



# Council Communication

Office of the City Manager

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| <b>Date</b> | April 26, 2010 |
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| <b>Agenda Item No.</b>                 | <b>49</b>            |
| <b>Roll Call No.</b>                   | <b><u>10-</u></b>    |
| <b>Communication No.</b>               | <b><u>10-204</u></b> |
| <b>Submitted by: Larry Hulse</b>       |                      |
| <b>Director, Community Development</b> |                      |

## **AGENDA HEADING:**

Amendments to the Housing Code.

## **SYNOPSIS:**

Recommend Council approval of the amendments to the Housing Code which removes the appeal to the Board of Health for unpaid fees and enforcement costs incurred by the City, associated with the abatement of public nuisance structures when these structures are removed by the owner. This change directs the Neighborhood Inspections Division, when deemed appropriate, to file for those costs in small claims court.

## **FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

## **ADDITIONAL INFORMATION:**

This action will add Sections 60-450 (actions to enjoin and collect costs) and 60-451, (collection of fees and costs). Prior to the amendment of this ordinance when a property owner receives notice from the Neighborhood Inspections Division citing a public nuisance, and the City incurs costs as a result of these actions the only appeal process available to the citizen for those costs was to the Board of Health. This amendment requires that when deemed appropriate, to recover those costs, the Neighborhood Inspections Division must file for those costs in small claims court thereby removing the need for an appeal process.

This action will also amend Sections 60-50, 60-54, 60-85, 60-102, 60-104, 60-108, 60-200, 60-300, 60-309 and 60-310 for the purposes of clarifying the code.

Sections 60-308 and 60-311 would be repealed and new Sections 303.05 and 60-303.06 added to clarify the language dealing with the public nuisance procedure and fire damaged public nuisance structures.

## **PREVIOUS COUNCIL ACTION(S):**

Date: November 10, 2008

Roll Call Number: 08-1980

Action: Amending Chapter 60 of the Municipal Code regarding Neighborhood Inspection Rental Code and collection of fees, fines, penalties, costs and interest to allow collection or assessments against the property. Moved by Mahaffey that this ordinance do now pass, refer to the City Manager to review the City's fines and fees for rental certificates, #14,810. Motion Carried 5-2.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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