

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 34.080 OF THE CITY CODE TO ESTABLISH AN ADMINISTRATIVE FEE AND PROVIDE FOR THE COLLECTION OF COSTS RELATED TO THE FILING OF A NUISANCE ABATEMENT LIEN; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 34.080 of the City Code is hereby amended to read as follows (added text is indicated by underlining. Deleted text is indicated by strikethroughs):

Chapter 34

ENVIRONMENT

Sec. 34.080. Correction of prohibited conditions by city; lien.

(a) If the owner of a lot does not comply with a notice under section 34.079, the city may:

(1) Do the work and make the improvements required to correct the conditions of the lot; and

(2) Charge the expenses to the owner of the lot.

(b) The ~~finance~~ director will execute a statement of the costs of abatement, including an administrative fee of \$150.00 established by the city council, and file the statement as a lien with the county clerk of the county in which the lot is located. The statement will reflect all costs to process the abatement including the cost to file the lien. The statement must include the name of the owner, if known, and the legal description of the lot. If a lien is filed to collect the expenses incurred by the City an additional \$50 fee will be due.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed. To the extent the provisions of any ordinance provide for establishment of a fee or fees by resolution of the City Council, such provisions are superseded by this ordinance and the fees as adopted in this ordinance shall govern.

SECTION 4. After its passage, approval and adoption on second reading, this ordinance shall be effective immediately.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

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Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney

