

CHAPTER 17 – NUISANCES

Sec. 17-58. Appeals of notices of violation; rubbish, trash, weeds, filth, debris, and dilapidated structures.

(a) The City Manager may delegate his authority to act as hearing officer for the City Council on appeals pursuant to Section 17-57 to a sales tax or other Hearing Officer appointed by the City. The City Manager or other Hearing Officer may exercise the power granted to the Council to compel the attendance of witnesses and to hear relevant evidence.

(b) The City Manager or other Hearing Officer shall hear the appeal within twenty (20) days after receipt and upon the conclusion of the hearing submit recommended findings and conclusions to the City Council. Written notice of the hearing shall be provided to the appropriate City departments and to the owner, occupant or lessee. The City Manager or other Hearing Officer shall recommend and the City Council shall determine, based upon a preponderance of the evidence, whether a violation of this chapter has occurred and whether rubbish, trash, weeds, or other accumulation of filth, debris, or dilapidated structures, including but not limited to accumulation of stagnant waters in swimming pools, spas and hot tubs constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets, and alleys. The City Council shall issue its findings in writing, upholding or reversing the notice of violation. The City Council shall not hold a second hearing to again consider the matter, but act on the recommendation of the City Manager or other Hearing Officer. The decision of the City Council shall be final.

(c) If an appeal is not filed in accordance with this section, the City Manager or other Hearing Officer may issue an order of abatement upon the day following the last day to appeal a notice of violation. The order of abatement shall provide that the owner, occupant or lessee shall have the remainder of the thirty (30) day period provided for in the notice to remove rubbish, trash, weeds, filth, debris or litter from the subject property.

Charter reference(s) -- Assessments and liens authorized, art. I, 3(4).
(Code 1977, §§ 10-4-8, 10-4-9)
(Ord. No. 90-09, 3/13/90)
(Ord. No. 92-39, 10/6/92, renumbered as Sec. 17-58)
(Ord. No. 93-01, 1/5/93, Amended, (a);(b) and (c))
(Ord. No. 00-20, 5/16/00, Amended (a) and (b)) SUPP 2000-2
(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4