

Code Enforcement in Tioga County

A Report to the Tioga County Rural
Economic Area Partnership

June 2020





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June 2020

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Tioga County Rural Economic Area Partnership

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Executive Summary

Background

The Tioga County Rural Economic Area Partnership (REAP) engaged the Center for Governmental Research (CGR) in 2019 to review and evaluate the provision of code enforcement services at the town and village level in Tioga County, and to identify opportunities to enforce codes more effectively and efficiently by sharing services.

The Uniform Fire Prevention and Building Code has been in effect in New York State since 1984, with updates most recently adopted in May 2020. It prescribes minimum statewide standards for building construction and fire prevention in all municipalities (except New York City). Individual municipalities are primarily responsible for enforcing the Uniform Code, as well as the state Energy Conservation Construction Code, which sets energy efficiency requirements for residential and commercial construction. In addition, municipalities in Tioga County have a range of local regulations in place, including local laws that address issues such as property line setbacks and minimum lot sizes; subdivision regulations; site plan review requirements; and zoning laws, which are relatively rare in this rural County.

Baseline Review

To establish how the municipal code enforcement system functions today and what options might be available for improvement, CGR's project team:

- Conducted one-on-one, semi-structured interviews with the 12 code enforcement officers serving the County's 15 municipalities;
- Collected, as available, details on fees for inspections and permits;
- Conducted interviews with the 15 town supervisors and village mayors in the County, as well as the chair of the Tioga County Legislature;
- Obtained and analyzed 2018 Article 19 NYCRR Part 1203 Uniform Code Administration and Enforcement Reports (known as a 1203 report) for each municipality in Tioga County;
- Analyzed budget data available from the State Comptroller's Office; and
- Conducted interviews with officials in eight New York State counties that currently have county-administered code enforcement.

Staffing and Job Responsibilities

Municipal code enforcement in Tioga County is administered at the town and village level. With the sole exception of the Town of Owego, municipal code enforcement

officers in the County hold part-time positions. Most were assigned 20 hours or less per week. At least five worked multiple code enforcement jobs; at least two additional officers had other jobs that were unrelated to code enforcement.

Municipalities in Tioga County typically use a standard job description for code enforcement officers. In practice, code enforcement officers described their work as a mix of official duties and other responsibilities that are not part of the job description, including public education and informal consultation. Nearly all officers interviewed indicated that their responsibilities took more time than assigned.

Turnover and Pipeline for New Officers

The local code enforcement field has seen substantial turnover in recent years, and more longtime officers are nearing retirement. Half of the code enforcement officers that CGR interviewed planned to retire within the next two years or were past typical retirement age. One retired since this project began. There appears to be limited succession planning in place to replace most of them.

Several municipal leaders expressed concern about attracting and retaining qualified officers, especially as the training requirements grow. Of 11 municipalities that hired a new code enforcement officer in the past several years, eight reported having only one applicant for the job.

Code Enforcement Activity, Costs and Revenues

Levels of local code enforcement activity varied widely and did not clearly correlate to population size or density of development. Most permits issued for new construction in Tioga County in 2018 were for personal dwellings – mainly 1- and 2-family homes and townhouses. Permits for non-residential construction were scarce. Permits for additions, alterations or repairs to existing homes were more common.

Code enforcement and related planning or zoning expenses are a relatively low-cost function for most Tioga County municipalities, representing less than 5% of spending on total staff costs in the majority of municipalities. The structure of fee schedules vary widely and are difficult to compare. Revenue from fees was generally small – the annual average was about \$4,000 for towns and about \$3,100 for villages.

Local Approaches to Land Use

All municipalities in Tioga County have local regulations that impose requirements on land use (e.g., property line setbacks and minimum lot sizes) and property maintenance, outside or beyond requirements laid out in the Uniform Code. Only two towns and two villages use zoning. Most others regulate land use and / or property maintenance through a combination of stand-alone local laws, subdivision regulations and / or site plan review requirements.

Overall, these approaches are fairly consistent with other rural communities that lack zoning in New York State, but there are differing legal opinions on their validity, particularly with regard to dimensional requirements (setbacks and lot sizes).

Perspectives on County Role in Code Enforcement

Most leaders were willing to accept some role for Tioga County in municipal code enforcement, but almost all want to maintain a degree of local control. Twelve of 15 supervisors and mayors rated the job their municipality is doing with enforcement as “good” on a scale of good / fair / poor. Still, several leaders expressed concerns that it may be difficult to find future candidates for code enforcement jobs and their existing code enforcement positions lacked sufficient hours to do the job properly.

Approaches to Code Enforcement in Other Counties

Chenango, Jefferson, Lewis, Otsego, Seneca, Warren, Washington and Wyoming counties all provide some level of county-administered code enforcement. Six of the eight enforce only the Uniform Code and leave enforcement of local laws or regulations to municipalities, some of which retain part-time zoning officers to handle such matters. Staffing ranged from 2.5 full-time code officers in Chenango County to seven in Washington, plus an administrative assistant in most counties.

Each county code department budget is funded principally from the county’s general fund, with annual budgets averaging about \$380,000. Fee revenue varied widely and averaged about 40% of budget.

Following this baseline review, CGR identified a range of options for improvement.

Options for Improved Collaboration

CGR identified a number of options for code enforcement arrangements between the County and its municipalities, ranging from keeping the status quo to having the County absorb most local code enforcement responsibilities from municipalities. Anticipated staffing and cost scenarios are included for each option.

Option 1: The Status Quo

CGR found little immediate financial cost to retaining the status quo, but it poses risks to the continuity and quality of code enforcement services over time. Many of the challenges with the current system can reasonably be expected to increase in the near future. This includes difficulties attracting and retaining qualified staff, increasing demands on positions that already have limited hours, and uneven approaches to levels of enforcement, fee schedules and permitting processes across the County.

Option 2: County Coordination / Support

We explore scenarios in which the County could perform tasks or functions to support the existing local code enforcement system. These include developing common documents or forms that could be shared by local code enforcement officers, developing or purchasing and implementing a shared code software system, and providing leadership for standardizing fee structures or land-use regulations among municipalities. These approaches would rely on existing staff within the County (likely in Economic Development and Planning and / or Information Technology and Communication Services).

Option 3: Limited County Code Enforcement

Under the following scenarios, the County would play a more direct role in delivering some code enforcement services at the local level, but municipalities would remain primarily responsible. Options include:

Fire and / or Commercial Inspections

County code enforcement officers would address enforcement and inspections of larger commercial buildings, and / or fire inspections for buildings with areas of public assembly, multiple dwellings, and non-residential uses. This would require the County to develop a single fee schedule for such inspections. Minimum staffing would be two FTEs at an estimated cost of about \$150,000 annually (including salary and 70% fringe benefits rate).

On-call Uniform Code Expertise or Consultation

A single County staff member who is experienced, trained and certified as a code enforcement officer could serve as a central resource and consultant to all municipal code enforcement officers. If full-time, we estimate the cost at about \$75,000 per year (including salary and benefits) or about \$22,000 per year if half-time (assuming no benefits for a part-time position).

Menu of Services

The County could provide a priced "menu" of code enforcement services that municipalities could opt into each year, depending on their needs and budgets. Staffing would vary based on negotiation between the County and participating municipalities, but likely represents a minimum of two FTEs at a cost of about \$150,000 per year.

Property Maintenance / Quality of Life Complaints

The County could handle local code enforcement nuisance complaints, leaving municipal code enforcement officers to concentrate on enforcement of the Uniform

Code. Due to a number of challenges with this arrangement, however, no staffing or associated costs were developed.

Option 4: County as Main Provider of Local Code Enforcement

The following scenarios would entail Tioga County assuming most or all code enforcement responsibilities at the municipal level. We have not explored in detail options for the County to absorb enforcement of local laws or zoning, due to concerns about the validity of some local laws and a clear desire from most parties involved to retain enforcement of local regulations at the local level.

County Enforcement of Fire Prevention, Building and Energy Codes

The County would enforce the Uniform Code at the local level with the exception of the International Property Maintenance Code (IPMC). This may eliminate the need for County code officers to coordinate with local code officers on enforcement of the IPMC and local laws that also address property maintenance matters. This arrangement would allow all parties to maximize their strengths: the County's ability to apply a uniform standard and level of service in all communities, and local officers' knowledge of both their communities and local laws. This model also would relieve local municipalities of the responsibility to manage the majority of code enforcement activity, while retaining a smaller portfolio of duties that could be managed effectively by a small, part-time workforce. A staff of three code enforcement officers and an administrative assistant would be an estimated \$275,500 per year, and four officers plus an administrative assistant would be an estimated \$350,000 per year.

County Enforcement of Full Uniform Code

This approach entails Tioga County fully assuming enforcement of the Uniform Fire Prevention and Building Code and Energy Code, as well as the International Property Maintenance Code. Local laws and / or zoning would remain matters for municipal enforcement. Costs would be similar for the County, but this approach may allow municipalities to retain part-time zoning / land use officers at a lower cost than certified code enforcement officers.

Funding Options

Paying for initiatives that require additional staff hours or hires could be funded in part through grant applications to New York State's Local Government Efficiency program (to explore feasibility and / or for implementation). A local match is required, which could be shared by the County and participating municipalities. Alternately, participating municipalities could pay for services based on their number of tax parcels or a flat fee per year, e.g., \$5,000. We note, however, that most counties that enforce the Uniform Code at the local level do not charge participating municipalities.

Acknowledgements

CGR thanks the Tioga County Rural Economic Area Partnership for the opportunity to conduct this study. We also wish to thank the code enforcement officers and elected officials who took time to speak with us. Special thanks to the Tioga County Economic Development and Planning team and County Planning Director Elaine Jardine, who managed this project, assisted CGR's team and provided valuable feedback.

Staff Team

Principal Paul Bishop provided oversight and guidance throughout this study. Senior Associate David Riley and Research Associate Kieran Bezila conducted interviews and analysis, and co-authored this report.

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Baseline Review

Introduction

The Tioga County Rural Economic Area Partnership (REAP) engaged the Center for Governmental Research (CGR) in 2019 to review and evaluate the provision of code enforcement services in Tioga County, and to identify opportunities to enforce codes more effectively and efficiently by sharing services. This review included, but was not limited to, exploring the role that the County might play in supporting or directly providing certain code enforcement functions. Tioga County has one code enforcement officer responsible for County buildings only; otherwise, the County plays no direct role in code enforcement at the town and village level. Instead, the responsibility is performed by local code enforcement officers employed by the County's nine towns and six villages.

Methodology

As of late 2019, there were 12 code enforcement officers serving 15 municipalities in Tioga County. CGR's project team conducted one-on-one, semi-structured interviews with each officer. The majority of interviews were conducted in person. Interviews focused on how code enforcement positions were structured, responsibilities of the job, how each officer carries out his or her day-to-day duties, workloads, processes and procedures, fees, longevity, retirement plans, and perspectives on the current and future state of code enforcement in Tioga County. Our team also collected, as available, details on fees for inspections and permits.

In addition, CGR conducted interviews with the 15 town supervisors and village mayors in the County, focusing on their views of their municipality's approach to code enforcement and potential roles the County might play in supporting or improving this function. We also interviewed the chair of the Tioga County Legislature to better understand recent discussion about code enforcement and the extent to which the County has an interest in playing a larger role in assisting with or delivering aspects of this important service.

To compare code enforcement activity and workloads across municipalities, CGR obtained 2018 Article 19 NYCRR Part 1203 Uniform Code Administration and Enforcement Reports (known as a 1203 report) for each municipality in Tioga County through a Freedom of Information Law request to the Department of State.¹ The

¹ The 2018 reports were the most recent available at the time of CGR's FOIL request.

Department requires code enforcement officers to submit an annual report on the types and quantity of work performed annually in each municipality.

To compare local code enforcement costs, we drew on budget data available from the State Comptroller's Office.

Finally, we interviewed relevant officials in eight New York State counties that currently have county-administered code enforcement to better understand options available to Tioga County.

This section of the report summarizes our findings on the current state of code enforcement in Tioga County.

Code Enforcement in New York State

Proper enforcement of building and fire codes is critical to the safety of the public and emergency responders. Code enforcement also plays an integral part in maintaining quality of life in communities throughout New York State.

State law on building and fire safety standards and a recent state Senate investigation on municipal code enforcement functions provide important context for this study.

The Uniform Code

The Uniform Fire Prevention and Building Code has been in effect in New York State since 1984. It prescribes minimum statewide standards for building construction and fire prevention in all municipalities (except New York City). Individual municipalities are primarily responsible for enforcing the Uniform Code, as well as the state Energy Conservation Construction Code, which sets energy efficiency requirements for residential and commercial construction.

Until the Uniform Code went into effect, New York State had a "multiplicity of codes and requirements for various types of buildings administered at various levels of state and local government," as well as "extensive areas of the state" with no code at all to govern building construction and safety standards, according to the state law that established the Uniform Code. Local officials responsible for code enforcement also were sometimes inadequately trained and inconsistently qualified for the job.²

² New York Consolidated Laws, Executive Law § 371. <https://codes.findlaw.com/ny/executive-law/exc-sect-371.html>

“The present level of loss of life, injury to persons, and damage to property as a result of fire demonstrates that the people of the state have yet to receive the basic level of protection to which they are entitled in connection with the construction and maintenance of buildings.”

