

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-13(ADMINISTRATIVE ADJUDICATION OF VIOLATIONS) RELATING TO THE HEARING PROCESS AND PENALTIES; AND AMENDING EXHIBIT A TO ORDINANCE NO. 20160914-003 TO REVISE THE FISCAL YEAR 2016-2017 AUSTIN CODE DEPARTMENT FEE SCHEDULE TO ADD AN ADMINISTRATIVE HEARING COSTS FEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 2-13-21 (*Hearing for an Administrative Citation*) is amended to amend Subsections (C) and (K) to read as follows:

§2-13-21 HEARING FOR AN ADMINISTRATIVE CITATION.

(C) The hearing officer shall hear and consider:

- (1) evidence presented by the person charged;
- (2) presumptions and prima facie evidence established by this chapter or other applicable law; ~~and~~
- (3) evidence presented by the issuing officer, if required to attend the hearing; ~~and~~[-]
- (4) evidence presented by individuals who attend the hearing.

(K) The hearing officer's order ~~shall~~ may be filed with the City Clerk in a separate index and file. ~~[The order may be recorded using microfilm, microfiche, or other data processing techniques.]~~

PART 2. City Code Section 2-13-23 (*Establishing a Penalty*) is amended to amend Subsections (A) and (B); and to add a new Subsection (D) to read as follows:

§2-13-23 ESTABLISHING A PENALTY.

(A) Except as provided in Subsection (D), t[F]he penalty range that may be assessed against a violator found liable under this chapter shall be no more than \$1,000 ~~[per day]~~ and:

- (1) not less than \$250.00 ~~[20.00]~~ for a first violation;
- (2) not less than \$500.00 ~~[250.00]~~ for a second violation; and

(3) not less than \$750.00 [~~500.00~~] for a third or subsequent violation.

(B) In addition to the penalty assessed, the hearing officer must [~~may~~] require the violator found liable under this chapter to pay costs set by separate ordinance.

(D) The penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 25-2 (Zoning) of the City Code shall 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 or subsequent violation.

PART 3. The 2016-2017 Fee Schedule, attached as Exhibit “A” to Ordinance No. 20160914-003, is amended to add a fee associated with “Administrative Hearings” to read as follows:

Austin Code Department

	FY 2015-16	FY 2016-17	Note	Change
<u>Administrative</u>	<u>\$0.00</u>	<u>\$80.00</u>	<u>if violator is liable</u>	<u>New</u>
<u>Hearing Costs</u>				
<u>(Chapter 2-13)</u>				

PART 4. The penalty range established in Part 2 and the fee set in Part 3 are only applicable to an administrative citation issued after the effective date of this Ordinance.

PART 5. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk