

Welcome to the Fun House: Code Compliance

Presented by:

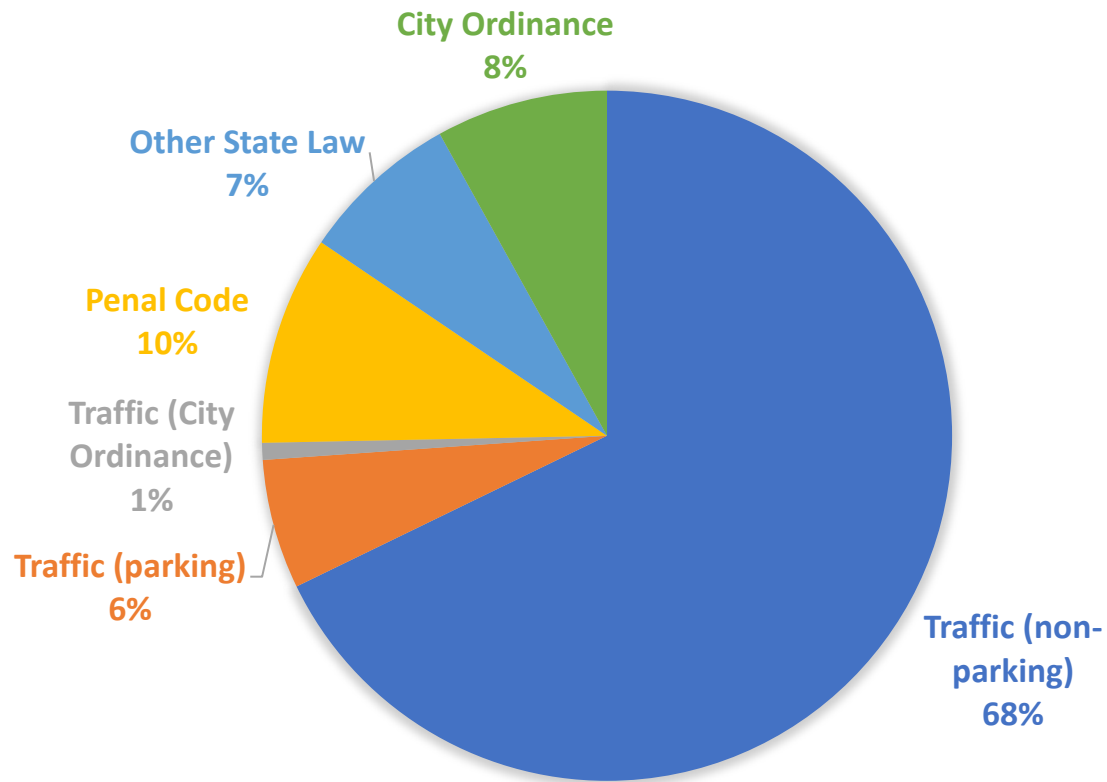
Valerie Elizondo, DNRB&Z

Kenneth Lavergne, DNRB&Z

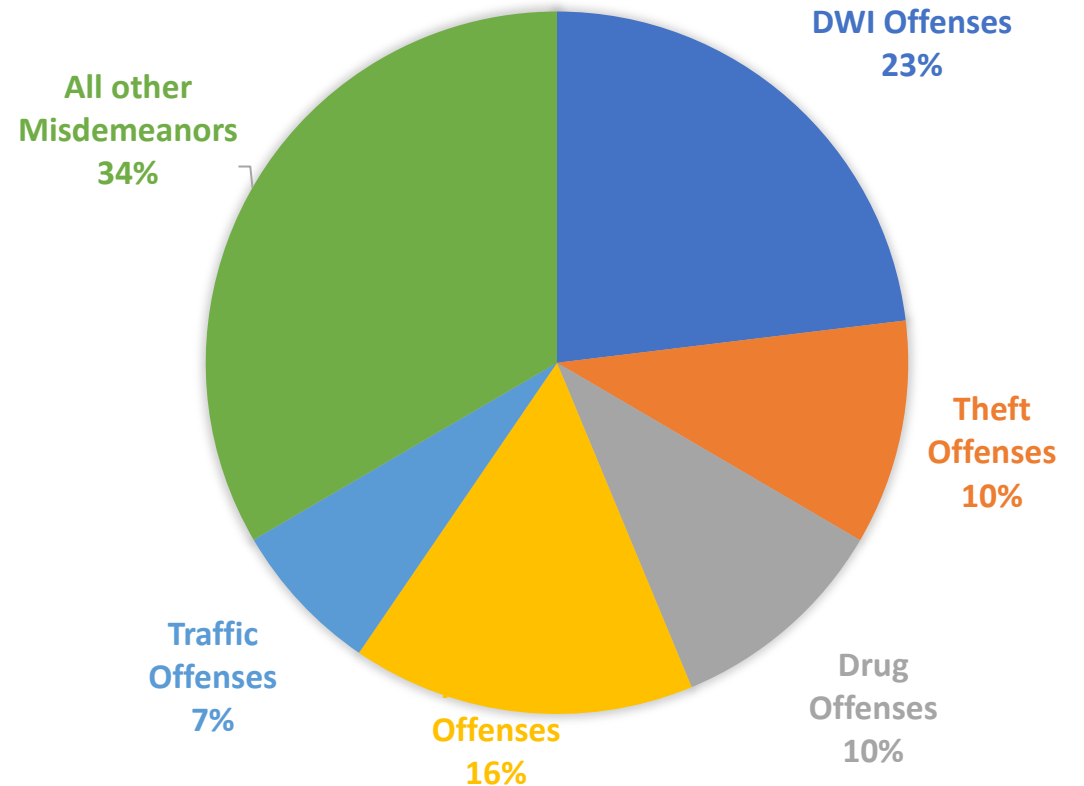


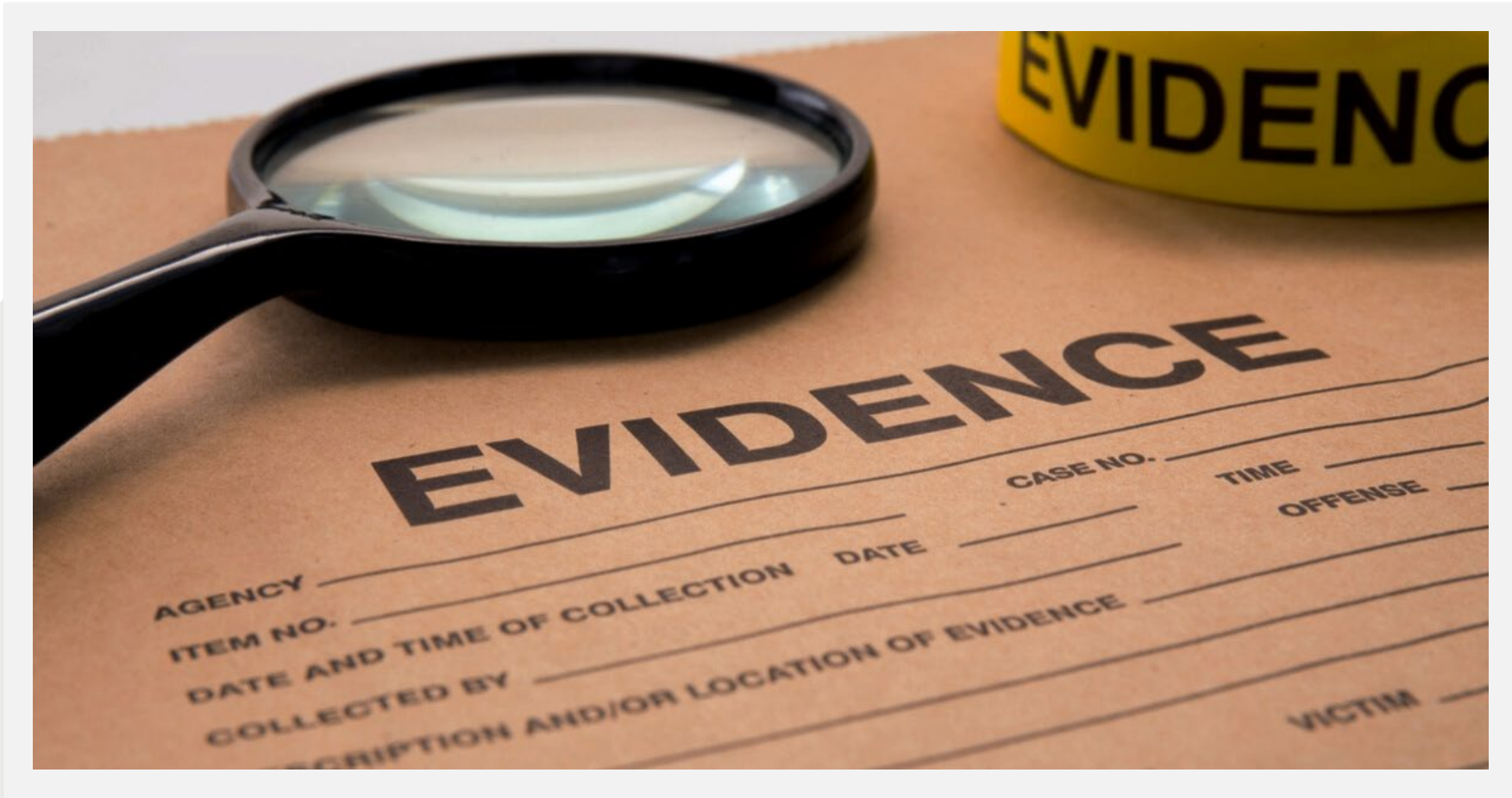
Courts by the Numbers

MUNICIPAL COURTS
(11,368,372 CASES ON DOCKET)



COUNTY-LEVEL COURTS
(830,738 CASES ON DOCKET)





Putting a Case Together

Ordinance

Is there an applicable ordinance in place?

Does the ordinance provide for violation/fine?

Ex. "Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$200.00."



Gather Evidence

Written Reports

Photos (plain view/consent)

- Administrative Search Warrants

Call Logs / Correspondence with Offender

Notice Letter & Proof of Notice

Citation

- Must be issued by licensed peace officer; or
- Registered Code Enforcement Officer





Texas Code of Criminal Procedure §2.1397