*New York Consolidated Laws, Executive Law, Article 18,
Section 371*

Since adopting the Uniform Code, New York State also established the Fire Prevention and Building Code Council, which is responsible for periodically reviewing and updating the code as needed. The Uniform Code was updated in 2003 based on model codes developed by the International Code Council (ICC); subsequent updates to the Uniform Code and / or Energy Code became effective in 2016, 2017 and 2020.

Expectations for Local Enforcement

The New York Secretary of State establishes minimum requirements for the administration and enforcement of the Uniform Code at the local level. Among other responsibilities, enforcement programs are expected to address procedures for issuing building permits and certificates of occupancy; conducting fire safety and property maintenance inspections; and addressing violations and complaints.³ In addition, the Secretary of State sets minimum training requirements for code enforcement officers, including initial training and in-service education.⁴ The Secretary has the ability to investigate code enforcement programs to ensure they meet minimum standards.

As noted above, local governments are primarily responsible for the administration and enforcement of the Uniform Code and Energy Code. Beyond the minimum requirements, however, municipalities have flexibility to design their own enforcement programs, including choosing the number of code enforcement officers on staff, the hours they are provided to do their jobs, and the levels of fees for work and fines for violations.

³ Part 1203 Uniform Code: Minimum Standards for Administration and Enforcement.

<https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I2e44ccb0ac4311dd81fce471ddb5371d>

⁴ Part 1208 Minimum Standards for Code Enforcement Training in the State of New York.

<https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I2eb96070ac4311dd81fce471ddb5371d>

Alternatives to Local Code Enforcement

State law provides other options for code enforcement. Any local government may voluntarily enter an agreement with its county government to administer and enforce the Uniform Code, the Energy Code or both. Municipalities also can operate code enforcement programs jointly. In addition, local governments can choose to opt out of enforcing the codes entirely, shifting the responsibility to their county government.

There is precedent for voluntary agreements for joint provision of code enforcement services among municipalities and counties as well opt-outs. Municipalities in Chenango, Jefferson, Lewis, Otsego, Seneca, Warren, Washington and Wyoming counties have chosen to opt out of local enforcement and instead rely on their county.⁵ Five of these eight counties have a Board of Supervisors form of government in which municipal elected leaders also serve on their county's legislative body. As such, municipalities in these counties effectively still control the code enforcement function, albeit collectively, and deliver it through a county government. Three others, like Tioga, have either a County Legislature or a Board of Representatives with separately elected legislators. In several cases, counties provide code enforcement services for some, but not all, municipalities within their borders.

Local Regulations

Beyond the Uniform Code, many code enforcement officials also are responsible for enforcing local codes, ordinances and land-use laws. These vary from one municipality to the next, often governing issues such as property maintenance, types of allowable development, and density of development. State law allows cities, towns and villages to enact construction standards that are more restrictive than the Uniform Code, but they must petition the Code Council for approval.

State law also states that municipalities may adopt or enact building regulations on matters not addressed in the Uniform Code. Local zoning laws, while rare in Tioga County, also may regulate the overall form and use of buildings.

Senate Investigation on Code Enforcement

A 2019 report published by the New York State Senate Committee on Investigations and Government Operations also provides important perspective for this study. The report detailed a Committee investigation conducted in coordination with the Senate

⁵ Final Investigative Report: Code Enforcement in New York State. New York State Senate Committee on Investigations and Government Operations. 2019.

https://www.nysenate.gov/sites/default/files/article/attachment/final_investigative_report_code_enforcement_senate_or_skoufis_igo_committee.pdf

Committee on Housing, Construction & Community Development. This review included an in-depth evaluation of the code enforcement process in the cities of Albany, Newburgh and Mount Vernon, and the Town of Ramapo. The results of the investigation raised broader concerns about the quality of code enforcement across New York State.



The Committees found that:

“The lack of prioritization of code enforcement in municipalities across the State is significantly contributing to the culture of poor compliance that ultimately endangers the lives of residents and first responders. With respect to the enforcement of code, some municipalities lack the capacity to adequately enforce codes and others appear to lack the desire to enforce. Without enforcement credibility, the status quo of ‘act now, ask for forgiveness later’ persists. Adequate deterrents do not exist, permitting bad actors to continue their hazardous behavior.”⁶

The Committees issued a long list of recommendations to strengthen code enforcement in New York State. Of particular relevance to this study, the Committees described receiving calls from counties across the state, asking that local governments within their jurisdiction be investigated. In response, the report recommended empowering counties to petition the Secretary of State to remove the authority of local governments to administer and enforce the Uniform Code and empower the relevant county to perform such responsibilities. **This made clear that Tioga is not unique in its concerns about the quality of code enforcement at the local level, and that larger reforms may be necessary to address these issues comprehensively across New York State.**

Other Committee recommendations of statewide relevance included:

- Reinstatement of the distribution of state funds collected through fire insurance fees to local governments to assist with code enforcement activities;
- Amending Executive Law § 381 to allow the Department of State authority to unilaterally appoint an oversight official in local governments to ensure code compliance, as necessary;
- Creating a statewide registry of licensed electricians and plumbers to assist property owners in effectively correcting code violations;
- Establishing a statewide tracking system for code violations and offenders;

⁶ Ibid. p. 5.

-
- Establishing mandatory minimum fines and new enforcement mechanisms for violations of the Uniform Code, as well as deterrents for repeat offenders;
 - Amending requirements for code enforcement officer training; and
 - Establishing a minimum number or required ratio of code enforcement officials in a given jurisdiction, based on population.

Impacts of Criminal Justice Reform

There are concerns in Tioga County and other counties that criminal justice reforms in New York State, effective in 2020, may require code enforcement officers to create, maintain and produce more meticulous records to produce for discovery purposes during code-related cases brought to court.

This could have a substantial impact on code enforcement officers who pursue cases in court. While code officers generally provided discovery in a small number of cases in the past, the revised law now requires discovery in most cases brought to criminal court. This may require local code enforcement officers to better maintain records and evidence collected as part of investigations and produce more records than in the past.

It is important to note that the number of code cases resolved in court appears to be relatively small, based on interviews with local code enforcement officers. Nonetheless, while officers may be called upon to produce such records infrequently, they would be well advised to keep more extensive and meticulous records in general in the event a matter has to be resolved in court. It is difficult to estimate with specificity the extent to which this expectation might affect the workload of local code enforcement officers, but is an important factor as the County considers potential staffing levels if it were to take on code enforcement duties.

The Existing Code Enforcement System in Tioga County

About Tioga

Tioga County is located in the Southern Tier of New York State. There are nine towns and six villages in Tioga County, which has a population of about 49,000.⁷

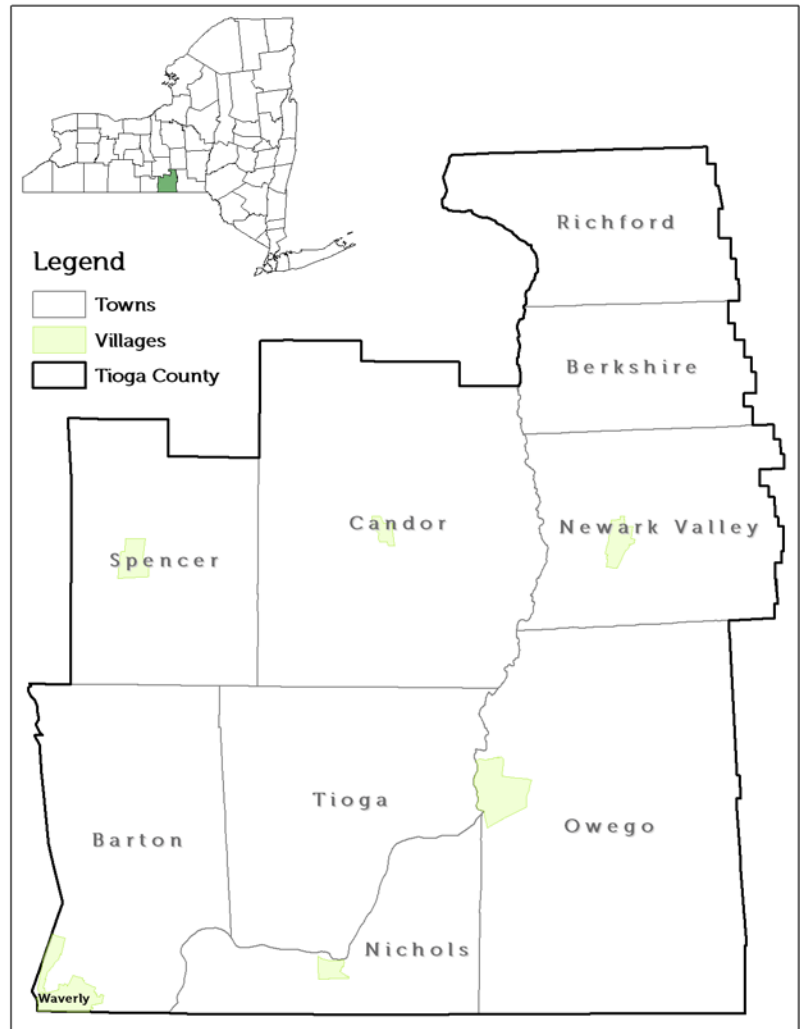
The municipalities are:

- The Towns of Barton, Berkshire, Candor, Newark Valley, Nichols, Owego, Richford, Spencer and Tioga; and
- The Villages of Candor, Newark Valley, Nichols, Owego, Spencer and Waverly.

The Village of Waverly is located within the Town of Barton; the other villages are located within towns that share their name (e.g., the Village of Owego is within the Town of Owego).

The Town of Owego has the largest population in the County, with nearly 19,000 residents (including about 3,800 residents in the Village of Owego). The Village of Owego is the Tioga County seat. The next largest towns are Barton, with about 8,600 residents, and Candor, with about 5,100 (including about 650 in the Village of Candor). The smallest community in the County is the Village of Nichols, with about 600 people.

Municipal code enforcement is administered at the town and village level. The County employs a code enforcement officer for 40 or fewer hours per year solely to manage code compliance for existing and newly constructed County buildings. No expansion



⁷ All population figures are American Community Survey 5-year estimates, U.S. Census Bureau, 2014-18.

of this role is expected in the future and the County plays no direct role in local code enforcement. The County does, however, work on certain other elements of development or project review, including inspections for septic systems and site plan reviews for projects within 500 feet of a county or state road. Neither is directly related to code enforcement, but these responsibilities mean that the County and member municipalities already interact to some extent when reviewing, inspecting and permitting certain types of building projects.

Code Enforcement Staffing

The table below shows the 12 code enforcement officers serving in each Tioga County municipality at the time of CGR's interviews.

Code Enforcement Officer	Municipality
Bill Foster	Newark Valley (village)
Chris Hammond	Berkshire, Richford
Chris Robinson	Barton, Waverly
Jeff Winchell	Spencer (village)
Martin Jerzak	Candor (town), Nichols (village)
Mike Katchmir	Owego (town), Candor (village)
Robert Huseby	Nichols (town)
Robert Klossner	Tioga
Ron Schmidt	Owego (town)
Scott Phelps	Owego (village)
Steve Cortright	Spencer (town)
Tom Larson	Newark Valley (town)

With the sole exception of the Town of Owego, the largest municipality in the County, all code enforcement officers in Tioga County held part-time positions. All were assigned 20 hours or less per week, with two exceptions: the Town of Owego, which had both the full-time officer referenced above and a part-time officer, and the Town of Tioga, where the officer worked 30 hours per week.

At least five of the officers worked multiple code enforcement jobs. In addition to those listed above who worked for multiple municipalities within Tioga County, the code enforcement officer in the Town of Spencer also worked full-time in a municipality in neighboring Tompkins County. The officer serving Barton and Waverly also worked for two municipalities in neighboring Chemung County.

Notably, at least two additional officers had other jobs that were unrelated to code enforcement. The Village of Newark Valley officer also worked as the full-time DPW supervisor for the Village, and the officer for Berkshire and Richford worked full-time for a local paving company.

Job Responsibilities & Expectations

Official Job Descriptions

Municipalities in Tioga County typically use a standard job description for code enforcement officers. It states that officers are responsible for administering and enforcing the Uniform Code or a local fire and/or building code if one has been approved by the state Code Council. The officer provides for the coordination of all activities to ensure compliance with appropriate laws, codes, rules and regulations. A list of typical work activities includes, among other tasks:

- Advising planning activities of the Planning Board and Zoning Board of Appeals (if the municipality has a ZBA);
- Enforcing local codes or ordinances related to flooding, junk cars, swimming pools, garbage and weeds;
- Supervising and participating in inspections at various stages of construction;
- Issuing, denying or revoking building permits and certificates of occupancy;
- Issuing written notices to correct illegal, unsafe or dangerous conditions in existing structures; and
- Maintaining accurate records on all transactions and activities.

