CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

NO CHANGE FROM PREVIOUS READING

ITEM:

DATE: February 20, 2018

Second reading, waiver of third reading, and final approval of proposed Ordinance to amend Title 4, Chapter 4, Section 2 of the Municipal Code to declare substandard or deteriorating building exteriors to be nuisances if not remedied within six (6) months.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have little or no financial impact to the City because the City would require the property owner to abate or correct any such nuisances.

BACKGROUND:

This proposed Ordinance amendment would declare substandard or deteriorating building exteriors, including residential structures, to be nuisances if the property owner in question does not correct any deficiencies within a six (6) month time period. The purpose of this proposed Ordinance amendment is to have another tool to address construction or renovation projects that have not been undertaken or have not been timely completed, particularly those that do not require the issuance of a City building permit. It would also require all construction or renovation project materials to be stored within an enclosed structure when not actively being used. Because the City would not wish to abate the nuisance or finish the project for the property owner, violators would receive a municipal infraction. Through the municipal infraction process, the City would ask the Court for an Order to direct the property owner to complete the project by a certain date and impose a possible fine or civil penalty. The property owner could receive additional punishment, including another fine or time in jail, for any failure to comply with a Court Order.

The Community Compliance City Council subcommittee approved of this item at its January 22, 2018, meeting. The City Council unanimously approved of the first reading of this proposed Ordinance at its meeting held on February 5, 2018.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Approval of the second reading, waiver of the third reading, and final approval of this proposed Ordinance.

Lead Staff Member: **Jason B. Wittgraf, Assistant City Attorney** JBW

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Community Compliance		
Date Reviewed	January 22, 2018		
Recommendation	Yes	~~No~~	~~Split~~

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 4, "HEALTH AND SAFETY REGULATIONS", CHAPTER 4, "NUISANCES", SECTION 2, "NUISANCES DECLARED"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 4, Chapter 4, Section 2 is hereby amended by adding the following underline text.

4-4-2: NUISANCES DECLARED:

Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance. Nuisances shall include, but not be limited to, those activities and items hereafter set forth in this section:

P. Building Exteriors: Any exterior surface to any building or other structure which has not been maintained in good condition, is not of standard quality and appearance, or does not have an acceptable permanent finish. Exterior surfaces include, but are not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, siding, masonry joints, and roofing. Substantial peeling, flaking, and chipped paint on any exterior surface shall also constitute a nuisance. Any construction or renovation project undertaken to correct any such deficiencies shall be completed within six (6) months of commencement of the project, unless the City has approved of a construction or renovation schedule of specific longer duration in writing prior to the expiration of this time period. All construction or renovation project materials and equipment shall be placed within an enclosed structure or removed from the property when not in active use.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk