

ARTICLE III. ANTI-BLIGHT REGULATIONS (RESIDENTIAL AREAS)**Sec. 17-51. Purpose.**

It is hereby found and declared that certain areas of the city have or may become blighted, with the consequent impairment of taxable values upon which, in large part, municipal revenues depend; that such blighted areas are detrimental or inimical to the health, safety and general welfare of the citizens and to the economic welfare of the city; that in order to improve and maintain the general character of the city it is necessary to rehabilitate such blighted areas; that the conditions found in blighted areas cannot be remedied by the ordinary operations of private enterprise, with due regard to the general welfare of the public, without public participation; that the purposes of this article are to rehabilitate such areas by eliminating blight and blighting factors within such areas for the protection of the health, safety and general welfare of the city, to preserve existing values of other properties within or adjacent to such areas, and to preserve the taxable value of the property within such areas; and the necessity and the public interest for provisions set forth in this article is hereby declared as a matter of legislative determination to be a public purpose and a public use.

(Code 1981, § 41.210)

Sec. 17-52. Causes, factors enumerated.

(a) It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person.

(1) In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this article the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the state for a period in excess of thirty (30) days and shall also include whether so licensed or not any motor vehicle which is inoperative for any reason for any period in excess of thirty (30) days.

(2) In any area zoned for residential purposes, the storage upon any property of unlicensed recreational equipment, except in a completely enclosed building. For the purpose of this subsection, the term "recreational equipment" shall include any travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boat and boat trailers, snowmobiles, horse trailers, dune buggies and other similar equipment. Recreational equipment for which a six-month license is available may be stored while unlicensed for a period of no more than six (6) months.

(3) In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.

(4) In any area zoned for residential purposes, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The terms "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

(5) In any area the existence of any structure or part of a structure which because of fire, wind or other

natural disaster or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.

(6) In any area zoned for residential purposes, the existence of any vacant dwelling, garage or other outbuildings, unless such structures are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entry thereto by the elements or by unauthorized persons.

(7) In any area the existence of any partially completed structure unless such structure is in the course of construction, in accordance with a valid and subsisting building permit issued by the city and unless such construction is completed within a reasonable time.

(8) In any area zoned for residential purposes, the existence of a compost pile which is not maintained in compliance with section 17-80 of this chapter.

(b) The causes of blight or blighting factors set forth above as applicable to areas zoned for residential purposes are hereby determined to be causes of blight or blighting factors and subject to the prohibitions of this article if located in areas zoned for other than residential purposes, unless such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.

(Code 1981, §§ 41.220, 41.230; Ord. No. C-23-92, § 1, 4-20-92; Ord. No. C-28-92, § 2, 6-5-92)

Sec. 17-53. Enforcement.

(a) The building inspector or code enforcement officer shall enforce this article and shall periodically inspect the city for cases of blight or blighting factors within the city.

(b) The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors as set forth in this article are found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice. Such notice may be served personally or by registered mail, return receipt requested. If diligent efforts to serve the occupant and owner personally or by registered mail, return receipt requested, are unsuccessful, it shall be deemed sufficient notice if the written notice is mailed by first class mail to the occupant and the owner if possible, and if a copy of the written notice is posted in a conspicuous location on the property in question. In addition, once the notice described in this subsection has been given, it shall be deemed sufficient notice for as long as the causes of blight described in the notice remain uncorrected. Additional time to remove the causes of blight or blighting factors may be granted by the code enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(c) Failure to comply with such notice by the owner and/or occupant by the removal of the causes of blight or blighting factors within the time allowed shall constitute a violation of this Code.

(d) Notwithstanding any criminal prosecution commenced alleging a violation of this article, or the lack of such a criminal prosecution, if the owner or occupant shall fail to remove or eliminate the causes of blight or blighting factors, the building inspector or code enforcement officer may notify the city manager, or his or her designee, who shall give written notice to the owner, occupant, lessee and any party in interest as determined from the records of the county register of deeds to appear before the city manager, or his or her designee, for purposes of a hearing on a specified date to show cause why the causes of blight or blighting factors should not be removed or eliminated.

(e) The notice to show cause referred to in subsection (d) above shall be specific as to the causes of blight or blighting factors, and shall be served on the necessary parties personally, or by registered mail, return receipt requested. In addition, a copy of the notice of hearing shall be posted in a conspicuous place on the premises where the blight or blighting factors are found to exist. No further notice shall be necessary.

(f) At the hearing referred to in subsections (d) and (e) above, the city manager or the city manager's designee shall hear such statements and consider such evidence as the building inspector or code enforcement officer, or the owner, occupant, lessee or other party in interest, or other witnesses, shall offer relative to the existence

of and removal or elimination of the causes of blight or blighting factors. The city manager, or the city manager's designee, shall make findings of fact from the statements and evidence offered as to whether or not the causes of blight or blighting factors exist and whether they shall be removed or eliminated. If the city manager, or the city manager's designee, determines that blight or blighting factors exist and should be removed or eliminated, he or she shall issue an order based upon findings of fact made pursuant herewith commanding the owner, occupant, lessee and/or any other party in interest to remove or eliminate the causes of blight or blighting factors.

(g) If an order issued by the city manager, or the city manager's designee, pursuant to subsection (f) above has not been complied with within ten (10) days after its issuance, the city at the direction of the city manager, or the city manager's designee, may cause the elimination or removal of the causes of blight or blighting factors and shall cause the cost of the removal or elimination to be charged as a lien against the property on which the causes of blight or blighting factors exist, or cause such costs to be added to the tax roll as an assessment, or to be levied as a special tax against the property, or to be recovered in a suit at law against the owner. The manner in which the costs will be collected by the city shall be left to the discretion of the city manager or the city manager's designee.

(h) Any such owner, occupant, lessee or other party in interest, who fails to comply with an order issued by the city manager, or the city manager's designee, pursuant to subsection (f) above, shall be charged with all administrative costs and expenses incurred in the elimination or removal of the causes of blight or blighting factors. Such administrative costs shall include inspections, postal charges, legal expenses and other expenses as ascertained by the city manager, or the city manager's designee, which are the result of the enforcement of this article.

(i) All costs referred to in subsection (h) above which are assessed against the owner, occupant, lessee or other party in interest, unless otherwise paid may also be assessed against the property in any of the various ways set forth in subsection (g) above. All costs are independent of any other penalties and powers of the city as set forth in chapter 1.

(j) Any owner of any property upon which any of the causes of blight or blighting factors as set forth in sections 17-52(b), 17-72, 17-73, 17-74, 17-75 and 17-76 are found to exist, may enter into a written agreement with the city through the city manager, or the city manager's designee, to have the city eliminate or remove the causes of blight or blighting factors, and to have the city charge the costs of the removal or elimination against the property as a lien, or cause such costs to be added to the tax rolls as an assessment, or to be levied as a special tax against the property. Such agreement shall be approved by the council and shall include as costs all administrative costs and expenses.

(Code 1981, § 41.240)

Secs. 17-54--17-70. Reserved.