

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: August 24, 2015
	Agenda Item No. 43 Roll Call No. <u>15-1448</u> Communication No. <u>15-457</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Amendment to Chapter 60 regarding public nuisance structure process.

SYNOPSIS:

Pursuant to Chapter 364.12 (3) (c) of the Iowa State Code the City of Des Moines may require the removal, repair or dismantling of a dangerous building or structure. There is no State requirement that the matter be taken up by the Board of Health. To more closely align with the state code Chapter 60 is being amended to bring public nuisance structures to the City Council as a regular agenda item.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

In the past Chapter 60 required that all requests to pursue legal action regarding a structure deemed to a public nuisance be approved the City Council sitting as the Board of Health. This is not a requirement of state code. Staff believes it is more appropriate for the authorization to come from the City Council on its regular agenda.

This will require no substantive change in how a public nuisance structure case will be handled. The Legal Department will continue to seek council approval to file a court action seeking an order to allow the demolition of a structure.

PREVIOUS COUNCIL ACTION(S):

Date: September 26, 2011

Roll Call Number: [11-1656](#)

Action: [Repealing](#) Chapter 60 of the Municipal Code and enacting a new Chapter 60, regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code. Moved by Hensley that this ordinance do now pass, [#15,048](#). Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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