

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. _____13_____
For Meeting of 09/08/09

ITEM TITLE: Consideration of Ordinance 09-04 to amend the Code of Ordinances for the City of Windsor heights, Iowa by amending Sections of Chapter 31: Nuisances, to address “Nuisance Houses” – Final Reading.

CONTACT PERSON: Marketa George Oliver, City Administrator


SUMMARY EXPLANATION:

The City Council has been discussing and working diligently to identify opportunities to preserve the City’s housing stock and neighborhoods. The attached ordinance was discussed in concept at a previous study session. The purpose of the ordinance is to provide another tool to address “nuisance” houses. Nuisance houses are defined as, “Houses that require more than one police response to the same location or address within a 90-day period, during which an officer makes a determination that something at or on the location or address is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property.” This will enable the City to more effectively address houses that have frequent loud parties, or other similar occurrences.

If a house is deemed to be a “nuisance house,” it would be subject to fines under the City’s nuisance code. Additionally, if that house were a rental, upon receipt of an abatement, the rental certificate would be automatically revoked and the property owner would need to re-register the property and it would be re-inspected.

This is one tool of many that the Council has developed in on-going efforts to strengthen the City’s code enforcement and property maintenance programs.

This is the final reading of this ordinance.

____ Resolution <input checked="" type="checkbox"/> _____ Ordinance ____ Contract ____ Other (Specify) _____
Funding Source _____ NA _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 50px;"></div>
City Administrator

ACTION NEEDED: Pass on third reading.

COUNCIL ACTION:

ORDINANCE NO. 09-04

AN ORDINANCE TO AMEND THE 2008 CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING SECTIONS OF CHAPTER 31: NUISANCES TO ADDRESS NUISANCE HOUSES.

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain sections of Chapter 31 of the Municipal Code, to address nuisance houses.

SECTION 2. Amended. Chapter 31, Section 2, is amended to add the following paragraph:

42. Nuisance houses. Houses that require more than one police response to the same location or address within a 180-day period, during which an officer makes a determination that something at or on the location or address is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property.

SECTION 3. Amended. Chapter 31, Section 4, is amended to read as follows:

31.04 NUISANCE ABATEMENT. With the exception of 31.02(42), Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, the officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. With regard to Section 31.02(42), property owners will be notified after the first determination by a police officer that conditions exist posing a nuisance and that a second determination of this kind will immediately constitute the failure to abate a nuisance as outlined in Chapter 31.13 subjecting the property owner to applicable fines.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this 17th day of August, 2009 and approved this 8th day September of 2009.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

CLERK'S CERTIFICATE

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the ____ of _____, 2009, approved as provided by law on the ____ day of _____, 2009, and published as provided by law on the ____ day of _____, 2009, at ____ .m.

Marketa George Oliver, City Administrator/Clerk