Important skills include thorough knowledge of modern practices, principles, materials and tools used in building construction; good knowledge of building trades; good knowledge of the Uniform Code and any local zoning code; good knowledge of the principles of fire prevention; ability to write clear and concise reports and to maintain records in an orderly manner; and an ability to establish and maintain cooperative relationships with other public officials, building contractors and the general public.

Minimum qualifications for the position typically require a high school diploma or an equivalency and any one of the following:

- An associate degree in civil engineering, construction technology, fire science or a closely related field, as well as one year of full-time paid experience or its part-time equivalent in building construction, firefighting or fire inspection;
- Satisfactory completion of 60 semester hours at an approved four-year college or university in a program leading to a bachelor's degree in one of the fields listed above, as well as the experience listed above;
- Three years of experience as described above; or
- An equivalent combination of training and experience as defined above.

Experience as a building inspector also can meet the experience requirements.

Responsibilities in Practice

In practice, code enforcement officers described their work as a mix of duties listed above and others that are not part of any official description. For example, several officers described education and informal consultation as an often unwritten, but substantial component of the job. This duty includes helping elected officials understand what can and cannot be enforced under state code and any local regulations. It also entails communicating these expectations to the public and contractors, who may be used to different processes and rules across municipalities.

Nearly all officers interviewed indicated that their responsibilities took more time than assigned. One officer said municipalities do not always fully understand the responsibilities of the job, and thus underestimate the hours required to do it properly. Officers described challenges managing their numerous responsibilities in the allotted hours, including:

- Responding to citizen complaints;
- Sorting out sometimes differing expectations of the Uniform Code and local laws and ordinances;
- Keeping up with paperwork and reporting requirements;
- Consulting informally with property owners and developers before and during construction, which can prevent more complex problems from being identified only in later inspections;
- Conducting project and fire inspections;
- Processing applications and issuing permits and certificates of occupancy;
- Attending municipal meetings to discuss enforcement with elected officials and / or planning and zoning boards; and
- Pursuing correction of violations in local courts.

Several officers also described nuances of local code enforcement work that take additional time that may not be apparent from a basic job description. One officer said there may be little point, for example, in repeatedly citing a property owner for a violation he or she cannot afford to fix. Code enforcement officers often have to work with such property owners to find creative solutions to correct violations.

The day-to-day work of code enforcement officers also varied widely across municipalities, depending in large part upon their density and character. In general terms, officers in more densely developed villages with older housing stock

tend to have more responsibilities related to monitoring rental housing, permitting some limited commercial development, and property maintenance. Those in rural towns tended to have more responsibilities related to installation of prefabricated homes, construction of new houses, and permitting updates to existing homes.

In addition, while some villages had zoning codes, the County's more rural towns did not; however, towns often had their own local laws or ordinances governing issues such as minimum lot sizes and property line setbacks. This creates a patchwork of local regulations that differ across the County.

Longevity and Experience

In terms of longevity, there were two main groups of code enforcement officers in Tioga County: those with substantial experience in their current positions and those who were relatively new to the job. **Overall, the field has seen substantial turnover in recent years, and additionally, longtime officers are nearing retirement.**

Five had worked in their longest-held current positions for 10 or more years and a sixth had been in his position for about five years. At the other end of the spectrum, six had been in their positions for fewer than five years. Four had been on the job about a year or less. Subsequent to our interviews, the code enforcement officer for the Town of Newark Valley retired, and a new officer took over the role in January of this year. The table below provides further detail.

Municipality	Code Enforcement Officer's Tenure
Barton	3 years
Berkshire	1+ year
Candor (town)	9 years
Candor (village)	10+ years
Newark valley (town)	10 years
Newark Valley (village)	1 year
Nichols (town)	5 years
Nichols (village)	2 years
Owego (town)	12 years
Owego (village)	< 1 year
Richford	< 1 year
Spencer (town)	2 years
Spencer (village)	< 1 year
Tioga	13 years
Waverly	1 year

Overall experience levels also varied greatly. Four of the relatively new officers had little or no prior experience with code enforcement. Several, however, had experience in construction or contracting, which gave them some familiarity with codes and / or permitting requirements. Officers working in the Town of Owego and the Villages of Candor and Spencer (Katchmir and Winchell) had served as code enforcement officers the longest, with over 40 years of combined experience.

Potential Retirements

Half of the code enforcement officers interviewed planned to retire within the next two years or were past typical retirement age. There appears to be limited succession planning in place to replace most of them. The Town of Newark Valley is an exception – it had hired a replacement for its outgoing officer, who retired in December 2019, and the new officer was job-shadowing her predecessor at the time of our interview.

Another officer said he planned to retire within a year; two others expected to retire in about a year and a half. Two more officers expressed no immediate plans to retire, but were nearing or past the age of 70.

Code Enforcement Activity

Through a Freedom of Information Law request, CGR obtained 2018 Part 1203 reports – the yearly reports of code enforcement activity that must be filed with New York State – for each municipality in Tioga County from the Department of State. At the time of our FOIL request, 2018 was the most recent year available.

The state reports provide the most comprehensive and detailed data available on code enforcement activity at the local level, in a format that is easily comparable. It is important to note, however, that even with this data, it is not possible to precisely measure each officer's workload and hours devoted to individual tasks. With permit issuance and inspections, for instance, smaller numbers don't necessarily translate to a smaller workload. A simple count of permits issued or inspections completed does not reveal how long these tasks took to complete, nor how involved they were, depending on the complexity of the project. Nor do the state reports capture how much time is spent informally advising permit seekers or builders on their plans and applications, which is often a substantial demand on time.

When asked in November 2019 about turnaround times for permits and Certificates of Occupancy and Compliance, one code enforcement officer aptly described the complexity of providing an accurate answer:

“It can be within an hour for a permit. If it involves reviewing prints and conversations with architects and designers, it can take up to a week, because I’m only here two days a week. An addition has to be up to code. Reviewing plans could take a couple of hours, writing the permit, 20 minutes; then you’ve got to do the inspection. It depends on the contractor. [I] have to inspect the foundation – that can take a week to get in shape. Things can take a while, depending on the contractor. Start to finish, it might take two months to review everything. I have one person I’m working with for six months.”

In summary, data garnered from the Part 1203 reports are a good foundation for understanding permitting, inspection and complaint activity, but they are not a definitive measure of workload and time involved in each task.

Notably, code enforcement officers used a variety of software systems (if any) as well as different application forms, permits and report formats. This made it difficult to accurately compare work across municipalities without using the Part 1203 data.

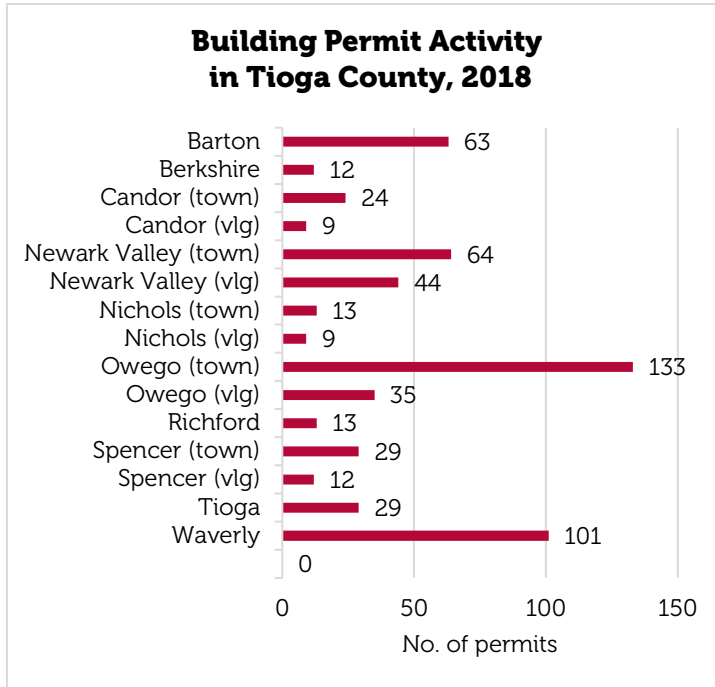
Below, we discuss highlights and trends that emerged from our analysis. We provide additional detail in the following tables.

Permits

Most permits issued for new construction in Tioga County in 2018 were for personal dwellings – mainly 1- and 2-family homes and townhouses. Permits for non-residential construction were scarce, with the exception of the Town of Newark Valley. Permits for additions, alterations or repairs to existing homes were more common, with the most issued in the Villages of Newark Valley and Waverly, and in the Town of Owego. The adjacent table shows permitting activity in Tioga County municipalities broken into general ranges or categories.

The variation in activity may reflect differences in levels of enforcement and compliance with permitting requirements, as well as construction activity that varies across the County. As noted above, construction activity also differs quite a bit in densely developed villages compared to more rural towns with buildable land.

Below, we discuss types of permits in more detail.



New Home Construction

Permits for new construction of family homes varied, with four towns – Barton, Owego, Spencer and Tioga – issuing 10-19 permits. Four other towns had fewer, with Berkshire, Candor, Newark Valley and Nichols issuing 2-5 permits. The Town of Richford reported none. Villages reported no new home construction, except the Village of Owego, which issued a single new construction permit.

Addition, Alteration or Repair of 1 & 2 Family Units and Townhouses

Permits for additions or alterations of homes varied even more widely. Eleven of the municipalities reported 11 or fewer of these permits. By contrast, the Village of Newark Valley issued 31; the Town of Owego, 33; and the Village of Waverly, 61.

Other Types of Residential Construction

Only the Towns of Berkshire (4), Newark Valley (3) and Richford (2) issued permits for new residential construction other than one- and two-family homes or townhouses.

Non-Residential Construction

There were few permits issued for non-residential buildings in most municipalities in 2018. Combining counts of new construction permits with those for additions, alterations and repairs to non-residential buildings, the Towns of Barton, Berkshire and Richford and the Village of Newark Valley issued no non-residential permits in 2018. The remaining municipalities each issued 11 or fewer such permits. The exception was the Town of Newark Valley, which issued 31.

All other permits

The category “all other permits” on the Part 1203 report includes “pools, sheds, decks, plumbing, HVAC, etc.” The Towns of Berkshire, Candor, Nichols, Richford and Tioga and the Villages of Candor, Newark Valley, Nichols and Spencer reported “all other permits” in the single digits. The Towns of Newark Valley and Spencer reported such permits in the teens; and the Town of Barton and the Village of Waverly reported them in the 30s. The Town of Owego was at the top, at 73.

Building Permit Activity

	Pop.	1 & 2 fam. or townhouses		Other residential		Non-residential		All other permits	Total permits	Certs. of occupancy / completion	Stop work orders
		New	Alteration	New	Alt.	New	Alt.				
Town of Barton	8,550	19	9	0	0	0	0	35	63	4	0
Town of Berkshire	1,179	2	4	4	0	0	0	2	12	5	0
Town of Candor	5,089	2	6	0	6	6	2	2	24	2	0
Town of Newark Valley	3,768	5	11	3	0	30	1	14	64	70	0
Town of Nichols	2,682	5	0	0	0	0	1	7	13	9	0
Town of Owego	18,985	16	33	0	0	2	9	73	133	134	0
Town of Richford	1,084	0	3	2	0	0	0	8	13	8	4
Town of Spencer	2,966	11	1	0	0	2	0	15	29	16	1
Town of Tioga	4,742	10	2	0	0	5	5	7	29	3	0
Village of Candor	645	0	4	0	3	0	0	2	9	0	0
Village of Newark Valley	1095	0	31	0	0	0	5	8	44	22	1
Village of Nichols	601	0	1	0	0	1	0	7	9	0	2
Village of Owego	3,827	1	9	0	3	2	1	19	35	30	3
Village of Spencer	782	0	3	0	0	2	1	6	12	3	0
Village of Waverly	4,214	0	61	0	0	1	5	34	101	10	2

SOURCE: Part 1203 reports for Tioga County municipalities, 2018. Population figures from American Community Survey 5-year estimates, 2014-18.

Certificates of Occupancy / Compliance

Certificates of Occupancy and Compliance also varied widely, from a low of zero in the Villages of Candor and Nichols to a high of 134 in the Town of Owego.

Most other towns and the Village of Spencer issued 10 or fewer such certificates in 2018. The Town of Spencer and the Villages of Newark Valley and Owego issued 16, 22 and 30, respectively. The Town of Newark Valley issued 70.

Operating Permits

Six municipalities indicated they do not generally issue operating permits: the Towns of Berkshire, Candor and Richford and the Villages of Candor, Nichols and Spencer. The Town of Nichols issued one operating permit for a pyrotechnic display.

The other communities issued one or more operating permits for large public assembly areas (100+ people) in 2018: The Towns of Owego (10), Newark Valley (6), and Tioga (4), and the Villages of Newark Valley, Owego and Waverly (3 each).

Inspections

Uniform Code Inspections on New Buildings

The Part 1203 form asks for the average number of Uniform Code site inspections on new residential and commercial buildings. For residential buildings, this ran from a low of zero in the Village of Nichols to a high of 10 for the Towns of Newark Valley, Owego and Spencer.

