footprint
2. Limit building width
3. Control environmental impacts including glare, noise, fumes, and combustion

ACTION 37

Update the zoning ordinance to enable a range of employment uses within the B-3 Community Business district.

To implement the adaptive reuse of the large retail facilities along Aaron Aronov, the zoning ordinance should be amended to include complementary uses such as warehousing and distribution, call centers, and data storage centers. The Fairfield Industrial Board's summary of the 2011 Master Plan supported the inclusion of these uses to attract workers, provide local jobs, and increase the city tax base.

ACTION 38

Update the sign ordinance to ensure content neutrality.

In 2015, in the case of Reed v. Town of Gilbert, Arizona, the Supreme Court ruled that signs must be content-neutral. The sign regulations in ARTICLE XXIV of the Fairfield Zoning Ordinance are not content-neutral. Currently, the article regulates categorical types of signs, such as: directional, construction, memorial, nameplate, non-governmental, political, tenant, utility, vehicle, etc. The general rule of thumb is that if a person needs to read a sign to know how to regulate it, then it is content based. In general, categorical signs are content based.

In order to comply with Reed v. the Town of Gilbert ruling, the sign regulations article should be modified to regulate by type, number, size and location of sign, rather than by categorical types of signs. Examples of regulating by type of sign include freestanding signs (i.e. monument and pole signs) and attached signs (i.e. roof signs, wall signs, canopy and awning signs, marquee signs and window signs). Additional regulations for temporary signs, such as maximum number of signs per parcel, are required since it is no longer possible to regulate by type of sign such as real estate or political signs.

ACTION 39

Develop programs to minimize illegal dumping.

To combat illegal dumping, the city should consider creating a volunteer-based illegal dumping and litter abatement taskforce to include public agencies, private businesses, and community groups involved in cleanup.

The taskforce could serve as an instrument of change by aiding residents with unmaintained properties, educating the community about the harmful effects of illegal dumping, and reporting those who participate in illegal dumping to the city.

To minimize illegal dumping in the future, the city should consider the following initiatives and programs:

- Post signs that educate citizens on illegal dumping fines.
- Install lighting in areas where illegal dumping occurs to deter violators.
- Install monitoring devices, motion sensing beepers, and surveillance cameras, at known dump sites.
- Continue to encourage volunteer efforts, with clean-ups scheduled every second Saturday, 10:30 AM to 1:00 PM, meeting at Fairfield Memorial City Park Plaza.

RESULTS

Much of the success of this section will be tied to dedicated code enforcement. Adjusting to new codes and requirements can take some time for the community, and for city staff that need to enforce the new rules. Leadership within the community will be necessary to develop an effective partnership with elected officials and staff. The city will need to work with faith-based leaders, educational leaders, and business leaders to as many members of the community as possible.



Image 6.3 Community volunteer trash clean-up efforts (Adobe Stock)