

STAFF REPORT
City of Lancaster

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12/09/14
MVB

DATE: December 9, 2014

TO: Mayor Parris and City Council Members

FROM: Mark V. Bozigian, City Manager

SUBJECT: **Resolution Designating Hearing Officer to Hear Appeals of Statements of Nuisance Abatement Costs**

Recommendation:

Adopt **Resolution No. 14-69**, designating an independent hearing officer to hear appeals of Statements of Abatement Costs.

Background:

Chapter 8.28 of the Lancaster Municipal Code (Code) authorizes the City to undertake abatement of unlawful nuisance conditions located on private real property under certain circumstances, and to recover its costs of abatement, which include the cost of the corrective actions undertaken and the code enforcement officer's time in investigating the matter and causing the abatement of the nuisance conditions. In a case where the City Prosecutor has been involved in seeking the abatement of a nuisance, the Code also authorizes the City to recover attorney's fees. Pursuant to Section 8.28.190 of the Code, the City must issue a statement of abatement costs to the owner of the property at which a public nuisance was abated. The property owner has the right to appeal the statement of abatement costs.

As currently written, the Code provides that the hearing on an appeal of a statement of abatement costs goes before City Council. In the eight years since Chapter 8.28 of the Code was adopted, nobody has appealed a statement of abatement costs, and it is anticipated that very few such appeals will occur in the future. Staff must expend a substantial amount of time and resources to prepare for a hearing before Council. Given the infrequency of these appeals, it is in the public interest to expedite hearings on these matters, rather than waiting to get these appeals placed on the next available Council agenda. Further, holding these appeals before a hearing officer provides a person appealing a statement of abatement costs with an opportunity to be heard in a more timely, expeditious manner.

Attachment:

Resolution No. 14-69