



NUISANCE ABATEMENT ORDINANCE

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By: Denmark Ashby, LLC



DUTY

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or to use private property in violation of such codes, laws or ordinances.

DECLARATION OF PUBLIC NUISANCE





COMPLAINT IN REM IN MUNICIPAL COURT

A complaint must be filed with the public officer by a public authority or by at least five residences resulting in the public officer investigating a location.

- Defects therein increasing the hazards of fire, accidents, or other calamities;
- Lack of adequate ventilation, light, or sanitary facilities;
- Dilapidation;
- Disrepair by failure to conform to applicable codes and ordinances;
- Structural defects which render the structure unsafe for human habitation or occupancy;
- Uncleanliness; and/or
- The presence of graffiti which is visible from adjoining public or private property.

If the investigation identifies cause the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property.



- A hearing will be held before the municipal court.



ORDER

1. Repair, Alteration, or Improvement; or
2. Demolish.

COMPLIANCE



If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days.



COST

All costs will become a lien against the real property.



COLLECTION

It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property.





Unpaid Lien

- The lien amount shall bear interest and penalties.
- City may waive and release any such lien with written contract of timetable of repair.