

ORDINANCE NO. 370

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF STATE
CENTER, IOWA, GOVERNING NUISANCE ABATEMENT PROCEDURE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STATE CENTER, IOWA:

Section 1. SECTION MODIFIED. Paragraph 50.06 is amended to state as follows:

50.05 ABATEMENT OF NUISANCE BY WRITTEN NOTICE. Any nuisance, public or private,
may be abated in the manner provided for in this section:

(Code of Iowa, Sec. 364.12[3h])

1. Contents of Notice to Property Owner or Responsible Party
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to ablate the nuisance.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner or responsible party.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner or responsible party.
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists, and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner or responsible party under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner or responsible party who has failed to abide by the notice to abate and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as general property taxes.
(Code of Iowa, Sec. 364.12[3h])

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceed \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefitted property under State law.
(Code of Iowa, Sec. 364.13)
8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within 14 days of the notice is in violation of this Code of Ordinances unless a waiver is provided by the Chief of Police with approval of the Mayor.

Section 2. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. SEVERABILITY. If any section, provision, or part of this Ordinance shall be adjudged invalid, unconstitutional, or unenforceable for any reason, such adjudication shall not affect the validity or enforcement of the remaining provisions.

Section 4. EFFECTIVE DATE. This Ordinance shall become effective from and after its final passage, approval, and publication as provided by law.

[Iowa Code §380.6, 7(3)
§362.3]

1st Reading, June 21, 2022:

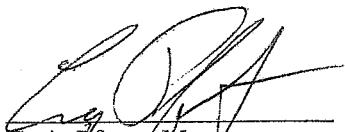
Motion by Darrow, second by Nichols, that Ordinance 370, **amending section 50.06, ABATEMENT OF NUISANCE BY WRITTEN NOTICE, of the Code of Ordinances of the City of State Center, Iowa, by adding "or responsible party", as underlined**, be given its first reading for passage.

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Aye Grant: Aye

2nd Reading, July 19, 2022:

Motion by Nichols, second by Grant, that Ordinance 370, **amending section 50.06, ABATEMENT OF NUISANCE BY WRITTEN NOTICE, of the Code of Ordinances of the City of State Center, Iowa, by adding "or responsible party", as underlined**, be given its second reading for passage.

Darrow: Absent Nichols: Aye Quick: Aye Shaffar: Aye Grant: Aye


Craig Pfantz, Mayor

Attest:


Lori Bearden, City Clerk