



City of Denton

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Legislation Text

File #: ID 17-624, Version: 1

Agenda Information Sheet

DEPARTMENT: Community Improvement Services

CM: Todd Hileman

Date: May 9, 2017

SUBJECT

Consider adoption of an ordinance of the city of Denton, Texas amending certain provisions of chapter 1 and chapter 17 of the Denton code of ordinances, the Denton property maintenance code, including sections 1-11, 17-2, 17-37, 17-42, 17-112, 17-121, and 17-124 and adding section 17-3 to provide for code enforcement officer authority; providing for a severability clause, savings clause, and an effective date.

BACKGROUND

A review of Community Improvement Services' (CIS) legal authority to enforce current duties and assignments revealed the need for clarification and distinction of their mission and jurisdictional influence. Currently, CIS operates as a designee of the Code Official. Chapter 17 of the Denton Property Maintenance Code defines the Code Official as the Building Official. The CIS division has not been in the reporting structure of the Building Department since 2015. The establishment of independent legal authority for CIS is vital in the enforcement of nuisance violations outlined in Chapter 17, Texas Administrative Code Chapter 140, and the Texas Health and Safety Code Chapter 341 and 342.

Current Operations		
Dangerous buildings	Fences	Political signs
Accessory building / structure	Trash carts	Interior rentals
Carports	Stagnant water	Vehicle violations
Home occupations	Vacant structures	Roadside vendors
Garage sales	Tall grass / weeds	Zoning / commercial
Minimum building standards	Irrigation	Neighborhood vitality
Tree limbs	Graffiti	CO's
Trash	ROW maintenance	Signs
Outside storage / PODS	ROW signs	View obstructions

Under the current operations, duties and activity assignments have overlapped into technical and regulatory areas managed by other departments. Specific duties and activities identified falling into this category are

highlighted in red above. The highlighted duties will be realigned within the appropriate department having official oversight. Below is a depiction of the changes.

Realignment of Duties		
Building Inspections	Planning	Other
Accessory building / structure	Zoning / commercial	Police -
Carports	Neighborhood vitality	Roadside vendors
Home occupations	CO's	Traffic Engineering -
Garage sales		View obstructions
Signs		

The proposed ordinance provides for clear legal authority in conformity with applicable state laws and local mission alignment. The primary focus of duties will include health and safety nuisances outlined in state law and supported by local ordinance under the Property Maintenance Code. In coordination with Development Services, additional responsibilities have been identified as supplemental to these duties.

The division of duties and codification of legal authority will provide stability and consistency to CIS in the performance of its duties to successfully abate health and safety nuisances. It will also provide an enhanced level of effectiveness and efficiency in the process of handling complaints and cases between Departments with a mutual vested interest, such as Planning and Building Inspections. The ordinance will clarify the limit of involvement for CIS in areas such as accessory structures, stop work orders, carports, home occupations, zoning, signs other than in the right of way, and Certificates of Occupancy.

The new ordinance will specifically exclude code enforcement officers from the definition of code official to remove them from the responsibility allotted to the Building Inspections Department. There will be a new definition of code enforcement officer and the term will substitute for code official in several areas of the code in order to regain CIS' jurisdiction over its primary and supplemental focuses. For example, Sec. 17-37 allows enforcement by CIS of junked vehicles; Sec. 17-112(d) allows enforcement by CIS of weeds, trash and debris, and stagnant water; Secs. 17-121 and 17-124 (e) (1) allow enforcement by CIS of graffiti. Other provisions of the ordinance will limit CIS involvement in other department functions. Sec. 17-42 will be deleted to remove tree preservation and mitigation requirements from the Code of Ordinances since it is in the DDC and a Planning function. The following chart demonstrates the codified authority to perform duties reflected in the ordinance.

Codified Authority		
Dangerous buildings	Fences	Graffiti
Minimum building standards	Trash carts	ROW maintenance
Vacant structures	Stagnant water	ROW signs
Interior rentals	Irrigation	Political signs
Outside storage / PODS	Tall grass / weeds	Junked vehicles
Trash and debris	Tree limbs / clearing	Inoperable vehicles

Lastly, the ordinance will affirmatively lay out all of the sections of code over which CIS officers should be in control. This narrowing of responsibility will allow CIS to focus its energy on true public nuisances within their area of expertise and allow the other departments to focus on their subject matter, making the processes more efficient and effective.

RECOMMENDATION

Staff recommends the City Council approve the proposed ordinance as presented.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item was included in a Legal Status Report to Council dated December 30, 2016.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: **Safe, Liveable & Family-Friendly Community**
Related Goal: **4.2 Seek clean and healthy neighborhoods in Denton**

EXHIBITS

Exhibit 1 Ordinance

Respectfully submitted:
Laura Behrens
Fire Marshal