

ORDINANCE NO. 14,353

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,224, passed April 21, 2003, by amending Sections 26-602, 26-604, 26-608 and 26-609 thereof, relating to unfit residential structures.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,224, passed April 21, 2003 is hereby amended by amending Sections 26-602, 26-604, 26-608 and 26-609 relating to unfit residential structures, as follows:

Sec. 26-602. Structure to be placarded.

At the time a structure is declared to be a public nuisance a Neighborhood Inspection Division Officer shall cause to be posted at each entrance to the structure or portion thereof a notice to read "**DANGER -- PUBLIC NUISANCE UNSAFE OR UNFIT FOR HUMAN OCCUPANCY. NEIGHBORHOOD INSPECTION DIVISION, CITY OF DES MOINES.**" This notice shall remain posted until the required repairs, demolition, or removal is completed. The notice shall not be removed and no person shall enter the building except to make the required repairs or to demolish the structure.

Sec. 26-604. Vacation and abatement.

Any residential structure declared to be a public nuisance and unfit for human habitation or use, and so designated by the Neighborhood Inspection Division Officer, shall immediately be vacated and the nuisance shall be abated by the owner at the owner's expense or by the city. If the city abates the nuisance the abatement costs shall be collected as a personal judgment

against the current owner and may be collected against any other person or entity who owned the property while declared a public nuisance. The city may also assess the abatement costs against the property to be collected as a property tax.

Sec. 26-608. Public nuisance procedure: notice and hearing.

- (a) The owner of record, occupant, contract vendee of record, and mortgagee of record of a residential structure which has been declared to be a nuisance shall be notified in writing.
- (b) The notice shall contain:
 - (1) The name and last known address of those receiving notice;
 - (2) The legal description of the subject real estate and its street address;
 - (3) The name of the occupant, if known;
 - (4) A description of the conditions that constitute the nuisance and the remedial action required to abate the nuisance;
 - (5) The deadline for abatement of the nuisance.
- (c) The notice shall be served personally or by certified mail, return receipt requested.

Sec. 26-609. Referral to board of health.

Residential structures determined to be public nuisances under this article and against which no emergency procedure for removal has been undertaken pursuant to section 26-610 shall be referred to the city council acting as the Board of Health.

- (1) If the Board of Health finds that a public nuisance exists and confirms the action of the Neighborhood Inspection Division Officer, it shall direct the legal department to file an action for nuisance abatement in district court.
- (2) If the Board of Health finds that the residential structure is not a public nuisance it shall revoke the determination of the Neighborhood Inspection Division Officer and direct such other action as it finds appropriate.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

David L. Phillips, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 04-1461), passed by the City Council of said City at a meeting held July 12, 2004 signed by the Mayor on July 12, 2004 and published as provided by law in the Business Record on July 26, 2004 Authorized by Publication Order No. 4361.

Diane Rauh, City Clerk