



# City of San Antonio

## Agenda Memorandum

**File Number:**17-2856

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**Agenda Item Number:** 11.

**Agenda Date:** 5/4/2017

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon, Interim Director

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Neighborhood Protection Policy

### **SUMMARY:**

Council Member Alan Warrick, II, submitted a Council Consideration Request (CCR) on January 18, 2017, asking City staff to research and recommend measures to prevent the negative impact to the quality of life in neighborhoods and disruption of peace by prohibiting those actors where Certificates of Occupancy have been revoked previously by the director of Development Services, the code official, at least twice and for cause, from receiving a third certificate of occupancy for a determined period of time.

### **BACKGROUND INFORMATION:**

According to San Antonio City Code Chapter 10, Article I, Section 10-12, a certificate of occupancy is issued after the building official inspects the building or structure and finds no violations of the provisions of this chapter or other laws enforced by the department. The building official is authorized to suspend or revoke a certificate of occupancy under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any provisions of this chapter.

The current provisions do not provide the building official with the authority to withhold issuance of a certificate of occupancy to a business if that business has previously had its certificate of occupancy revoked for cause.

On March 31, 2017, the Development Services Department (DSD) presented above changes for Chapter 10 to the Building-Related and Fire Codes Appeals and Advisory Board (BRFCAAB). The BRFCAAB approved the concept and requested a revised copy of Chapter 10 for final approval. Chapter 10, Section 10-12 - Certificate of Occupancy, (b) *Certificate Issued* will be modified by adding the following sentence at end of current text: “Also, the Building Official is authorized to withhold for one year the issuance of certificate of occupancy to businesses in commercial operations if their certificate of occupancy had previously been revoked at least twice.”

On April 17, 2017, the DSD presented the proposed changes for Chapter 10 to the Neighborhoods and Livability Committee. The Committee approved forwarding the issue to the full council for consideration of the proposed ordinance to City Code Chapter 10 to add a penalty requiring the withholding of certificates of occupancies for one year to commercial businesses that have previously had their certificate of occupancy revoked at least twice by the building official.

### **ISSUE:**

There are some instances where bad actor businesses repeatedly create severe violations, contrary to City code, that lead to revocation of the certificate of occupancy by the building official. These repeated violations can negatively affect the health, safety, and overall quality of life of the surrounding community, notably where industrial type operations are performed in close proximity to residences.

Therefore, as proposed in Council Member Warrick’s January 18, 2017, CCR, City staff recommends the following changes to City Code Chapter 10: to add a penalty requiring the withholding of certificates of occupancies for one year, by the code official, to commercial businesses that have previously had their certificate of occupancy revoked at least twice.

### **ALTERNATIVES:**

As an alternative, City Council could choose not to create an ordinance which allows for withholding of certificates of occupancies for commercial businesses that previously had their certificates revoked at least twice.

### **FISCAL IMPACT:**

There is no anticipated fiscal impact associated with this proposed amendment. There are line items within the approved budget to provide for codification, publishing, and printing through the contract with Municipal Code Corporation (MuniCode).

### **RECOMMENDATION:**

Staff recommends approval of amending City Code Chapter 10 to add a penalty requiring the withholding of certificates of occupancies for one year to commercial businesses that have previously had their certificate of occupancy revoked at least twice by the building official.