



## Legislation Text

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File #: 18-218, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Karen M. McDonald, City Attorney

**FROM:** Alicia Young, Assistant City Attorney

**DATE:** May 14, 2018

**RE:**

**Adoption of Ordinance Amendment Pertaining to the Civil Penalty Appeal Process**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal IV: Desirable Place to Live, Work and Recreate

**Executive Summary:**

The City Council voted unanimously on April 28, 2003, that outstanding civil penalty citations will be forwarded to collections. However, there was no mention of this option in "Section 1-9. Appeal of Civil Penalties". Section 1-9 also did not include information as to what would happen once an individual either opted or declined to appeal a civil penalty.

**Background:**

In 2001, the City Council created an appeals process for citations issued for solid waste and inspection violations, which included a hearing before an administrative officer who was not a City employee. Due, in part, to the success of the 2001 appeals process, on April 28, 2003, Council expanded the categories of citations for which an appeals process would apply to include the following:

- Chapter 4, alarm systems regulations;
- Chapter 7, building code;
- Chapter 11, fire protection and prevention;
- Chapter 14, housing, dwellings and buildings;
- Article XI of Chapter 16, abandoned, junked, and nuisance vehicles;
- Article X of Chapter 16, parking;
- Chapter 17, offenses and miscellaneous provisions;
- Chapter 18, parks and recreations;

- Chapter 22, solid waste;
- Chapter 24, streets and sidewalks;
- Chapter 26, taxicabs; and
- Chapter 30, unified development ordinance.

At the same time, Council also unanimously voted to allow the Finance Department's Collection Division to forward severely delinquent citations of 60 days or more to a collection agency.

Council discussed the appeals process at the May 2018 work session and consensus at that time was to move forward with adoption of the proposed ordinance.

**Issues/Analysis:**

No known issues.

**Budget Impact:**

No known budget impact.

**Options:**

1. Accept the ordinance amendment.
2. Do not accept the ordinance amendment.
3. Provide additional direction to staff.

**Recommended Action:**

Staff recommends that Council provide direction to staff as to Council's interest.

**Attachments:**

Ordinance Amendment