



Council Communication No. 97-277

SYNOPSIS –

Amend Chapter 17 of the Municipal Code of Des Moines by enacting a new Article II under Subsection 1. This amendment would enact a new article regarding junk motor vehicles located on public and private property. This ordinance will define what a nuisance is and outline the steps to be taken by staff regarding the abatement of the nuisance. It will provide for the appointment of a hearing officer to decide contested cases. In the event that the City abates the nuisance, collection of the costs can be sought as a personal judgment against the person who is found to have allowed the nuisance to exist.

FISCAL IMPACT –

N/A.

RECOMMENDATION –

Adoption of the amendment to Chapter 17, Subchapter 1, to add Article II.

BACKGROUND –

Junk vehicles are currently being dealt with using Chapter 2A-7(S). Pursuant to this ordinance, staff must file a civil infraction and seek a court order to abate the nuisance. Staff requested an ordinance which would allow for the preservation of required due process rights, which would expedite the removal of the nuisance 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. The City will also be able to collect costs incurred in the abatement as a personal judgment.