Ordinance 2025-17 Nuisance Abatement Procedure-Nuisance Hearings

AN ORDINANCE TO AMEND CHAPTER 50 OF THE CITY CODE PERTAINING TO NUISANCE ABAATEMENT PROCEDURE

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

1. Chapter 50 of the City Code Pertaining to Nuisance Abatement Procedure is amended by repealing Section 50.06-3 Request for Hearing, by adding 50.06-9 Hearing Process, by adding 50.06-10 Hearing Determination, and by enacting the following substitutes for those sections:

Sec. 50.06-3 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 the right to a hearing will be waived and 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.

Sec. 50.06-9. Hearing Process. If the person(s) ordered to abate the nuisance wishes to contest the determination or to otherwise contest the intended action by the council at the hearing:

(A) The person may file or deliver a written statement with exhibits to the city clerk prior to the hearing date, setting forth the reasons why abatement or other action should not be ordered by the city council.

(B) The city clerk shall distribute this filing to the city council prior to the hearing commencing.

(C) Failure to file a statement or appear at the hearing to speak after a hearing is requested shall be deemed a waiver of the right to present evidence in opposition to determination, or to otherwise contest such action.

Sec. 50.06-10. Hearing Determination. If the city council finds that a public nuisance exists it may:

(A) Order within a reasonable time the prompt rehabilitation, abatement, or removal of the nuisance and direct that all costs attendant to the action be either assessed against the property or collected from the owner thereof;

(B) Extend the time for the owner to abate or otherwise correct the nuisance;

(C) Direct that the city attorney file an action in court to secure an order directing the abatement of the nuisance;

(D) Direct any other action allowed under the City of Linden Code of ordinances or deemed appropriate to correct or abate nuisances;

2. Any Resolution, ordinance, or part thereof in conflict or inconsistent with this Ordinance is repealed.

3. Severability clause. If any section, provision 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 section, provision or part thereof not adjudged invalid or unconstitutional.

4. When effective. This ordinance shall be effective from and after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED this 7th day of Oct., 2024.

City Council for the City of Linden, IA

Tom Karpis

Mayor, City of Linden