

★ Roll Call Number

Agenda Item Number

57

Date ..... October 9, 2006

Request from Peter Pacha, 1726 E Walnut Street, to speak regarding a housing inspection.

Moved by \_\_\_\_\_ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

57

FILED

To: The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines, Iowa  
c/o City Clerk

2006 OCT -2 PM 12:14

CITY CLERK  
DES MOINES, IOWA

I/We \_\_\_\_\_,  
(Please Print)

hereby request permission to speak at the Des Moines City Council  
meeting of OCT 9 2006, regarding

HOUSING INSPECTION

Name: PETEN PACHA  
(Signature)

Address: 1726 EAST WALNUT STREET

Daytime Phone: 264 1866 @FW 771 0021

PROCEDURAL RULES OF DES MOINES CITY COUNCIL:

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

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**CITY OF DES MOINES  
REQUEST FOR ADMINISTRATIVE HEARING  
CHAPTER 42**

Date of Notice: 09/25/2006 Date of Inspection: 09/25/2006

PETER PACHA & TRINIDAD M PACHA  
Title Holder  
1726 E WALNUT ST  
DES MOINES, IA 50316

Address of Property:  
**2225 CAPITOL AVE**

CITY CLERK  
DES MOINES, IOWA

2006 OCT -2 AM 11:42

FILED

I hereby request an administrative hearing pursuant to Chapter 42 or the Municipal Code of the City of Des Moines regarding the above referenced notice of violation. If you, the titleholder of the property, are unable to attend and you wish to have someone represent you please provide a notarized authorization giving approval to allow that person to represent you. The person you have designated to appear on your behalf should bring this notarized authorization to the hearing. If you have hired an attorney to represent you this authorization will not be necessary.

Reason for the appeal (Please print or type):

WAS NOT 10 DAYS - IS A READY CLEAN UP - (SEE ATTACH)  
- WAS NOT CERTIFIED MAIL - DID NOT FOLLOW LAW -

I understand that I will receive notice of the date and time of the hearing. The notice will be sent to the address that I provide on this Request for Hearing. I understand that my failure to appear at the scheduled hearing will be deemed a waiver of my rights to a hearing.

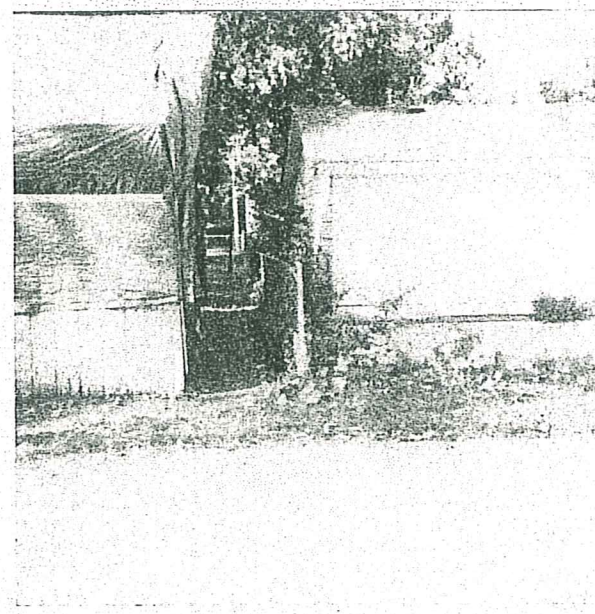
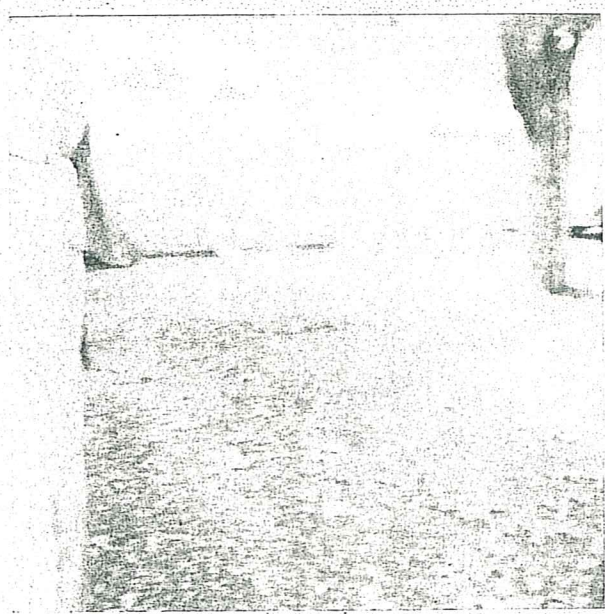
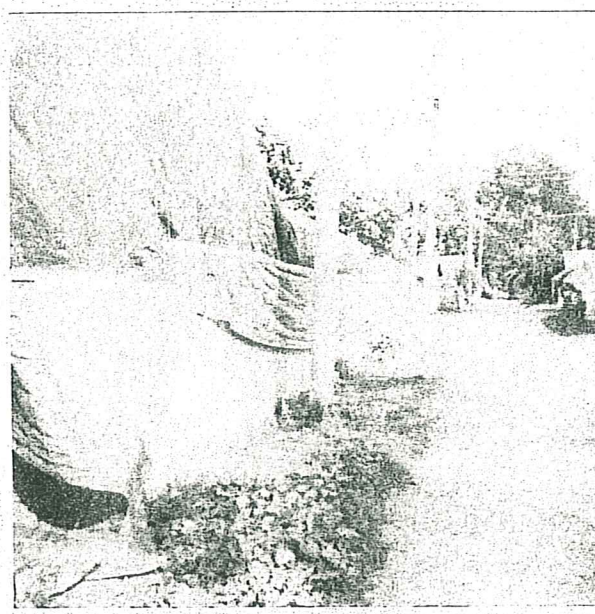
**This request for hearing must be filed by Monday, October 2, 2006**