- (b) A law enforcement agency filing a case with the attorney representing the state shall submit to the attorney representing the state a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14 have been disclosed to the attorney representing the state.
- Municipal Court Carveout – but Standard we should follow



Prosecutor Review / Citation

Present Case to
Prosecutor for
Review

Sign & File
Complaint with
Municipal Court



Abatement Process



Abatement

- Ordinance
 - Nuisances (LGC §217)
 - High Weeds & Grass
 - Buildings and Structures (LGC §214)
- State Statute
 - Junked Vehicles (TC §683)
 - Municipalities have authority to abate and provide abatement process within statutory guidelines





Abatement

- Costs
 - Simple abatements
 - Lawn & Weeds
 - Trash removal
 - Graffiti removal
 - Difficult abatements
 - Junk vehicles
 - Structural repair/removal
- Process
 - Is a public hearing required?
 - Administrative Warrant
 - Can search, not seize
 - Judge's Order



Abatement vs. Court



Abatement vs. Court – Cost Benefit Analysis

Abatement	Municipal Court
<ul style="list-style-type: none">• If provided for in Ordinances or Statutes• Public Hearing<ul style="list-style-type: none">• City Council or Appointed Board• Likelihood of Cost Recovery<ul style="list-style-type: none">• Liens• Civil Actions	<ul style="list-style-type: none">• Lengthens timeline• Court Costs• Jury Costs<ul style="list-style-type: none">• Jury of Peers• Likelihood of Cost Recovery<ul style="list-style-type: none">• Collections• Likelihood of Compliance<ul style="list-style-type: none">• Will they pay fine and leave code violation or actually come into compliance

**The Ultimate Goal is
COMPLIANCE!**





Questions?

- **Valerie Elizondo**
(210) 227-3243
2517 N. Main
San Antonio, TX 78212
vgelizondo@rampagelaw.com
- **Kenneth LaVergne**
(512)279-6431
2500 W. William Cannon, Suite 609
Austin, TX 78745
klavergne@rampagelaw.com