For commercial buildings, the average ran from a low of zero in the Town of Nichols to a high of 15 in other municipalities. The Town of Berkshire was an outlier, with 51, but it is possible this figure was a typo or data entry error.

Energy Code Inspections

The form asks officers to report the average number of Energy Code site inspections on new residential and commercial buildings.

The Towns of Berkshire and Candor reported an average of just one such inspection on a new residential building. The Village of Nichols reported the most, at 10. For commercial buildings, the reported average ran from a low of zero in the Towns of Nichols and Richford and the Village of Nichols to a high of six in the Towns of Barton, Owego, and Spencer, and the Villages of Newark Valley and Waverly.

Public Assembly Inspections

The number of buildings with one or more areas of public assembly varied from zero in the Town of Nichols to 30 in the Village of Owego, with an average of nine across the 15 municipalities.

Inspections of places of public assembly varied widely: all 22 of the relevant buildings in the Village of Newark Valley were reportedly inspected, compared to 21 of 30 in the Village of Owego, and 3 of 18 in the Village of Nichols.

Multiple-Unit Building Inspections

The majority of buildings with three or more units were located in the Town and Village of Owego and the Villages of Waverly and Newark Valley.

Most municipalities reported that these buildings had been inspected with the last three years, but in the Towns of Barton and Spencer and the Villages of Nichols and Owego, more than half of these buildings had not been inspected within 36 months, according to the Part 1203 reports.

Non-Residential Buildings

The Towns of Barton, Berkshire, Candor, Nichols and Tioga reported no non-residential buildings to inspect.

Otherwise, the numbers of non-residential buildings ran from fewer than 10 in the Towns of Richford and Spencer and the Villages of Candor and Spencer to 17 in the Village of Newark Valley, 27 in the Town of Newark Valley, 63 in the Town of Waverly, 64 in the Town of Owego, and a high of 272 in the Village of Owego.

Many of these had not been inspected within 36 months. In the Town of Owego, 34 of 64 had not been; in the Town of Spencer, 8 of 8 had not been; in the Village of Owego, 266 of 272 had not been; in the Village of Spencer, 5 of 5 had not been; in the Village of Waverly, 24 of 63 had not been, according to the reports.

Project Compliance

Across the board, nearly all projects in all municipalities that were completed were declared compliant after inspection.

Inspection Activity

		Uniform Code		Energy Code	
		Average no. of inspections			
	Pop.	Res.	Comm.	Res.	Comm.
Town of Barton	8,550	4	15	3	6
Town of Berkshire	1,179	8	51	1	1
Town of Candor	5,089	1	1	1	1
Town of Newark Valley	3,768	10	10	4	4
Town of Nichols	2,682	6	0	5	0
Town of Owego	18,985	10	15	6	6
Town of Richford	1,084	4	3	2	0
Town of Spencer	2,966	10	10	6	6
Town of Tioga	4,742	6	7	4	4
Village of Candor	645	4	4	4	4
Village of Newark Valley	1095	3	6	2	6
Village of Nichols	601	0	0	10	0
Village of Owego	3,827	6	12	2	3
Village of Spencer	782	6	10	2	2
Village of Waverly	4,214	4	15	3	6

SOURCE: Part 1203 reports for Tioga County municipalities, 2018. Population figures from American Community Survey 5-year estimates, 2014-18.

Additional Inspection Activity

	Pop.	Bldgs w/ public assembly areas			Bldgs w/ 3+ dwelling units				Non-residential buildings		
		# of bldgs	# inspected	No insp. in 12 mos.	# of bldgs	# inspected	No insp. in 12 mos.	# of units	# of bldgs	# inspected	No insp. in 36 mos.
Town of Barton	8,550	1	0	0	2	0	2	12	0	0	0
Town of Berkshire	1,179	3	0	3	0	0	0	0	0	0	0
Town of Candor	5,089	10	0	0	0	0	0	0	0	0	0
Town of Newark Valley	3,768	6	5	1	6	5	1	37	27	6	0
Town of Nichols	2,682	0	0	0	0	0	0	0	0	0	0
Town of Owego	18,985	11	4	7	24	6	0	275	64	8	34
Town of Richford	1,084	0	0	0	0	0	0	0	3	0	0
Town of Spencer	2,966	3	0	3	2	0	2	9	8	0	8
Town of Tioga	4,742	4	4	0	0	0	0	0	0	0	0
Village of Candor	645	3	2	1	2	2		6	5	0	0
Village of Newark Valley	1095	22	22	0	11	6	0	44	17	11	0
Village of Nichols	601	18	3	15	5	2	3	15	0	0	0
Village of Owego	3,827	30	8	21	11	3	8	210	272	1	266
Village of Spencer	782	6	4	2	6	5	0	18	5	0	5
Village of Waverly	4,214	21	11	10	68	22	0	309	63	13	24

SOURCE: Part 1203 reports for Tioga County municipalities, 2018. Population figures from American Community Survey 5-year estimates, 2014-18.

Complaints

Uniform Code Complaints

The number of code complaints received in 2018 varied widely from municipality to municipality. The Towns of Candor and Nichols reported no complaints. The Towns of Barton, Berkshire, Richford, Spencer and Tioga, and the Villages of Candor, Nichols and Spencer all received 10 or fewer complaints. The Town of Newark Valley received 12 complaints and the Town of Owego, 31 complaints.

On the higher end, the Village of Waverly reported 62 complaints; the Village of Newark Valley, 109 complaints; and the Village of Owego, 180 complaints.

Almost all complaints were reported as acted upon.

Energy Code Complaints

The Village of Owego had the only energy code complaints reported in the county. All four of the complaints were acted upon.

Comparison of Overall Activity

As the discussion above shows, overall code enforcement activity varied widely. Rather than correlating clearly to population level or one municipality leading on most figures, a majority of the municipalities tended to a category where they showed the greatest activity:

- Most 1&2 family new construction permits: The Town of Barton (19);
- Most addition/alteration permits: Village of Waverly (61);
- Most non-residential new construction: Town of Newark Valley (30);
- Most "other" category permits: Town of Owego (73);
- Most Certificates of Occupancy and Compliance: Town of Owego (134);
- Largest average number of Uniform Code inspections per worksite: Town of Berkshire (51);
- Most public assembly areas inspected: Village of Newark Valley (22);
- Most multi-unit dwellings inspected: Village of Waverly (22);
- Most non-residential buildings inspected: Village of Waverly (13);
- Most code complaints addressed: Village of Newark Valley (109) and Village of Owego (108).

This variation may reflect the differences in local conditions and demands across the County, as well as potentially different priorities for enforcement in municipalities.

The tables on the following pages provide additional detail on reported activity on the Part 1203 reports. Please note that the tables below reflect any typographical or data entry errors that may appear on the reports themselves.

Code Enforcement Costs and Fee Revenues

As discussed above, all but one of the code enforcement officers in Tioga County has a part-time position, with most allotted 20 or fewer hours per week. Pay is often limited, and most code enforcement officers do not receive health benefits from their employers. As a result, this function costs local towns and villages comparatively little. Several officers described the job as one best suited to semi-retired people who had other sources of income.

Code Enforcement Costs, Tioga County

	As % of total staff costs
Town of Barton	2%
Town of Berkshire*	3%
Town of Candor	1%
Town of Newark Valley	2%
Town of Nichols	0%
Town of Richford	4%
Town of Spencer	2%
Town of Tioga	1%
Town of Owego*	4%
Village of Candor	3%
Village of Newark Valley	2%
Village of Owego*	7%
Village of Spencer	4%
Village of Waverly	1%
Village of Nichols**	8%

SOURCE: New York State Comptroller's Office; FY2019 for Villages, FY2018 for Towns. 2017 data was used for the Village and Town of Owego and the Town of Berkshire; 2018 data was used for the Village of Nichols. "Total staff costs" represents the sum of all personal services and benefits spending for each municipality.

To put local spending on code enforcement in perspective, CGR compiled budget data from the State Comptroller's office on each municipality's expenditures on code enforcement, building safety inspection and related categories (e.g., planning and zoning). The most recent data available was from fiscal 2018 for towns and 2019 for villages. Only 2017 data was available for the Village and Towns of Owego and Berkshire; for the Village of Nichols, 2018 data was the most recent available.

In general, code enforcement and related functions represented less than 5% of total spending on total staff costs (the sum of personal services and employee benefits expenditures) in the majority of municipalities. In all cases, this function was less than 10% of total staff costs. These percentages should be regarded as order-of-magnitude estimates, as it is clear the municipalities classify their code

enforcement expenditures in slightly different ways, and the data in some cases does not precisely capture spending on this function.

CGR also compiled data from the State Comptroller's Office on revenue reported by each municipality from building and alteration permits, other types of permits, and fire inspection fees for the most recent fiscal year available. This represents an estimate of revenue that municipalities receive from code enforcement functions.

Revenue from fees was generally small – the annual average for towns was about \$4,000 and about \$3,100 for villages. The highest reported amount was in the Village of Waverly, at about \$10,000. Other municipalities reported amounts in the hundreds or low thousands. Overall, it is clear that permits, inspections and other code enforcement services are not a major source of revenue for most municipalities in Tioga County. Reported revenue typically neither matched nor exceeded the municipality's reported spending on this function.

Some municipalities shared their fee schedules for basic code enforcement functions, such as building permits, certificates of occupancy and inspections. Fee schedules are generally not aligned across communities, with some limited exceptions, generally when one officer serves more than one village or town. In general, the code enforcement officers also indicated their fee schedules haven't been comprehensively updated recently and that they don't generally compare fees with other municipalities in the county, with some exceptions:

- Richford recently adopted the same fee schedule as Berkshire;
- Spencer updated their fees in 2017; and
- The Town of Tioga compared fees to other communities.

Key differences in fee schedules included:

- Some municipalities charged a flat fee for permits for new construction or additions to a principal structure. Others differentiated their fees based on the category of use (residential versus commercial, for example) or a more specific type of use (e.g. single-family home versus multiple units).
- Some communities differentiated permit fees based on the construction cost of the structure; still others based their fees on building square footage.
- Amounts charged varied widely, based on different types of thresholds. A permit to construct a single-family home up to 1,200 square feet in the Town of Barton, for example, was \$100. In the Town of Candor, the charge for such a home up to 1,500 square feet was \$200. The Village of Candor, meanwhile, generally charged \$50 for any building permit.

- Terminology for similar land uses sometimes differed across municipalities. While some municipalities had fees specific to pole barns, for example, others generally charged fees for accessory structure.
- Some municipalities had established permit fees for telecommunication towers, while others had not.

Most officers felt their fees were fair or a little low. Several stressed that they don't wish to burden people with higher fees or try to generate substantial revenue from them. While some were open to fee updates, there was a general concern that charging too much could discourage property owners from applying for the proper permits.

Local Regulations

All municipalities in Tioga County have local regulations that impose requirements on land use and property maintenance, outside or beyond those laid out in the Uniform Code.

Zoning laws, which are one approach to land use regulation in New York, are rare in Tioga County. Only two towns and two villages use zoning. According to many code enforcement officers, zoning is often viewed unfavorably in the region as an unnecessary intrusion on how property owners use their land. Most towns and villages in Tioga County, however, impose some guidelines through a combination of stand-alone local laws, subdivision regulations and / or site plan review requirements.

Common matters regulated at the local level include subdivision of land, minimum setbacks from roads and property lines for construction, and minimum lot sizes for homes or commercial buildings. Many municipalities also regulate junk storage, weed or grass height, signs, mobile home installation, and unregistered vehicles allowed on a property. All communities also regulate development in flood plains.

Local code enforcement officers are typically responsible for enforcing all these local regulations. While difficult to quantify how often officers were expected to enforce

Local Regulations Relevant to Code Enforcement

	Local laws or ordinances	Zoning
Town of Barton	•	
Town of Berkshire	•	
Town of Candor	•	
Town of Newark Valley	•	
Town of Nichols	•	•
Town of Owego	•	•
Town of Richford	•	
Town of Spencer	•	
Town of Tioga	•	
Village of Candor	•	
Village of Newark Valley	•	
Village of Nichols	•	
Village of Owego	•	•
Village of Spencer *	•	
Village of Waverly	•	•

* Village considering zoning at time of CGR interview.

local codes versus the Uniform Code, several indicated a non-trivial portion of their time is spent determining whether a property or structure complies with one or both.

Approaches to Regulating Land Use

CGR was asked to review how Tioga County towns and villages without zoning regulate matters like setbacks, lot sizes and property maintenance, and to explore whether their approaches appear to be consistent with New York State law. This was meant to help inform the County on what role, if any, it should play in enforcing local laws or regulations if it were to take on a more direct role in code enforcement.

As we are not attorneys, CGR cannot offer legal opinions; however, our team sought to evaluate overall approaches to land use regulation in Tioga County. We consulted informally with two attorneys with expertise in land use and code enforcement in New York State, and we reviewed various approaches to land use regulation outside of zoning (such as local laws, subdivision regulations, site plan review, and sign and junkyard regulations). We did not attempt to review individual local regulations or laws in detail to evaluate their legality or likelihood of withstanding a legal challenge.

