

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	68228	Agenda Number	2.
Meeting Date:	4/6/2017		Department:	Austin Code Department
Subject				
Approve an ordinance amending City Code Chapter 2-13 related to the administrative hearing process and penalties; and amending the Fiscal Year 2016-2017 City of Austin Fee Schedule Ordinance No. 20160914-003 to add a fee for administrative hearings.				
Amount and Source of Funding				
Fiscal Note				
Purchasing Language:				
Prior Council Action:				
For More Information:	Interim Director, Cora D. Wright, 512.974.1968 or Financial Manager, Franklin V Fejarang, 512.974.9086			
Council Committee, Boards and Commission Action:				
MBE / WBE:				
Related Items:				
Additional Backup Information				
<p>The proposed ordinance applies to the administrative hearing process, which is utilized for certain City Code violations.</p> <p>If approved, the ordinance requires an administrative hearing officer to consider evidence provided by individuals that attend the hearing, which includes neighboring property owners, and requires a hearing officer's order be filed with the City Clerk. Additionally, the ordinance requires the administrative hearing officer to assess an administrative hearing fee when a hearing officer finds the violator is liable for the violation. The proposed fee is \$80 and is based on Austin Code Department's two years average of actual cost and number of cases. Lastly, the ordinance increases the minimum penalty for all violations based on the number of violations. Specifically, the minimum penalties will be:</p> <p>For non-zoning violations, the penalty will be no more than \$1,000 and:</p>				

- (1) not less than \$250.00 for a first violation;
- (2) not less than \$500.00 for a second violation; and
- (3) not less than \$750.00 for a third or subsequent violation.

For zoning violations, the penalty will be no more than \$1,000 and

- (1) not less than \$500.00 for a first violation;
- (2) not less than \$750.00 for a second violation; and
- (3) not less than \$1,000.00 for a third violation.

The administrative hearing costs fee and penalty range will apply only to administrative citations that are issued after the effective date of the ordinance.