

COUNCIL COMMUNICATION

	Number:	20-158	Meeting:	April 20, 2020
	Agenda Item:	32	Roll Call:	20-0647
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

Amending Sections 42-358 and 42-358.02 relating to notices and administrative hearings for nuisances.

SYNOPSIS:

The City received decisions and orders from the administrative hearing judges that limited the ability to conduct cleanups, collect costs, and get favorable decisions. The amendments are designed to give clear direction to staff and the administrative hearing judges regarding cleanups and administrative hearings.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- In some cases, where staff sent a notice with pictures of the violations attached and the resident brought additional material to the administrative hearing, judges were denying collection of part, or all, of the cleanup costs. The ruling stated that the policy of removing junk and debris from the property brought to the site after a notice, is not supported by the code.
- The addition of this language, “A statement that any other violations of Chapter 42 Article VI found on the property at the time of a City cleanup will be removed without further notice” should help with this. The notice will make it clear that if a resident under notice brings more junk and debris to the property before the cleanup it will be removed.
- In some cases, the original junk and debris has been removed, but the resident has brought in new junk and debris. So as not to have a violation of due process, Neighborhood Inspections Division has instituted a policy that if the original violations have been removed the case will be closed and a new notice of violation will be sent out.
- The hearing officers were, at times, giving extensions of time or reducing costs of a cleanup when a resident failed to show up for a hearing. The proposed amendment would treat a no show as a default. The hearing officer would then, by ordinance, be directed to rule in favor of what the City is seeking. It could be a cleanup order or a finding that a cleanup bill is due. This is in line with what happens in a court of law and at the Housing Appeals Board hearings.

PREVIOUS COUNCIL ACTION(S):

Date: October 16, 2019

Roll Call Number: [19-1686](#)

Action: [Final](#) consideration of ordinance amending various chapters of the Municipal Code to reflect cross references related to adoption of the proposed Zoning Ordinance and Planning and Design Ordinance. Moved by Boesen that this ordinance do now pass, [#15,819](#). Motion Carried 6-1. Nays: Westergaard.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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