

OFFICE OF THE CITY MANAGER
DES MOINES, IOWA

CITY COUNCIL COMMUNICATION 97-430
AUGUST 18, 1997 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
AMENDMENT TO ORDINANCE— NUISANCE ABATEMENT ENFORCEMENT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	JAMES GRANT COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS —

An ordinance to amend Chapter 17, Subchapter 1, of the Municipal Code of Des Moines has been prepared. This amendment would repeal the current ordinance and replace it with a new ordinance for enforcement of nuisances located on public and private property. This ordinance will define a nuisance, and outline the steps staff must take to abate the nuisance. It will provide that hearing officers can order removal of debris, junk and/or junk vehicles. The ordinance provides for the appointment of a hearing officer to decide certain contested cases that are given notice under this ordinance. In the event that the City abates a nuisance pursuant to this ordinance, collection of the costs can be sought as a personal judgment against the person found to have allowed the nuisance to exist.

FISCAL IMPACT —

\$100,000. It is estimated we would be able to recover 30 percent of the amount through fees. In addition, there will need to be a budget adjustment when the budget is revised.

RECOMMENDATION —

The adoption by Council of the amendment to Chapter 17, Subchapter 1.

BACKGROUND —

Nuisance actions enumerated in this ordinance were previously enforced using Chapter 17 and Chapter 2A-7(S). Pursuant to these ordinances, the staff must file a civil infraction and seek a court order to abate the nuisance. Many of the items determined to be a nuisance have little or no value. The staff requested an ordinance to allow for the preservation of required due process rights, which would expedite the removal of some items found in violation and allow for the collection of costs as a personal judgment. This amendment meets the requirements of due process by providing personal service of the notice and by establishing a hearing process for appeals. Additionally, it provides that nuisances requiring a court order to abate be enforced through a civil infraction. The City will be able to collect costs incurred in each of the abatement processes as a personal judgment.