



CITY OF ODEBOLT

A GREAT PLACE TO CALL HOME

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205 WEST 2ND STREET, P.O. BOX 433, ODEBOLT, IOWA 51458

Ordinance 05.22

BE IT ORDAINED BY THE CITY COUNCIL OF ODEBOLT, IOWA:

Title III COMMUNITY PROTECTION- Chapter 2 Nuisances- 3-2-1 DEFINITIONS:

Nuisances 1. 1. Will be changed to the following

Section 3-2-1 1. Nuisance Definition 1. is hereby repealed and the following adopted in lieu thereof:

1. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City deemed by the City Council to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the right-of-way. Original way

Change to:

1. Dense growth of all weeds, grasses, vines, brush or other vegetation in the City with the height of 6 inches will receive a letter and 8 inches will be mowed and deemed by the City Council to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.

The rest will continue to be in place: 3-2-2 NUSIANCES PROHIBITED.

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance.

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street. (Code of IA, Sec 364.12(3)(b))
2. The removal, repair, or dismantling of dangerous buildings or structures. (Code of IA, Sec. 364.12 (3)(c))
3. The numbering of buildings (Code of IA, Sec. 364.12(3)(d))
4. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such a property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property. (Code of IA, Sec. 364.12 (3) (e))
5. The connection to the public sewer systems from abutting property and the installation of sanitary toilet facilities and removal of the other toilet facilitates and removal of other toilet facilities. (Code of IA, Sec. 364.12(3)(f))

6. The cutting or destruction of weeds other growth which constitutes a health hazard, safety, or fire hazard. (Code of IA Sec. 364.12 A)

3-2-4- NOTICE TO ABATE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. (code of Iowa, Sec. 364.12 (3) (h))

3-2-5 CONTENTS OF NOTICE TO ABATE - The notice to abate shall contain: (Code of IA, Sec 364.12 (3) (h))

1. Description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A Statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. 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 cost against such person.

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as show by the records of the County Auditor. (code of IA, Sec. 364.12(3) (h))

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision a to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Section 3-2-4 and 3-2-5 (code of IA, Sec. 364.12(3) (h))

3-2-9 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform or be required to perform action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the municipality. (code of IA Sec. 364.12(3)(h))

3-2-10 COLLECTION OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred to the property owner 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 City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

3.2.11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer. (Code of IA, Sec. 364.13)

The Mayor then declared the motion carried by three-fourths vote, as required by the Statutes of Iowa, and the rules dispensed with.

Council member Carl Hemer moved to adopt the Ordinance 05.22, seconded by Council Member Friedrichsen.

Ayes: Carl Hemer, Peterson, Friedrichsen, Lee Hemer


Nays: None

Absent: Thies

First Reading: June 6, 2022*

2nd & Final Reading: July 11, 2022

The Mayor then declared the ordinance duly adopted and in full force and effect from and after the publication of this ordinance, as required by law. Passed by the Council of the City of Odebolt, Iowa the 6th Day of June 2022.


Mayor

ATTEST:


City Clerk