In Tioga County, municipalities without zoning typically regulate setbacks and lot sizes through local laws. Often, these laws adopt the provisions of the Uniform Code while also laying out local requirements for setbacks and lot sizes. Notably, many of these communities have other single-issue local laws that regulate matters such as adult entertainment businesses, junkyards, telecommunications facilities and manufactured homes. In at least one case, in the Town of Barton, the municipality established a minimum lot size as part of its subdivision regulations.

Overall, these approaches are fairly consistent with other rural communities that lack zoning in New York State, but there are differing legal opinions on their validity, particularly with regard to setbacks and lot sizes:

- From one perspective, local laws can generally be a valid approach to these matters if adopted pursuant to New York's Municipal Home Rule Law, and if the law provides applicants due process relief through a variance process. More detailed regulations that affect the siting, density or use of development should, however, be addressed through a zoning law.
- Others, however, hold that dimensional requirements like setbacks and minimum lot sizes are clearly a way to regulate density, and that zoning is the only legally defensible approach to this type of regulation. From this perspective, local laws are not an appropriate tool for regulating these matters.
- Another perspective offers a third option – a local land use law. This allows towns or villages that don't wish to adopt zoning to address issues like setbacks and lot

sizes through one comprehensive, well-crafted law, rather than multiple single-issue laws. This approach is incompatible, however, with the view that zoning is the only appropriate approach to regulating density.

Even if one views local laws as a defensible approach overall, the multitude of local laws across Tioga County, each approached in slightly different ways, may pose risks to municipalities. We cannot comment on the strengths or weaknesses of individual local laws, but each one may have specific vulnerabilities in the case of a legal challenge, depending on how they are constructed.

Property Maintenance Regulations

Other local regulations mainly address property maintenance matters. These issues also are addressed in the Uniform Code through the International Property Maintenance Code (IPMC). This raises the question of whether such local regulations require approval from the state Code Council. Municipalities that wish to apply standards that are different or more restrictive than the Uniform Code are typically required to petition the Code Council for approval. No municipalities in Tioga County have received such approval from the Code Council, nor have any submitted petitions recently, according to the New York State Division of Building Standards and Codes (the Division).

The Division noted, however, that municipalities are permitted to regulate two matters without Code Council approval: the number of unregistered vehicles allowed on a property, and grass or weed height. These are two of the main property maintenance issues addressed by local laws. “While the amended 2015 IPMC allows one inoperable or unlicensed motor vehicle, it also permits other statutes, local laws, ordinances, or regulations to require something different,” according to written guidance issued by the Division.⁸ Similarly, an update to the Uniform Code, effective in May 2020, allows weeds up to 10 inches in height, “except as provided for in statute, local law, ordinance or other regulations.” Other local property maintenance standards would likely require Code Council approval to be enforceable.

In any case, there are again opportunities for the County to work with municipalities to rationalize and clarify local laws/regulations. This would provide ease of understanding for property owners and builders across Tioga County who currently encounter a patchwork of approaches to regulation and expectations across municipalities.

⁸ Division of Buildings Codes and Standards. Code Outreach Program – More Restrictive Construction Standards. March 7, 2018. https://www.dos.ny.gov/DCEA/pdf/2018-3_More_Restrictive_Construction_Standards.pdf

Views on County Role in Code Enforcement

Perspectives on a potential role for Tioga County in code enforcement varied widely among both code enforcement officers and their elected leaders.

Perspective from County and Municipal Leadership

In addition to code enforcement officers, CGR interviewed each mayor and town supervisor in the County, as well as County Legislature Chairwoman Marte Sauerbrey. Highlights of these interviews are discussed below. While most leaders were willing to accept some County role, almost all want to maintain a degree of local role. Previous efforts to standardize and share services, such as County management of IT services, were mentioned both positively and negatively by different leaders, with some citing these as success stories and others as mistakes they do not want to repeat.

Twelve of the 15 supervisors and mayors in the County rated the job their municipality is doing with code enforcement as “good” on a scale of good / fair / poor. One village mayor rated code enforcement as “fair,” citing the issues of a heavy workload that exceeds the part-time nature of the position and the regular turnover of code enforcement officers leaving for better-paying positions. Another rated code enforcement as “poor,” citing the difficulty of finding a code enforcement officer. A third rated recent code enforcement as “between good and poor.” Some leaders said their “good” rating represents an improvement over the recent past, thanks to newer officers.

Several leaders expressed concern about finding future candidates for code enforcement, most commonly noting that there are not enough young people in the pipeline and that, especially as the training and background requirements grow, attracting and retaining good candidates is difficult. Of the 11 municipalities that hired a new code enforcement officer in the past several years, eight reported having only one applicant for the job, which was the person they ultimately hired.

Five leaders expressed concern that their code enforcement position lacked sufficient hours to do the job properly. In most of these cases, leaders related this to a lack of funds for additional hours, especially as a full-time position would require benefits as well as additional wages. One leader noted that given recent changes in the structure of the code enforcement position in his municipality, he could not yet judge whether the hours allotted to the job were appropriate, but anticipated the need for another officer in the future unless the County provides some type of assistance.

Most leaders were satisfied with how code enforcement issues were handled by local courts. Only two rated the courts’ handling as poor, feeling that they did not deal with violations effectively. One mayor rated the court’s handling as mixed, stating

that code enforcement officers were frustrated with how long cases seemed to drag on, but some of that might be attributable to deficiencies in the village's own handling of the case or presentation of evidence. He also stated: *"Going to court and getting a fine doesn't necessarily fix the problem. You've got a fine, but the problem's often still there. In a way, you're back to square one and the whole thing repeats itself."*

The status of updates to municipal building codes and permit fees varied widely. Some updates were currently in process (Town of Berkshire), some had been done within the last few years (Towns of Candor, Owego, Richford, Tioga and Villages of Newark Valley, Nichols and Spencer), some needed updates (Town of Barton and Village of Owego), and some felt that things were fine as is (Villages of Candor and Waverly).

Only one leader was in favor of Tioga County completely absorbing responsibilities for code enforcement; another said he supports a County role in supporting towns that face a shortage of candidates for officers. The leaders of five municipalities said they were opposed to any County role. Several leaders felt that shared services agreements between neighboring municipalities were a potential solution. The rest of the leaders favored a limited role for the County, while maintaining a primary local role in various elements of enforcement.

Nine of the 13 municipal leaders specifically said that some sort of "local touch" was important in code enforcement. This referred to a number of things:

- First, ensuring someone is available and regularly accessible to local residents. Several leaders said their code enforcement officer had regular office hours where locals could drop in to discuss permits or have him informally review and advise on design plans. In addition, availability of the code enforcement officer to the Supervisor / Mayor and regular check-ins were cited as important. Some suggested that if County-employed code enforcement officers could reproduce this, they would be satisfied, but they had doubts that this could be done as a County function alone.
- Second, this meant ensuring code enforcement is handled by someone who knows local roads, whom exactly to talk to about local issues, local preferences for the strictness of enforcement, and local conditions. A few leaders mentioned that, given poverty in parts of Tioga County, some property maintenance expectations are not realistic. Some people cannot afford new siding or regular repainting, and issuing citations and fining them only made the situation worse; a flexible approach from a local code enforcement officer who was aware of their circumstances was viewed as the best option.

-
- Finally, there was a concern that in any consolidation of code enforcement functions, the County might impose additional rules and costs. One leader stated: *"It's important to find the balance with meeting the code and dealing with people who don't like the government and rules."*

A number of leaders were convinced that any County consolidation of code enforcement functions, however well-intentioned, might end up costing more while providing lesser service.

As with some code enforcement officers, a number of leaders were in favor of standardizing local codes and fees to at least some degree to answer complaints about inconsistency and permitting differences from area to area. But at the same time, these leaders did not want to lose local codes or ordinances that allow them to enforce matters important to their communities.

Municipal leaders offered several suggestions for a County role in code enforcement, including:

- County absorption of code enforcement duties and costs in three possible ways:
 - Directly billing taxpayers for code enforcement services to ease tax cap implications for local municipalities;
 - Spreading out costs based on how much code enforcement service is performed in each municipality; or
 - Hiring and paying for code enforcement officers while the respective municipal attorneys go to court to represent each municipality with complaints.
- Have the County employ a limited number of inspectors who might support local code enforcement officers;
- County management of an applicant pool of qualified code enforcement officers that municipalities can turn to if their current arrangement fails;
- County coordination of shared benefits packages for local code enforcement officers;
- County coordination and leadership on a limited set of common code or land use standards, as it has done with septic standards;
- County enforcement of Uniform Code and required inspections, allowing locals to manage property maintenance and enforcement of local ordinances; and
- Offering a menu of code enforcement services and expertise from which municipalities can contract for service enhancement on an annual basis.

The overriding message was that any solution must rely on a partnership among municipalities and Tioga County.

Perspectives from Code Enforcement Officers

Some officers anticipated that the County will have to absorb the code enforcement function entirely because municipalities struggle to fill these positions. Others thought countywide code enforcement could not work because most towns prefer local knowledge and a "light touch" with code enforcement. Most, however, favored some combination of County and local enforcement, where the County takes on some responsibilities and provides more consistency, but town and village officers continue to have a local presence and firsthand knowledge of their communities.

Top concerns about a countywide system were where officers would be located, loss of local knowledge / relationships with the municipalities, whether there would be enough officers to cover all municipalities in the county, and how far builders / residents would have to travel to get permits.

Suggestions included:

- Having the County handle larger commercial / industrial projects and public buildings, and leaving residential projects to local code enforcement officers;
- Centralizing fire inspections at the County level;
- Having the County help to improve incentives and / or penalties to encourage landlords to comply with code requirements;
- County staff dedicated to answering calls from the public, property owners and developers who have questions about code requirements;
- County management of code complaints, or alternately, absorbing other responsibilities so local officers have more time to investigate complaints;
- Developing common forms and violation letters;
- Assistance with updating and creating consistency among local laws;
- Shifting property nuisance / quality of life complaints to the County Health Department, police and / or a local constable;
- Developing a central database of information on contractors' insurance, or have the County handle licensing of contractors;
- Have the County supplement pay and hours for code enforcement officers; and
- Establish a consistent software system for violations and warning letters, and to generate consistent reports on code enforcement work.

Generally, code enforcement officers predicted that there may be limited interest in a more strict approach to enforcement in Tioga County, which could spark complaints from property owners and builders.

That said, our project team also heard that builders complain that certain permits or inspections are required in one municipality but not others, making it difficult to budget and schedule projects accurately, suggesting they also may see benefits to a more coordinated approach.

Approaches to Code Enforcement in Other New York State Counties

To better understand how other counties approach code enforcement and begin to develop assumptions for how county-level enforcement might function if adopted in part or in full in Tioga County, CGR interviewed department heads responsible for this function in Chenango, Jefferson, Lewis, Otsego, Seneca, Warren, Washington and Wyoming counties. In several cases, our interviews built on previous interviews conducted by Tioga County's Economic Development and Planning Office.

Each of these counties provides some degree of county-level code enforcement. Only Seneca provides code enforcement for every municipality within its jurisdiction. The other counties provide code enforcement for the vast majority of municipalities, with a small number still providing their own enforcement at the local level.

Enforcement of Local Regulations

Six of the eight counties do not handle enforcement of local zoning or other local laws or regulations, focusing solely on enforcement of the state's Uniform Code. Where zoning exists at the local level, it is typically the responsibility of local compliance officers employed by the respective municipalities.

Lewis and Wyoming Counties are exceptions. In Lewis, through inter-municipal agreements, the department provides zoning enforcement to 11 of the 20 municipalities where it enforces the Uniform Code. In Wyoming, zoning enforcement is provided to all participating municipalities that have zoning laws (two do not).

As a result, Wyoming County zoning officers must learn 13 different sets of zoning laws to apply. In an attempt to simplify and standardize this work, the county has developed two model zoning laws with help from the Genesee Finger Lakes Regional Planning Council (GFLRPC) and New York State grant funding. One model law is designed for more densely populated areas, and the other for more rural communities. Echoing concerns we heard in Tioga County, Wyoming County municipalities worry

about a loss of identity and control under county-level enforcement. For this reason, the model zoning laws are optional for participating municipalities.

History of County Code Enforcement

Most county-level code officials said their mixed systems of local and county-level enforcement had been in place for some time. Several shifted to county code enforcement in 1984, when the Uniform Code was enacted; many municipalities chose to opt out, leaving this function to the county by default. Another wave of municipalities opted out following updates to the Uniform Code in the early 2000s.

County code enforcement officials reported no problems with the mixture of local and county-level enforcement. In general, municipalities that retain local enforcement “do their own thing.” Likewise, when municipalities have their own zoning codes, most county code officials said they coordinate effectively with the local zoning compliance officers. Local zoning approvals are typically required before issuance of building permits or inspections, which avoids most potential conflicts.

Organizational Structure

County-level code enforcement departments are organized in various ways. Four departments — Jefferson, Otsego, Warren and Wyoming (which has a combined planning, code enforcement and zoning department) — are standalone units that report directly to the county administrator or board of supervisors.

Lewis County’s code department is housed within General Services and reports directly to the county manager. Seneca’s department reports to the Commissioner of Public Works, while Washington’s department reports to the Public Safety Committee. Chenango’s department is within the Department of Public Health.

Staffing Levels

County-level staffing for full-time code enforcement officers ranges from 2.5 (Chenango) to seven (Washington). Most departments (six of eight) also have one full-time clerical assistant; Otsego has two, and in Warren, one full-time officer mainly provides office support.

Chenango has two full-time building inspectors, one part-time fire inspector, one full-time clerical worker and a part-time (shared) administrator who performs some of the department’s fire inspections. The Chenango administrator described the department as understaffed and said it could use two more FTE code officers.

Lewis County, at three full-time officers, has the second-lowest staffing level. The department indicated the average officer can typically manage about 300 permits per year; in excess of that, the workload overwhelms capacity to do the job properly.

In Jefferson County, fire departments handle annual public assembly fire inspections during the summer, and the code department performs mandated fire inspections for other multi-unit and non-residential buildings every three years.

Job Responsibilities

In most county-level departments, code enforcement officers perform both building inspections and fire inspections.

Washington County, however, has five full-time building inspectors, one separate full-time fire inspector, and one full-time septic system inspector. In other departments with separate fire inspector positions (Wyoming and Chenango), regular code enforcement officers can do both building and fire inspections, but part-timers were added to help with fire inspections to support full-time staff.

Salary and Benefits Levels

Across the counties, salaries for full-time code enforcement officers range from about \$38,000 to \$58,000, and average \$44,000. In some departments, there is a standard salary or hourly wage for all officers, and in other departments, wages vary based on experience and tenure. All departments offer standard health insurance and retirement benefits for full-time employees. Employees in six of eight departments are unionized, all in the Civil Service Employees Association (CSEA), although this does not include department heads or some part-timers.

Funding

Each county code department budget is funded mainly from the county's general fund. Participating municipalities do not pay directly for salaries, benefits or any other expenses of county code enforcement officers, nor do counties charge special taxes or fees only to participating municipalities. In all the counties reviewed, municipalities that choose not to participate in county code enforcement are effectively subsidizing those that do. This has led to some complaints from non-participating municipalities about "paying twice" for code enforcement, but these concerns have not altered the funding approach in any county, as far as interviewees were aware.

The only exception to this practice is with zoning enforcement in Wyoming County, which charges \$2.72 per tax parcel only in participating municipalities. Local governments that opt into this service are billed quarterly and pay into the county's

general fund. Wyoming does not charge special fees for general code enforcement, however.

All of the county code departments retain permit fee revenues. In all cases, this covered a portion of budgeted expenses, ranging from a high of about 80% in Chenango to 25% in Jefferson, but not the full cost of the department. Importantly, this percentage is a function not just of construction activity in the county, but also of the fee rates that counties choose; for instance, while Jefferson's fees only cover about 25% of the budget, the County indicated that its fee rates are roughly 25% of the cost of similar permit fees in neighboring counties, and more of the budget would be covered if the County chose to increase fee rates.

Budget Levels

Budgets for six of the eight departments were all in the low-to-high \$400,000 range (see Table 1 below for more detail). Lewis and Chenango counties were exceptions, with budgets around \$235,000 and \$187,000, respectively. This is partially explained by lower levels of staff, population and housing units. Also, as noted above, there are staffing concerns in Chenango. If two additional FTEs were approved for Chenango, this would likely bring its budget more in line with the other counties.

In general, county code officials expressed concern about their capacity to take on additional municipalities without expanding their budgets.

Table 2 below shows the *per capita* and *per housing unit* budgets for code enforcement for every county. The *per capita* and *per housing unit* figures were calculating using data from the U.S. Census Bureau's American Community Survey for 2018. These calculations do not include other kinds of buildings, such as commercial businesses.

Per capita costs range from about \$3.50 in Jefferson to about \$14 in Seneca; the average is about \$8. *Per housing unit* costs range from about \$6.50 in Jefferson to about \$30 in Seneca and average about \$15.

Non-Personnel Costs

The counties fund vehicles and fuel for code enforcement staff in seven of the eight counties. Jefferson County provides one vehicle and the rest of staff use their personal vehicles, with mileage reimbursed at the federal rate. Chenango uses a portion of its budget to contract with a private fuel vendor.

Five of the eight counties (Chenango, Lewis, Seneca, Warren and Wyoming) also provide department cell phones. In Otsego and Washington, code enforcement officers use personal phones, but both counties are considering department phones

because of concerns that personal phones may be subpoenaed for court cases. Jefferson County staff use personal phones for communication, but department-issued tablets with cellular internet connections to complete inspection forms and take pictures. Departments described average wireless bills of around \$40 per device.

Two counties, Otsego and Seneca, use the Integrated Property System (IPS) software from Business Automation Services (BAS); Seneca pays \$7,500 a year to license six tablets and nine desktop applications. Jefferson County uses CivicGOV by WAGsys. The other five counties use forms and databases developed in-house, either by the County IT department or by members of the code department.

Court Enforcement

In all counties, the County Attorneys or District Attorney's offices oversee code enforcement cases that escalate to court proceedings and are involved as necessary: sometimes the County Attorney or Assistant District Attorneys are assigned to prosecute cases, and in others, such as in Warren County, the code enforcement officer represents the prosecution unless a County Attorney is required.

Zoning violations in Lewis County are managed by the respective municipality's attorney, rather than a County Attorney.

Six of the eight counties try cases in the local municipal court where the violation occurred. Jefferson and Wyoming both try cases in State Supreme Court.

Perceptions of County Code Enforcement

As noted in our baseline review, some municipalities in Tioga expressed reservations about county-level code enforcement because they believe it would cost them more for lower-quality, less locally-responsive service.

Notably, in other counties, the attitude seems to be the reverse: the bulk of municipalities covered are often happy to default to the county, avoiding the need to operate a local department and reducing direct costs by sharing it with the other municipalities in the county. Local regulations can be retained by employing municipal zoning enforcement officers.

Chenango indicated that it has a unique system for balancing local concerns about the degree of enforcement: for towns that choose it, basic maintenance complaints—such as garbage on the property— that are received by the county office are forwarded to the local town supervisor for review and then signed and returned to the county office, at which time the department will deal with them, but not before (unless it's a pressing health issue, such as lack of heat in a housing unit with children).

In some cases, the supervisor will choose not to pass back the complaint, but instead handle it locally (for instance, mediating between neighbors with ongoing disputes), rather than referring it back to the county level, in which case the department considers it dealt with. This allows for some degree of local discretion in handling code complaints. A number of towns choose not to exercise this discretion and have all complaints automatically acted upon without vetting by the town supervisor.

County-Level Code Enforcement Comparison

County	ACS 2018 Pop.	Total Housing Units	Municipalities covered	Place in County Structure	Staffing	Dept. Budget & Permit Revenue
Tioga	48,560	22,486				
Chenango	47,536	25,448	All except City of Norwich, Town and Village of Greene.	Department of Public Health.	2 FT building inspectors; 1 PT fire inspector; 1 FT clerical, 1 PT admin.	\$187k per year; collect \$126k per year in fees.
Jefferson	111,755	59,801	27 of 32	Independent department reporting to county administrator.	4 FT code officers, plus director; 1 PT code officer; 1 FT clerical.	\$400k per year; collect \$100k in permit fees.
Lewis	26,447	15,605	20 of 25 for Uniform Code. 11 for zoning.	Under General Services, Courts and Law. Reports to county manager.	3 FT code officers, 1 FT secretary.	\$235k per year; collect \$90k in permit fees.
Otsego	59,749	31,224	27 of 34; 28th to be added next year.	Independent department.	3 FT code officers; 1 PT code officer, will become FT position soon; 2 clerical staff.	\$400k per year; collect \$200k in permit fees.

County	ACS 2018 Pop.	Total Housing Units	Municipalities covered	Place in County Structure	Staffing	Dept. Budget & Permit Revenue
Seneca	34,300	16,336	All municipalities.	Independent department, under Public Works commissioner.	6 FT code officers; 1 FT staff resource assistant.	\$485k per year; collect \$160k in permit fees.
Warren	64,265	39,760	All except Queensbury and City of Glens Falls.	Independent department reporting to county Board of Supervisors.	1 dept. head, 5 FT code officers, 1 of whom is mainly office support.	\$480k per year; collect \$220k in permit fees.
Washington	61,197	29,461	24 of 29	Under Public Safety Committee.	5 FT building inspectors; 1 FT fire safety (need more), 1 FT septic inspector; 1 dept. asst.	\$400k per year; collect \$125k in permit fees.
Wyoming	40,085	18,156	24 of 25	Within Dept. of Planning, Code Enforcement and Zoning that reports to Board of Supervisors.	Building / Code enforcement division: 2 FT building inspectors, 1 PT fire inspector. (shared service with Wyoming County health dept.: 2 PT fire inspectors for food service buildings.) Zoning division: 2 FT officers, plus dept. head, 1 PT clerical, will add 1 FT clerical.	Separated by dept.: Building / code enforcement dept. is \$460k per year; collect \$140k in permit fees. Zoning dept. is \$125k per year; collect \$60k in permit fees.

Comparative code budgets, per capita and per housing unit

County	Approximate code enforcement budget	ACS 2018 population	Per capita budget	ACS 2018 total housing units	Budget per housing unit
Tioga		48,560		22,486	
Chenango	\$187,000	47,536	\$3.93	25,448	\$7.35
Jefferson	\$400,000	111,755	\$3.58	59,801	\$6.69
Lewis	\$235,000	26,447	\$8.89	15,605	\$15.06
Otsego	\$400,000	59,749	\$6.69	31,224	\$12.81
Seneca	\$485,000	34,300	\$14.14	16,336	\$29.69
Warren	\$480,000	64,265	\$7.47	39,760	\$12.07
Washington	\$400,000	61,197	\$6.54	29,461	\$13.58
Wyoming	\$460,000	40,085	\$11.48	18,156	\$25.34
AVERAGE (not including Tioga)	\$380,875	55,667	\$7.84	29,474	\$15.32

SOURCE: U.S. Census Bureau, county code offices

Conclusions

Our baseline review found that code enforcement officers in Tioga County take their responsibilities seriously and are dedicated to maintaining public safety through enforcement of both the Uniform Code and local laws and regulations. However, nearly all work part-time and have relatively few hours to accomplish this job, with many describing difficulty accomplishing all their duties within limited hours. Relatively low pay and benefits make it difficult for at least some municipalities in Tioga County to recruit and retain qualified officers. The current workforce is a mix of relatively new officers and seasoned professionals. Several in the latter group either plan to retire soon or are past retirement age, suggesting more turnover to come.

Despite New York State's Uniform Code, which establishes minimum standards for building and fire safety in most municipalities, the code enforcement landscape in Tioga County is somewhat fragmented. Applications, permits and fee schedules differ from one community to the next, as do expected turnaround times for property owners and builders seeking approval for a project. Enforcement activity also varies widely across the County; in many cases, this may simply reflect different levels of construction activity, but it also may suggest different approaches and priorities for enforcement in each municipality. Local regulations on matters such as property maintenance, lot sizes and property line setbacks differ in their expectations of property owners in each community. Municipalities also regulate such matters differently, whether through zoning or other types of local laws, and in some cases,

different approaches to regulation may be more appropriate than the local laws or ordinances on the books today.

These issues present clear potential for improvement of this vital service throughout Tioga County. The status quo approach to code enforcement, however, comes at a comparatively low cost to most municipalities, and given tight municipal budgets, few municipal leaders are eager to pay more for this service. Both code enforcement officers and elected officials showed a clear consensus that any improvements be a partnership among towns, villages and the County, with the County providing some level of support to municipalities that retain local expertise and discretion.

Other counties in New York State offer some direction on how Tioga County might play a role in enhancing code enforcement and ensuring the service is delivered as proactively and comprehensively as possible, while addressing the concerns that local code professionals and leaders expressed. This includes various approaches to staffing, organizational structure and areas of enforcement. These examples also inform the options discussed and modeled in the subsequent sections of this report.

Options for the Future of Code Enforcement in Tioga County

CGR's Baseline Review provides a framework for considering options to improve the code enforcement function in Tioga County. This section explores options in detail. Where appropriate, we explore potential staffing, costs and delivery structures, as well as likely benefits and challenges with each approach. These options should not be considered mutually exclusive; in fact, more benefit could likely be achieved by combining some options.

We discuss four tiers of options available to Tioga County and its towns and villages:

- The existing code enforcement system in towns and villages is retained as is;
- Tioga County coordinates limited support for the existing system;
- Tioga County plays a more direct role in municipal enforcement, but primary responsibility remains at the local level; and
- Tioga County absorbs most or all responsibility for local code enforcement.

The high-level cost and staffing estimates in this section rely mainly on data from comparison counties that already provide county-level enforcement. The table below lists the range of options discussed in this section.

