

RESOLUTION 1823

A RESOLUTION ESTABLISHING A NEW NUISANCE ABATEMENT HEARING COMMITTEE

WHEREAS, any person ordered to abate a nuisance may have a hearing with the Nuisance Hearing Committee as to whether a nuisance exists; and

WHEREAS, a request for a hearing must be made in writing and delivered to the City Administrator's Office, if a request for hearing is not received within the time stated in the notice; it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

WHEREAS, in the event of a successful receipt of a hearing request, no further enforcement action will occur until a hearing is held; and

WHEREAS, at the hearing, code enforcement designee and the person to whom the notice of abatement was issued are parties to the hearing and each may testify, call witnesses and offer evidence and argument relevant to the issues described by or contained within the notice of abatement.

WHEREAS, at the conclusion of the hearing, the hearing committee shall render a written and/or recorded decision as to whether a nuisance exists; and

WHEREAS, in the event the hearing committee finds that a nuisance exists, the City Administrator or his/her designee must order the nuisance abated within a time, which must be reasonable under the circumstances; and

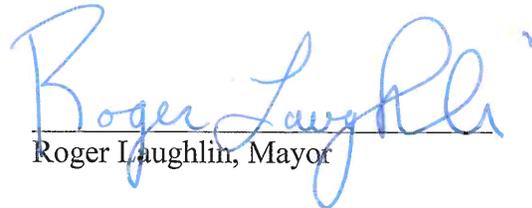
WHEREAS, in the event the hearing committee does not find that a nuisance exist that matter will be considered closed; and

WHEREAS, the findings of the hearing committee shall be conclusive and, if the person to whom the notice of abatement was issued decides exercise to their right to an further appeal by filing a claim with the district court before the date of abatement and providing record of filing with the City Administrator's Office.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that this Resolution 1823 to establish a new nuisance abatement hearing committee is hereby approved.

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Passed and approved this 8th day of July, 2019.



Roger Laughlin, Mayor

ATTEST:


Redmond Jones II, City Administrator/Clerk