



## Legislation Text

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**File #:** Ord. 2020-15(b), **Version:** 1

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### **AGENDA CAPTION:**

Consider approval of Ordinance 2020-15, on the second of two readings, amending Section 34.080 of the San Marcos 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.

**Meeting date:** April 7, 2020

**Department:** Neighborhood Enhancement

### **Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

### **Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☒ Neighborhoods & Housing - Protected Neighborhoods in order to maintain high quality of life and stable property values

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Staff informed City Council that the City Code does not currently include an administrative fee for the processing of nuisance abatement cases during a work session on February 18, 2020. Staff explained that while the City has a 96% rate of voluntary compliance with City Code provisions related to weedy lots, etc., there are occasions when it would be helpful to have an administrative fee in place to encourage property owners to comply with environment code provisions. State law allows the City to place a lien on property where the owner refuses to comply with regulations prompting the City to perform the clean-up services and seek recovery from the property owner. City Code Enforcement will only this process once all options for voluntary compliance are exhausted.

The ordinance has been amended by including an additional \$50 fee if a lien has to actually be filed as directed by City Council on first reading.

**Council Committee, Board/Commission Action:**

At the February 18, 2020 Work Session, staff were directed to prepare an ordinance for council consideration establishing an administrative fee of \$150. Additionally, if the property owner does not remit payment to the City by the due date, the City will file a lien with the county for the total cost of the abatement including the filing cost.

**Alternatives:**

[Click or tap here to enter text.](#)

**Recommendation:**

Approve this ordinance establishing an administrative fee of \$150 for nuisance abatement, and charging the property owner for all costs related to the processing of the nuisance abatement action including the costs to file the lien.