Option 1: The Status Quo

Option 2: County Coordination / Support

Assistance with Common Documents or Forms

Assistance with Shared Software

Other Coordination Roles

Contractor Database

Pooled Benefits Plan

Assistance in Rationalizing Fees and Land Use Regulations

Manage a Pool of Qualified Candidates

Options 3: Limited County Code Enforcement

Fire and / or Commercial Inspections

On-Call Uniform Code Expertise or Consultation

Menu of Services

Other Limited Enforcement Roles

Property Maintenance / Quality of Life Complaints

Options 4: County as Main Provider of Local Code Enforcement

County Enforcement of Fire Prevention, Building and Energy Codes

County Enforcement of Uniform Code in its Entirety

Option 1: The Status Quo

To provide context for the alternatives discussed below, it is important to consider the likely outcomes of continuing to provide municipal code enforcement in Tioga County as the service is delivered today. Our Baseline Review found strengths in the current approach: officers who take their duties seriously, have firsthand and specific knowledge of the communities they serve, and provide a critical service at a relatively low cost to their municipalities. As we noted, most municipal leaders in the County also rated their current level of code enforcement as “good.”

Many of the challenges with the current system, however, can reasonably be expected to increase in the near future. Notably:

- **Municipalities may face growing difficulty filling code enforcement positions in the near future.** As we noted above, half the code enforcement officers interviewed planned to retire within the next two years or were past typical retirement age; the officer in the Town of Newark Valley retired since we began this study. With more turnover on the horizon, there is a clear shortage of qualified candidates – of the 11 municipalities that hired a new code enforcement officer in the past several years, eight reported having only one applicant for the job. There is no strategy in place to address this employee pipeline issue.
- **Hours for local code enforcement staff already are limited and demands are likely to increase.** Nearly all of the code enforcement officers in the County work 20 hours or less per week and many indicated it is challenging to accomplish their responsibilities in the available time. At least five municipal leaders reiterated this as an issue. The demands of the job appear likely to continue to grow; consider, for example, the potential impact of New York State criminal justice reform on record-keeping expectations for code enforcement officers who pursue cases in court. Even if the impact of this change turns out to be limited, it is still an additional demand on officers, who in some cases already have challenges completing their existing duties.
- **Without coordination, levels of enforcement, applications, fee schedules and turnaround times for permits will continue to differ across the County.** A builder or property owner seeking a building permit or a certificate of occupancy in Tioga County today will encounter different expectations, processes and regulations from one community to the next. To some extent, this is to be expected, and variation is reasonable. Different communities have distinct needs that may be addressed best by local regulations tailored to their specific characteristics, or through different processes or procedures. Some of the variation in Tioga County, however, is neither necessary nor by design. Differences in fees, processes and levels of enforcement are sometimes the result of differences in staffing levels, time constraints, and a lack of coordination, and there is limited

incentive or opportunity for municipalities to coordinate on these matters. It is unlikely that improvements to make matters more predictable or consistent, as appropriate, will occur if the status quo remains in place.

In summary: there is no immediate financial cost to Tioga County or its municipalities in maintaining the status quo. This option, however, poses risks to the continuity and quality of code enforcement services over time, and it would forego opportunities to improve this function.

If towns or villages have difficulty filling code enforcement positions or fulfilling the responsibilities of the position in the future, there also is a particular risk to the County government in maintaining the status quo: Local municipalities may pass a local law, prior to July in any year, declaring they will not enforce the Uniform Code starting the following January, in which case responsibility automatically devolves to the County.⁹ In other words, the County may be required to assume at least some code enforcement responsibilities with as little as six months' notice. The County does not have the ability to control when this occurs, as this only requires the municipality to opt out, and no prior agreement or coordination with the County is required.

This route appears unlikely in the immediate future. Municipal leaders have stressed their desire to maintain a degree of local control over code enforcement. Still, it remains an option to municipalities if they struggle to fulfill this function. This may present a particular concern in the aftermath of the COVID-19 pandemic, which is causing unprecedented fiscal challenges for local governments, and may force some to consider any options available to reduce costs.

Option 2: County Coordination / Support

Some municipal leaders suggested the County play a coordinating or support role to help strengthen code enforcement at the local level, without directly providing municipal code enforcement services through the County. This type of approach could take several forms, discussed in more detail below. In general, the benefits of this approach are that it would be relatively cost-effective, representing minimal additional cost to the County, while maintaining the local system that municipal leaders prefer. Potential downsides are that this approach does not fully address the issues that municipalities face with turnover and the lack of a qualified job candidate pool, nor inconsistent approaches to enforcement throughout the County.

Below, we discuss potentially feasible options that could strengthen code enforcement or provide clarity at minimal cost to the County, based in part on suggestions from municipalities and code enforcement officers.

⁹ Per New York State Executive Law, § 381(2).

Assistance with Common Documents or Forms

Tioga County could assist municipalities in developing a common set of documents used or issued routinely by local code enforcement officers. This could reduce time that officers spend developing redundant materials in each municipality and could create more consistency for property owners and builders across the County. This would require the County to play no substantial ongoing role in code enforcement – instead, it is a finite project, and the County and municipalities could conceivably secure New York State Local Government Efficiency grant funding to support it.

Shared materials could include:

- A common application for a building permit for new construction or alteration of a single-family home;
- A shared template for a certificate of occupancy;
- Notices of violation for common infractions of the Uniform Code; and
- Checklists that could be used during regular Uniform Code and Energy Code inspections.

Such forms could be developed and shared with municipalities as fill-in Word or PDF templates, or be generated through a shared software system used by code officers throughout the County. We discuss the latter option in more detail below.

It also may be worthwhile to develop common educational materials or a “Frequently Asked Questions” list on the Uniform Code that could be shared with property owners and builders. This may help code enforcement officers to manage inquiries about permitting requirements, but municipalities would have to supplement these materials with their own on local laws and / or zoning.

Assistance with Shared Software

Tioga County may be able to help municipalities procure and access a common software platform that would allow them to track cases and process applications and forms. This could improve efficiency and record-keeping on code enforcement activity, particularly in communities where records are now largely on paper. Some software systems that include code enforcement modules also offer functionality for other local government services, which may present a larger opportunity for both municipalities and the County to computerize certain functions, as appropriate. One option is for the County to seek grant funds to support the initial purchase of a software system and related hardware (e.g., tablets that could be used by code enforcement officers in the field). Participating municipalities could then pay licensing fees to support the number of computers or mobile devices they need. Tioga County’s

Information Technology and Communication Services department is best positioned to evaluate the options and address them appropriately.

Four of the seven comparison counties discussed in this report use software or databases developed in-house, either by County IT staff or code staff to track their cases. Two largely appear to use databases built in Microsoft Access. Of the three counties that purchased specialized software, two (Seneca and Otsego counties) use Integrated Property System (IPS) software from Business Automation Services (BAS). One county (Jefferson) uses CivicGOV by WAGsys.

These programs appear roughly similar, with some respective features listed below. Unfortunately, pricing information for initial purchases was not available from the comparison counties, which purchased these software packages some years ago and are now mainly paying annual licensing fees.

IPS by BAS

- Compiles property-level data from every relevant department;
- Offers a mobile Android tablet app that works offline;
- Provides a Web portal that allow residents to log requests and municipalities to track responses and related actions; and
- Offers mapping and scheduling features.

Seneca pays \$7,500 a year to license six tablets that can be used for field work and nine desktop applications, which lets code enforcement officers, the county manager and commissioner of public works use the application and review work, as necessary.

The County is generally satisfied with the system and rates IPS's technical support as excellent; most support work is covered by the yearly licensing fee, although major projects may occasionally require additional fees. One drawback is that search and report capabilities are available for only one municipality at a time, according to Seneca County; for example, if Tioga County wished to compare an issue across all its towns and villages, it would have to generate 15 separate reports.

Otsego also recently adopted tablets, issuing one to each inspector. The tablets are remotely synced with work tasks and information, which has been helpful for coordinating remote work during the COVID-19 pandemic. As well, two of the tablets have cell service at \$40 per device. Otsego pays just under \$10,000 to license eight desktops and five tablets, per the department head.

Otsego reports that the biggest plus of IPS is a high level of customer support from BAS. A drawback is that the IPS application must be housed on one of the County's servers, rather than being a cloud-based program that can be accessed from

anywhere. The mobile version of the software also does not include the full functionality of the desktop version, per Otsego County.

CivicGOV by WAGsys

- Offers a broad suite of applications related to government work, incorporating functions for code and health inspections, building, planning, zoning, licenses, public works and public safety;
- Offers mobile options;
- Tracks fines and fees;
- Maps violations; and
- Allows code officers to upload image evidence to corresponding cases.

Jefferson County pays \$2,200 a year in maintenance fees for CivicGOV. The department head was not aware of any limit on the number of computers on which the software could be installed. The amount charged related to the number of tax parcels in the County. It was not clear whether the pricing is all-inclusive or whether individual modules cost more to access.

Jefferson is generally pleased with the software, but reported there is no version optimized for mobile devices – instead, tablets are used to access the desktop version.

Other Coordination Roles

Town and village leaders offered a wide range of suggestions for the County to support local code enforcement functions. Those discussed above appear to be most feasible and offer mutual benefit to participants, but others worth noting include:

Contractor Database. Municipal leaders suggested that the County create and maintain a database on contractors who do business in Tioga County, allowing local code enforcement officers to quickly verify whether contractors are properly insured. According to a number of code enforcement officers, checking proof of insurance can be a time-consuming task that delays permitting. One option is for the County to require licensing of contractors, who would be required to show proof of insurance to obtain a license. Several downstate counties already require contractors to be licensed or registered, as does the City of Buffalo.

Pooled Benefits Plan. Some town and village leaders suggested that the County coordinate a shared-service plan among municipalities to provide benefits to code enforcement officers, nearly all of whom are part-time employees and receive little or no benefits beyond direct compensation. More specifically, municipal leaders suggested a shared-service plan or inter-municipal agreement to leverage collective

purchasing power to secure more affordable benefits for code officers. This may be worth exploring, but it could be difficult for the County to help municipalities achieve substantial savings on benefits for this relatively small pool of employees. It also is unclear whether savings would be sufficient to make additional benefits packages affordable to the participating municipalities.

Another option is for individual municipalities to explore the Tompkins County Municipal Health Insurance Consortium, which formed in 2007 and already allows municipalities in Tioga and five other neighboring counties to opt in.

Assist in Rationalizing Fees and Land Use Regulations. As we discussed above, property owners and developers in Tioga County encounter various expectations on setbacks, lot sizes, property maintenance and other basic land use regulations from one community to the next, with municipalities sometimes approaching local laws on similar subjects in slightly different ways. Fees vary more widely and fee structures differ so much they are difficult to compare.

Tioga County could consider ways to assist municipalities in strengthening their approaches to land use regulation to be more consistent across communities, where applicable; easier for property owners and builders to understand; and more readily defended if challenged. The County also could play a leadership role in helping communities to rationalize and simplify fee structures. In consultation with local governments, the County could, for example, develop a model fee schedule, zoning law and / or local land use law. The Town of Reading (Schuyler County) offers a strong example of the latter option,¹⁰ adopted in 2018. We note again, however, that there are differing legal perspectives on the proper approach to land use regulations in rural communities in New York State.

Manage a pool of qualified job candidates. Municipalities expressed interest in the County creating and maintaining a short list of pre-qualified code enforcement officer job candidates to help towns and villages fill openings as they arise, and to help address the workforce pipeline issues. It may be feasible for the County to advertise that it is compiling such a list and reach a larger audience of job seekers than individual municipalities could. That said, this concept raises a number of questions that would have to be resolved to be feasible, including criteria for inclusion, how the County would verify qualifications, and how much work would be involved in the County keeping the list current. In fact, given that the County does not currently play a role in local / municipal code enforcement, it may not be well positioned to identify candidates; towns and villages may have a more complete sense of the available workforce and could consider coordinating with one another.

¹⁰ Town of Reading, New York, Land Use Law. October 11, 2018.

http://www.townofreadingny.com/usr/Reading_Land_Use_FINAL_DRAFT_October_2018.pdf

Option 3: Limited County Code Enforcement

Scenarios in this section would involve Tioga County taking on a more direct role in providing some municipal code enforcement services, but with towns and villages remaining responsible for the majority of enforcement. In many cases, this will represent a partnership, which raises challenging questions about funding services.

Fire and / or Commercial Inspections

The majority of routine code enforcement activity at the local level involves residential construction and alterations. That said, inspections of commercial projects can be more complex and time-consuming, according to local code enforcement officers with larger commercial uses in their communities. Fire inspections of buildings with areas of public assembly, multiple dwellings and / or nonresidential uses – generally required by the Uniform Code every year for areas of public assembly and every three years for other qualifying structures – also can be a substantial demand on time.

If Tioga County were to take on a more active role in code enforcement, municipal leaders suggested that fire and / or commercial inspections might be an appropriate role, while leaving residential permitting and inspections and other enforcement matters to local code officers. This could significantly ease the burden on at least some local code enforcement officials, while ensuring that vital activities are carried out on schedule and without interruption. This is not always achieved in local municipalities that have experienced recent turnover, according to our interviews. This arrangement has the advantage of having the County enforce matters that apply to every community, while leaving enforcement of town and village laws to local experts.

