



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** March 6, 2023

**SUBJECT:** Consider Ordinance No. 3784, amending and restating Article II, of Chapter 58, of the City's Code of Ordinances to establish a Code Enforcement Court and authorize an administrative hearing process for code enforcement and nuisance abatement cases in the North Richland Hills Municipal Court, and amend Appendix A, Fee Schedule, to adopt related fees.

**PRESENTER:** Maleshia McGinnis, City Attorney

### **SUMMARY:**

City staff has reviewed with City Council a proposal to establish a separate division of the North Richland Hills Municipal Court of Record to adjudicate civil cases and establish an administrative process, specifically to hear code enforcement and nuisance abatement cases. The purpose of this item is for the City Council to consider an ordinance establishing the code enforcement court.

### **GENERAL DESCRIPTION:**

Chapter 54 of the Texas Local Government Code authorizes a municipality to adopt a civil adjudication process and a procedure for administrative adjudication hearings for ordinances related to code enforcement and nuisance abatement as enumerated in Section 54.032 of the Texas Local Government Code.

The City Council has identified code enforcement as one the Council's top goals over the last five years. In 2022, City staff from the City Manager's Office, City Attorney's Office, Neighborhood Services, Municipal Court, Police Department and Planning and Building Inspections conducted a comprehensive review of the City's code enforcement process. Staff identified numerous challenges and delays with utilizing a largely criminal enforcement process, or a process that relies on filing code enforcement or nuisance abatement cases in the county district courts. To mitigate these issues, staff is recommending that City Council consider adopting an ordinance creating a second division of the North Richland Hills Municipal Court, and adoption of an administrative process to adjudicate code enforcement and nuisance abatement cases as authorized under the Texas Local Government Code.



This ordinance will authorize the following:

- Expansion of the City’s Municipal Court of Record by adding a second court to be referred to as “Municipal Court Division No. 2,” to hear civil actions for code enforcement and nuisance abatement cases;
- Authorize the appointment of an Associate Judge to hear code enforcement and nuisance abatement cases in Court No. 2;
- Create a “quasi-judicial enforcement” process using a Case Manager and appointing an Administrative Hearing Officer to hear code violations through an administrative process;
- Authorize a graduated penalty range for violations ranging from a minimum fine of \$250 up to \$1,000 per day per violation, and providing discretion for egregious cases, cases that are hazardous or pose a danger to public health or safety, and other fines as allowed by law; and
- Creating a compliance assistance fund to assist citizens who are deemed indigent.

Staff anticipates that approval of this ordinance will require additional staff, equipment and supplies. An associated budget amendment is also on tonight’s agenda for City Council’s consideration. The anticipated additional costs annually are listed below.

| <b>Position</b>   | <b>Anticipated Cost</b> |
|---|-------------------------|
| Court No. 2 Associate Judge   | \$15,585                |
| Administrative Hearing Officer (Additional duties for the current Prosecutor) | \$7,587                 |
| Court Case Manager  | \$53,238                |
| Court Reporter Services   | \$5,000                 |
| <b>TOTAL</b>  | <b>\$81,410</b>         |

This ordinance will go into effect 30 days following approval and publication. Neighborhood Services Department and Municipal Court will work with the City’s Communications Office to devise a public education plan to ensure citizens are aware of the upcoming changes before the ordinance goes into effect.

**RECOMMENDED ACTION:**

Approve Ordinance No. 3784, amending and restating Article II, of Chapter 58, of the City’s Code of Ordinances to establish a Code Enforcement Court and authorize an administrative hearing process for code enforcement and nuisance abatement cases in



the North Richland Hills Municipal Court, and amend Appendix A, Fee Schedule, to adopt related fees.