

AGENDA



Recommendation for Council Action

Austin City Council - Commissioner's Court Meeting	Item ID	33882	Agenda Number	8.
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Meeting Date:	10/23/2014	Department:	Code Compliance
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Subject

Approve an ordinance amending City Code Title 2 (*Administration*) to create an administrative hearing process for certain City Code violations.

Amount and Source of Funding

A fiscal note is not required.

Fiscal Note

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Carl Smart, Austin Code Department Director, 512.974.1970 or Terri Roberts, Division Manager, 512.974.1922
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Boards and Commission Action:	
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MBE / WBE:	
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Related Items:	
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Additional Backup Information

The proposed ordinance creates an administrative hearing process to enforce certain City ordinances. The Code Official intends to use this administrative procedure as an additional means to enforce the City Code.

This hearing process is authorized by Section 54.044 of Texas Local Government Code and can be utilized for the following types of ordinances:

- (1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) relating to dangerously damaged or deteriorated buildings or improvements;
- (4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
- (5) relating to a building code or to the condition, use, or appearance of property in a municipality.

A person that receives an administrative citation has the right to a hearing on the violation. The penalty for an administrative citation will be monetary. The administrative citation will include the time and place for a hearing. The hearing will be conducted by a hearing officer.

An individual that does not appear for a hearing on the violation or pays the administrative citation without a hearing

is considered to admit liability for the violation.

A monetary penalty and costs will be imposed when an individual is found to be liable for a violation. If the individual attends the hearing and is found liable, the individual may appeal the determination by filing a petition in municipal court.

An order issued pursuant to the administrative hearing process may be enforced by filing a civil suit to collect the penalty and to obtain an injunction that prohibits specific conduct that violates the ordinance; or requires specific conduct necessary for compliance with the ordinance.

If adopted, the Code Official will utilize the City's existing hearing officer contract.