

**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**98-260**

**SYNOPSIS —**

**AGENDA:**

JUNE 15, 1998

A Continuous Quality Improvement (CQI) team recommends a policy which includes the definition of chronic violator and establishes a procedure which increases enforcement for repeat violators.

**SUBJECT:**

PROCEDURE FOR  
CHRONIC  
VIOLATION  
ENFORCEMENT

**FISCAL IMPACT –**

**TYPE:**

RESOLUTION  
ORDINANCE  
RECEIVE/FILE

No Fiscal Impact. The administrative policy will be handled by staff currently in place.

**RECOMMENDATION –**

**SUBMITTED BY:**

JAMES GRANT  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**Receive and file the administrative policy and direct staff to take the appropriate steps to implement the tracking and prosecution of chronic violators.**

**BACKGROUND –**

On April 3, 1998, a Continuous Quality Improvement (CQI) team was formed to create a procedure to address chronic violators of primarily owner-occupied properties.

The CQI team has made the following recommendations which would create a “Chronic Violator” category by administrative policy. This policy will be enforced by the Neighborhood Zoning and Health Division of the Community Development Department in order to improve enforcement of the beautification ordinances in the Municipal Code of the City of Des Moines, Iowa.

When a complaint is received regarding a property, and it is found to be in violation, the inspector will issue a notice of violation. The inspector will check and see if an enforcement

action has been taken against the property in the past. A person will be deemed a chronic violator if their property has been the subject of two forced cleanups in a preceding twelve month period.

Upon the third complaint, within the twelve month period, the inspector will request that the legal department issue a notice which will inform the violator that they will be the subject of a civil court action if they fail to abate the nuisance. If the person in violation fails to comply with the notice the legal department will file an action in court requesting that the court order the abatement of the nuisance and enter an order to enjoin the violator from further violations of the Municipal Code.

If the court grants the injunction and the property is found to be in violation of the court order we will then request that the legal department file a contempt action. If the violator is found to be in contempt of the court order they may be fined up to \$500 or ordered to serve up to six months in the county jail.