067 12 - 2006 Peter Pacha  
Date Signature  
264 1860 PETER PACHA  
Daytime Phone Name  
1726 E WALNUT ST  
DM IOWA 50316  
Mailing Address City/State/Zip

**File with:** City of Des Moines, City Clerk, 400 Robert D. Ray Drive., Des Moines, IA 50309

This a notarized pictures of 2225 Capitol Avenue, Des Moines, Iowa  
The date is September 28, 2006.

  
**VERLEN R. DAHLEEN**  
Commission Number 156312  
My Commission Expires 5/31/08  

**Sec. 60-308. 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.~~

(O.14,432)

Date of Notice: 09/25/2006

Date of Inspection: 09/25/2006

**Please Call  
If You Have Any  
Questions.**

PETER PACHA & TRINIDAD M PACHA  
Title Holder  
1726 E WALNUT ST  
DES MOINES, IA 50316



Upon inspection of the property at **2225 CAPITOL AVE**, violation(s) of the Municipal Code of the City of Des Moines, Iowa (Section 42) were observed. The violation(s) constitutes a public nuisance. You will find attached a photograph, a list of the violation(s) existing on the date of the inspection and a recommendation as to the action required to bring the property into compliance.

The City has adopted a new process for dealing with these types of public nuisance actions. It is our intent to bring these violation(s) to your attention and give you sufficient opportunity to resolve the matter. It is also our intent that this notice will serve to educate and therefore prevent future violations. As you read further you will see that you have a specific time frame to clean your property.

If you fail to clean the property the City will clean it and bill you the full cost of the abatement plus administrative costs. If you fail to pay the amount billed, the costs will be assessed against the property as a property tax.

If you clean the property and no future violations of a similar nature take place in the next thirty-six months, we have accomplished what we set out to do and you and your neighbors will have a more attractive neighborhood. If future violations are observed a municipal infraction will be filed upon the observance of the third violation.

1. You may take corrective action to eliminate the violation within 21 days of this notice. When corrective action is taken within the time period you must then call the inspector whose name and number you will see listed at the end of this notice between the hours of 8:00 and 9:00AM or after 4:00 PM. The inspector will then re-inspect the property and, if the violation has been eliminated, action by the City regarding this nuisance will end. However, future violations will result in a penalty; see paragraph #5.
2. You have a right to a public hearing to contest this matter. You may request a hearing by filing the attached Appeal and Request for Hearing form not later than seven (7) days of the date of this notice. By that date the notice must have been received by the City Clerk, 400 Robert D. Ray Drive, Des Moines, Iowa 50309.
3. Failure to request a hearing will mean that you have waived your rights to further hearing, the City will enter onto the property and abate the nuisance (clean your property).
4. If you fail to abate the nuisance (clean your Property) within the time set out in the notice or as ordered by the hearing officer or court, you will be held financially responsible. The City will enter onto your property, clean your property and bill the full costs of the cleanup plus administrative costs. In addition to these fees there may be other fees for special needs situations. If the amount billed is not paid, the City will file an assessment against your property due with your property tax.
5. Habitual Violators are defined as owners whose properties have had three or more violations in a thirty-six month period of time. That means that property owned by an individual has been cited three (3) or more times for violations. Should any owner in the City of Des Moines have three violations in any thirty-six (36) month period the City may seek a civil penalty in the amount of \$500.00 for the first offense and \$750.00 for each subsequent offense, or file criminal charges against the property owner.