On its own, however, this is not a solution to the workforce pipeline issues that make it difficult for municipalities to recruit and retain qualified code officers. Also, not every community has commercial, multifamily or large public assembly properties, which means this step by itself would be of limited assistance to some municipalities.

If Tioga County were to pursue this scenario, it would likely need to develop a single fee schedule for commercial and fire inspections to be used countywide and retain that fee revenue to partially offset the cost of providing these services. Some municipalities do not currently charge for fire inspections; fees for commercial projects vary. The County would likely have to directly fund the remainder of salaries and benefits for commercial / fire inspectors. The County, however, may wish to explore whether this effort, whether alone or in combination with others, would qualify for Local Government Efficiency grant funding.

Configuration and costs: Two of the comparison counties that provide code enforcement services have single part-time fire inspectors. If Tioga County were to

task inspectors with commercial projects as well, it should consider 2 FTEs as a minimum staffing level required to handle these responsibilities. Assuming these staff were paid the average salary level for the comparison counties (\$44,000 per year) plus an additional 70 percent for health care and other employee benefits, this would represent a potential cost of about \$150,000 per year for total staffing.

The County would likely need to negotiate a shared service agreement with participating municipalities to determine whether enough wish to participate to justify the cost, and to begin exploring whether the arrangement could qualify for Local Government Efficiency grant funds to assist with start-up costs. As discussed here, this model is designed to free up capacity for code officers at the local level, meaning there would be little or no savings involved for participating towns and villages. Still, municipalities receiving fire / commercial inspections from the County could be asked to contribute a nominal amount to support the service. For example, \$5,000 per year from each community would help to offset the County's costs to a small degree, while costing municipalities less than expanding their officers' hours or hiring more staff.

We note, however, that none of the comparison counties discussed earlier in this report charged participating municipalities for services, with the limited exception of optional local zoning enforcement by Wyoming County. For the sake of simplicity and buy-in from towns and villages, it may fall to Tioga County to fund additional services if it sees a need to strengthen the code enforcement function countywide.

On-Call Uniform Code Expertise or Consultation

Another suggestion from code enforcement officers was that the County create an on-call position staffed by a code enforcement professional. This individual could primarily offer general guidance over the phone, as well as advice on more complex issues faced by local code enforcement officials, and/or potentially help to field public inquiries about code compliance. It would mainly be a remote position, but the position could be called on to respond to individual towns or villages in person on occasion to consult with local code officers or applicants. This function also could be folded into a larger job description for a code officer with more wide-ranging responsibilities, if the County were to take on such a position or positions.

This County role could help reduce time local officers spend investigating code issues and educating the public on code requirements; it also could provide a central, easy-to-find resource for the public with questions about code requirements. That said, this position should largely be expected to manage inquiries regarding the Uniform Code and Energy Code, as it would be difficult for a single person to become well-versed in the requirements of each town or village's local laws. Public inquiries on local standards could be referred to municipal code officers. Still, this may create potential

for conflicts if the County-level officer were to offer advice that differs from a municipal official, and avoiding this would require frequent coordination.

Configuration and costs: The cost and scope of this job would largely be a matter of County discretion. As a stand-alone position, however, it could likely be filled by a single individual, making it a relatively low-cost option for the County. As a half-time position paid at half the average salary for the comparison counties, this would represent a cost of about \$22,000 per year; if full-time, plus 70 percent for benefits, this would represent a cost of about \$75,000. Again, participating municipalities could be asked to make a small contribution through a shared service agreement, but none would be expected to see substantial savings through this arrangement.

Menu of Services

Some municipal leaders suggested that the county provide a priced “menu” of code enforcement services that municipal leaders could opt into each year, depending on their needs and available budgets. This approach might function best if the County already played a clear role in code enforcement with a minimum level of staffing – for example, providing fire and / or commercial inspections, as we discussed above – and then could develop a “menu” of additional services to offer over time, above and beyond an initial, basic level of service. Without a basic level of service in place, the County would be in the position of hiring or firing code enforcement officers as demand for “menu” services peaks or dips.

The County and participating municipalities would have to negotiate services that should be on the “menu,” and options will likely become apparent as the relationship develops. Additional services that might be offered could include, for example, state Energy Code inspections or a broader portfolio of non-residential inspections, rather than just the commercial inspections described above.

This approach has the advantage of allowing both participating municipalities and the County to develop the program gradually, as both parties see fit. In interviews, municipal leaders envisioned this arrangement as varying from an add-on of a few services to full code enforcement services, if all parties ultimately saw a benefit in the latter. This arrangement also would allow the County to gradually build its capacity to provide code services, putting it in a good position to step into a more direct enforcement role if towns or villages were to eventually shift responsibility to the County under a negotiated solution or opt out of providing the service altogether.

Configuration and costs: Because this scenario would involve negotiation between the County and participating municipalities on what services should be offered, it is difficult to develop a specific cost estimate. As we have described it here, the initial estimated cost of providing fire and commercial inspections should be seen as the minimum required investment, (e.g., up to \$150,000 for two full-time staff), and could

be scaled up over time. The County should reasonably expect to charge and retain fee revenue for any services it provides to help offset costs. Pricing for participating municipalities, if desired, would have to be negotiated on a per-service basis.

Other Limited Enforcement Roles

Below, we briefly discuss other suggestions from local leaders and / or code enforcement officers.

Property Maintenance / Quality of Life Complaints: Some code enforcement officers suggested shifting responsibility for responding to nuisance complaints, including property maintenance issues, to other parties, leaving local code officers free to concentrate mainly on Uniform Code permitting and inspections. As we noted above, responding to complaints and determining whether a violation has occurred often takes up a substantial portion of code officers' time, and officers feel they could focus on more substantive issues if this responsibility were shifted elsewhere. There were three main parties suggested to assume these duties: the County Health Department, local police, or a local constable.

This arrangement would pose some challenges for a county-level agency. Other scenarios described above would have County officers mostly handling Uniform Code issues while leaving enforcement of local regulations to town and village officers. This model is largely the opposite: it would require County employees to learn and enforce a range of local property maintenance requirements while local officers would continue to enforce the Uniform Code. This seems to forego the advantages of having the County handle matters that are common across all of its communities while towns and villages continue to manage issues that require more local knowledge. That said, it may be worth exploring whether these responsibilities could be handled by constable positions if a funding source can be identified.

Option 4: County as Main Provider of Local Code Enforcement

In this section, we discuss options for Tioga County to assume most or all local code enforcement responsibilities. A more robust County administration of code enforcement duties would involve a clearer delineation of responsibilities than we described above in the "Menu of Services" option.

It is important to note that the following scenarios are possible only upon the cooperation of participating municipalities through inter-municipal agreement, or if towns and villages formally opt out of enforcing the Uniform Code. It is not possible

for Tioga County to assume this function unilaterally, nor do we understand it to be the County's desire to do so.

There are four potential approaches to County-administered code enforcement at the local / municipal level, based in large part on the frameworks we observed in other counties in New York State:

- The County enforces the Uniform Code in its entirety. Any enforcement of local laws or zoning would remain at the local level.
- The County enforces the Uniform Code at the local level with the exception of the International Property Maintenance Code (IPMC). This may avoid the need for County code officers to coordinate with local code officers on enforcement of property maintenance matters, as most municipalities have some local laws on the books regarding property maintenance issues like weed height and unregistered vehicles. The County would in effect enforce the state Building, Fire Prevention and Energy codes while leaving it to municipal officers to enforce both the IPMC and local property maintenance laws, as well as any other local laws or zoning.
- The County enforces the Uniform Code and allows individual municipalities to opt into having the County enforce local land use laws or zoning.
- The County fully absorbs enforcement of both the Uniform Code and any local laws or zoning.

Due to differing opinions about the validity of local laws concerning land use and property maintenance, the County has reasonable concerns about being asked to enforce local regulations. All parties also have made clear that they view a partnership as the best solution, with towns and villages retaining at least some role in enforcement, rather than a full County absorption of all responsibilities. In addition, we note Wyoming County's effort to develop a model zoning law is driven at least in part by the difficulties of County staff trying to learn more than a dozen local zoning or land use laws.

As such, the latter two options that involve the County enforcing local regulations are likely unfeasible. We note them here mainly to provide context for the other options; due to the challenges that would be involved in implementing these approaches, we have not provided more detailed implementation or cost considerations. We instead explore the first two options in more detail below.

County Enforcement of Full Uniform Code

This approach entails Tioga County fully assuming enforcement of the Uniform Fire Prevention and Building Code and Energy Code, as well as the International Property

Maintenance Code (IPMC). Local laws and / or zoning would remain matters for local municipal enforcement.

Costs for the County would be similar to the following option that excludes county-level IPMC enforcement (see below for specific estimates), but this approach may allow municipalities to retain part-time zoning / land use officers. Retaining enforcement of zoning or local laws at the municipal level would reduce the potential savings, but has an advantage in that it does not appear that an officer who exclusively enforces local land use regulations would need to hold state certification required to be a code enforcement official. This could potentially reduce personnel costs for participating villages and towns. In addition, as most municipalities in Tioga County regulate land use minimally, relatively few municipal staff hours would be needed to handle this function.

County Enforcement of Fire Prevention, Building and Energy Code Only

This approach involves the County enforcing all aspects of the Uniform Code at the local level, except the International Property Maintenance Code, which would continue to be enforced locally. This would allow all parties to maximize their strengths: the County's ability to apply a uniform standard and level of service in all communities, and local officers' knowledge of both their communities and local laws. This model would relieve municipalities of the responsibility to manage the majority of code enforcement responsibilities, while retaining a smaller portfolio of duties that could be managed effectively by a small, part-time workforce.

Tioga County would likely be in a better position to recruit and retain a central staff of qualified, full-time code enforcement officers with more competitive salaries and benefits. A more robust County workforce also may provide staff backup that is currently lacking in most municipalities; for example, if a local code enforcement officer is out sick, a County officer might be able to respond to nuisance complaints or permit applications in his or her town or village on a temporary basis.

These arrangements, however, would come at substantial additional cost to Tioga County. Towns and villages would also have to retain at least a portion of their existing certified code enforcement staff in order to enforce the IPMC, limiting potential savings. That said, it may still allow participating municipalities to restructure existing positions or reduce hours as current officers depart or retire.

This scenario would have the County and municipal code officers handle largely distinct responsibilities in part to limit potential conflicts, but some may still arise, particularly when nuisance complaints received at the town or village level require interpretation of the Uniform Code. This concern can be overcome with strong

coordination between local and County-level officers; the County may wish to offer joint training or continuing education opportunities to encourage this type of cooperation.

Lastly, there also is the matter of how to handle code enforcement cases that advance to court. Either the county attorney or district attorney's office could handle these matters, or town and village attorneys could continue to represent their respective municipalities. To ensure consistency, it likely makes sense for the County to represent cases involving its officers, and municipalities to represent cases involving their own officers.

Configuration and costs: Judging from comparison counties, a county-level code enforcement department covering most or all of the municipalities could consist of four full-time code enforcement officials, plus one full-time administrative assistant.

If the County is not serving as the primary respondent to property maintenance (IPMC) issues, as we have suggested in the second scenario above, it may be possible to reduce the minimum workforce to three full-time officers and a full-time assistant.

As we noted above, the average salary for a full-time code enforcement officer in the comparison counties was \$44,000 per year; administrative assistant salaries average about \$30,000 per year. Using a rough estimate of benefits as 70 percent of salary, this would represent a compensation cost of about \$275,500 for a three-officer team, plus an administrative assistant, or about \$350,000 for a four-officer team, plus an administrative assistant.

We note, however, that there are additional costs associated with operating a county-level code enforcement team, including vehicles, fuel, cell phones, and mobile tablets for officers to use in the field (if desired). The annual budget for comparison counties averaged \$380,000 per year for a four-person staff; this suggests that \$400,000-\$450,000 is likely a conservative assumption for full code enforcement for Tioga County.

In addition to seeking Local Government Efficiency grant funds in partnership with participating municipalities, the County could fund code enforcement costs in three possible ways:

- As in the comparison counties, funding comes from a combination of permit and inspection fees and the County's general fund, while towns and villages fund local officers separately;
- The County could directly bill taxpayers for the full cost of both County and local code enforcement services, easing tax cap implications for municipalities, and then directly fund locally-based code officers as well as the County team; or

- The county negotiates payments from participating municipalities based on an estimate of code enforcement services to be performed in each municipality. For example, this could be based on the number of tax parcels in each municipality, or based on activity per Part 1203 reports filed annually with the Department of State.

A final issue is where a new code enforcement office or department would be placed within the County's organizational chart. Interviews with comparison counties indicate that this decision is essentially arbitrary or based largely on each County's organizational culture. More than half (four) of the comparison counties have code enforcement as a stand-alone department. In Seneca, the stand-alone department reports to the Commissioner of Public Works; the other three stand-alone departments report directly either to the county executive or executive boards. In the three counties without stand-alone departments, code enforcement is housed respectively within the departments General Services, Public Safety, and Public Health.

Options in Tioga include the Environmental Health division of the Health Department, the Public Works Department, or the Planning division.