

COUNCIL COMMUNICATION

	Number:	20-151	Meeting:	March 23, 2020
	Agenda Item:	59	Roll Call:	20-0562
	Submitted by:	Jonathan A. Gano, P.E., Public Works Director		

AGENDA HEADING:

Amending Chapter 42 of the Municipal code relating to enforcement of the public nuisances for discharging water or depositing dirt, debris, and other material from private property onto public sidewalks, streets, or real property.

SYNOPSIS:

Approving amendments to the Chapter 42 of the Municipal Code including Section 42-362 Notice of Violations – Administrative Penalties and Appeal to Director and Section 42-363 Administrative Hearings for Administrative Penalties. With these changes, the specific nuisances included in Section 42-348(25) - Depositing or permitting to be deposited dirt, debris or other material and Section 42-348(26) - Discharge, directly or indirectly, of waters which collect upon private real property from subsurface or surface drainage, would have the additional enforcement action of administrative penalties. Section 42-457.01 would also be updated to reflect the changes to the administrative hearing process included with this change.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Due to challenges with the current enforcement options available for the public nuisances of discharging water or depositing dirt, debris, and other material from private property onto public sidewalks or streets, it is being recommended that the enforcement be amended to include administrative penalties. The recommendations also include an intermediate appeal process to the Public Work Director for these specific nuisances.
- Staff has evaluated the options, and this was determined to be the most effective way to reduce the number and reoccurrence of these issues within the City. It is intended to get the attention of the property owner in a more direct manner than the current abatement process. With these changes, the department would still have the abatement process available for those that did not reach compliance. This is just an additional tool to successfully implement the policy.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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