6. The following checked violations have been noted on your property:

- XXXX- **Sec 42-347** What ever is injurious or dangerous to the public health, safety or welfare, including but not limited to those things or actions which are offensive to the senses, or an obstruction to the free use of real estate so as to unreasonably interfere with the comfortable enjoyment of life or real estate or which are identified specifically as nuisances in this code is a nuisance.
- XXXX- **Sec 42-348 (3)** Depositing or storing outside a completely enclosed building items that constitute a threat to the public health, safety or welfare, including but not limited to the following: old or scrap rope, rags, batteries, paper, trash, rubber debris, tires, waste, used lumber or salvaged lumber, inoperable machinery or appliances or parts of such machinery, vehicular parts, household goods, cut brush or wood including dead or decaying plant material except as contained in a compost pile or orderly stacked firewood if cut in lengths of four feet or less.
- Sec 42-348 (4)** Discarding or abandoning of refrigerators or similar containers.
- Sec 42-348 (5)** Depositing or storing of litter, garbage, or organic waste on any real estate.
- Sec 42-348 (8)** Graffiti placed on any surface not primarily intended for such use.
- Sec 42-348 (9)** Any motor vehicle which is unlicensed, unsafe, or inoperable found upon public or private real estate, and the contents therein, which is not stored within an enclosed building. If you have such a vehicle on your property and would like to have it removed, you may phone me at the number below in order to make arrangements to have the vehicle towed from your property for a 25.00 impound fee. A higher fee will be charged for larger vehicles such as buses and recreational vehicles.

It is your responsibility to correct the violation(s) checked above and to ensure that your property is free of additional violations in the future. If I can be of any assistance to you in reference to this matter or any other issues in your neighborhood please feel free to call between 8:00-9:00AM or after 4:00 PM any week day.

Thanks for your help,

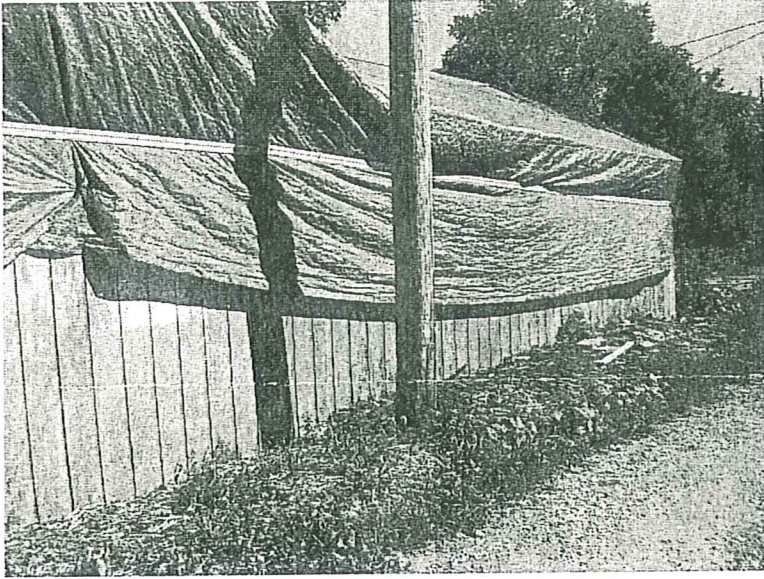


**If you have any questions  
Please call.**

Dennis Rule  
(515) 283-4114

+ Pictures have been attached to help in identifying your violation(s). However the pictures may or may not include all the violations on your property at the time of the inspection. At the time of re-inspection, and subsequent cleanup, we will include not only these violations but also any additional accumulations of illegal materials.

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2225 Cap:fol

SCN6169.JPG 2006/09/25 11:06:37

DSCN6170.JPG 2006/09/25 11:07:10