



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

01-018

SYNOPSIS -

AGENDA:

JANUARY 8, 2001

A process has been developed to improve the way in which the City of Des Moines abates storage of junk, debris, and junk vehicles on private property in violation of the City code.

SUBJECT:

JUNK AND DEBRIS
ABATEMENT
PROCESS CODE
AMENDMENT

The goal of the new process is to have cleanups completed within 32 days from the day the violation notice was issued. The process includes increased enforcement against those who meet the definition of habitual violators. Additionally, the process significantly reduces the cost of notifying citizens of the violation and the requirement to abate the nuisance.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

In order to implement this process, changes need to be made to Chapter 42 of the Municipal Code. The service requirements need to be changed from personal service to service by regular mail. In order to meet the reduced timelines in the new process, the ordinance needs to change the time in which an administrative hearing can be requested, the hearing date set, and the amount of time the hearing officer can grant the violator to abate the nuisance. Additionally, the definition of a habitual violator will be changed to tighten the definition from a finding of three violations within an 18-month period to the issuance of three violation notices within a 36-month period.

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

FISCAL IMPACT -

Changing the service requirement from personal service to service by regular mail will result in a net reduction in the cost of service by \$79,000.

RECOMMENDATION -

Approval.

BACKGROUND -

For an extended period of time the City of Des Moines has struggled with the length of time it takes to perform cleanups of junk, debris, and the removal of junk vehicles. Currently, it takes an average of 52 days for the City to complete a cleanup on properties when the property owner is unwilling or unable to abate the nuisance once they have been notified of the violation. The current system provides a service to property owners who are unwilling to act responsibly rather than have a system that has consequences for inappropriate behavior.

When an owner is issued a notice of violation, 62 percent of the properties are cleaned within the first 20 days. An additional 7 percent of the property owners comply between day 21 and day 30. It has been found that 11 percent of those issued notices take longer than 30 days to comply. The City is cleaning 20 percent of the properties when notice is issued.

Research indicates that 62 percent of the junk and debris complaints received by the Neighborhood Inspection Division originate from 5 percent of the properties in the City. The ordinance change and policy will increase the consequences for those deemed to be habitual violators. Those who have three or more violation notices within a three-year period will be prosecuted through a court action.