

 <b>Council</b> <b>Communication</b> Office of the City Manager	<b>Date:</b>	December 9, 2013
	<b>Agenda Item No.</b>	<b>40</b>
	<b>Roll Call No.</b>	[ ]
	<b>Communication No.</b>	<u>13-600</u>
	<b>Submitted by:</b>	<b>Patrick J. Kozitza,</b> <b>Public Works Director</b>

**AGENDA HEADING:**

Amending administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities and illicit discharges into the storm sewer system.

**SYNOPSIS:**

Approving amendments to Divisions 1 and 2 of Article IX of Chapter 42, Use and Maintenance of Drainage facilities, relating to the abatement and administrative processes for the public nuisances of illicit discharges and inadequate maintenance or installation of drainage facilities. With these changes, the recently updated Municipal Code Chapter 42 processes for administrative hearings for the administrative penalty Notices of Violation process and the abatement of public nuisances, including the costs of abatement, would be followed. This should result in a more efficient administrative hearing process.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

Ordinance No. 15,191 revised the procedures set forth in Chapter 42, Article VI of the Municipal Code for nuisance abatement, notices, hearings and cost assessment. The proposed ordinance amends the City Code by amending Sections 42-458, 42-459, 42-460, 42-485, and 42-486, adding Sections 42-457.01 and 42-492.01 and repealing Sections 42-462, 42-463, 42-464, 42-488, 42-489, 42-490, and 42-491. The amended and new sections replace the nuisance abatement, notice, administrative hearing and cost assessment process with the current process in Chapter 42, Article VI.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 10, 2013

Roll Call Number: [13-0917](#)

Action: [Amending](#) Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings. Moved by Hensley that this ordinance do now pass, [#15,191](#). Motion Carried 7-0.

Date: September 12, 2005

Roll Call Number: 05-2237

Action: Amending Chapter 42 of the Municipal Code regarding run-off and illicit discharge requirements of the City's National Pollution Discharge Elimination System maintenance of drainage facilities. Moved by Hensley that this ordinance do now pass, [#14,484](#). Motion carried 6-1. Nays: Brooks.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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