

ARTICLE IV. ANTI-BLIGHT REGULATIONS (COMMERCIAL AREAS)

Sec. 17-71. Definitions.

In the interpretation of this article the following definitions shall apply, as shall the regulations of article III of this chapter:

Commercial building means any building or structure used for business purposes, including but not limited to office, retail, service and/or industrial buildings or structures.

Parking lot means all areas set aside or designed for the parking of motor vehicles or the loading and unloading of motor vehicles on the premises or in conjunction with a shopping center, and includes all driveways, aiseways or other areas supplementary thereto.

Proprietor means every owner, lessee, tenant or other person having the right to possession of all or a portion of a shopping center or commercial building. Where there is more than one (1) such person, all shall be jointly and severally obligated by the terms of this article.

Shopping center means any one (1) or more commercial buildings, whether or not under common ownership, which are operated as an entity or in cooperation with one another and having common parking facilities.

(Code 1981, § 41.310)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 17-72. Buildings.

The exteriors of all commercial buildings or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. Windows shall be glazed, painted surfaces kept properly painted and all other appropriate measures taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the obligations of this section shall fall only upon those persons responsible for the particular buildings involved.

(Code 1981, § 41.320)

Sec. 17-73. Parking lots.

All parking lots shall be provided with pavement having a permanent durable and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within the area. All cracks, potholes or other breaks in the parking lot surface shall be filled and repaired promptly by the proprietor. The proprietor shall provide for snow removal services in order that the parking lot will be reasonably available for use by the public.

(Code 1981, § 41.330)

Sec. 17-74. Trash removal.

The proprietor shall provide for the removal of all waste, trash, rubbish or refuse of all kinds from the shopping center at regular intervals. Such intervals shall not exceed one (1) week and trash collections shall be made more often if necessary to prevent the accumulation of refuse so as to create a nuisance. Between collections, the refuse shall be stored in covered containers constructed in such a way as to prevent the escape of the refuse.

(Code 1981, § 41.340)

Sec. 17-75. Loose trash, rubbish or debris.

The proprietor shall be responsible for seeing to it that the premises of the shopping center or commercial building, including the parking lot and specifically including that part of any highway right-of-way adjoining the premises and not actually used for the travel of motor vehicles, are kept free of junk, trash, rubbish, debris or refuse of any kind. The proprietor shall see to it that the premises are cleaned of such debris or refuse at least each day and shall take all reasonable steps to provide containers for discards and to order his or her employees and encourage the public to use them.

(Code 1981, § 41.350)

Sec. 17-76. Landscaping.

The proprietor shall install and maintain landscaping on all areas of the shopping center or commercial building premises not occupied by buildings, sidewalks, parking lots, driveways and similar surfacing. The requirement of landscaping also is specifically applicable to those parts of highway rights-of-way adjoining the shopping center or commercial building premises and not actually used for travel purposes. Landscaping shall consist, at the minimum, of the establishment of a sod or other material to hold the earth and prevent dust and the establishment of noxious weeds. The proprietor shall maintain the landscaping and shall see that all lawns are mowed regularly, shrubs are appropriately trimmed and noxious weeds are eliminated.

(Code 1981, § 41.360)

Sec. 17-77. Enforcement.

(a) The building inspector or code enforcement officer shall enforce this article and shall periodically inspect the city for causes 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 sections 17-52(b), 17-72, 17-73, 17-74, 17-75 and 17-76 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 the code enforcement officer may notify the city manager, or the city manager's 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 the city manager's 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 subsection (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, of 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, § 41.370)

Sec. 17-78. Reserved.