

# COUNCIL COMMUNICATION

	Number:	<b>20-553</b>	Meeting:	<b>December 21, 2020</b>
	Agenda Item:	<b>47</b>	Roll Call:	<b>20-2136</b>
	Submitted by:	<b>Chris Johansen, Neighborhood Services Department Director</b>		

## AGENDA HEADING:

Amending Chapter 42 of the Municipal Code to clarify what the City is authorized to remove when completing a property clean up.

## SYNOPSIS:

The code change will allow the City to remove items added to the property after a notice of violation when the City conducts a cleanup.

## FISCAL IMPACT: NONE

## ADDITIONAL INFORMATION:

- The administrative hearing officers have been denying cleanup costs if a resident adds more items considered to create a nuisance after a notice of violation is sent out. The amendment will allow the City to remove and charge for materials added to those illegally stored material after the notice of violation has been issued for nuisances set forth in sections 42-348.2, 42-348.3, 42-348.4, 42-348.5, and 42-348.12, the notice shall also contain a statement that any other violation of these sections found on the property at the time of a City cleanup will be removed without further notice.
- Staff will resend a notice if the owner cleans up the material illegally stored under a notice of violation and new material has been moved onto the property.
- This should allow the City to collect the full cost of clean ups when additional items are added to the property in violation of Chapter 42 of the Municipal Code.

## PREVIOUS COUNCIL ACTION(S):

Date: December 16, 2019

Roll Call Number: [19-2054](#) and [19-2055](#)

Action: [Amending](#) Section 42-304 and 42-305 of the Municipal Code by removing Citizen Odor Board and by striking references to the Citizen Odor Board. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

Final consideration of ordinance above, requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,849](#). Refer to the City Manager and Legal to make sure best practices are being used by odor producing companies. Motion Carried 7-0.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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