

Staff Report

**PUBLIC NUISANCE ORDINANCE UPDATE**

July 8, 2025

**BACKGROUND:**

In 2023, the City Council adopted Chapter 30 of the *Municipal Code*, the Public Nuisance Ordinance. The ordinance went into effect on January 1, 2024. The new ordinance consolidated existing ordinances into a single, easy-to-navigate document with consistent enforcement methods. Additionally, three new regulations were introduced: 1) Grass Height on owner-occupied properties (previously only applied to rental properties), 2) Dangerous Trees, and 3) Structural Defects.

**Staff has been utilizing the new ordinance for over a year now and were asked by the City Council to provide an update regarding the effectiveness of the ordinance and highlight any concerns encountered.**

**COMPLAINT NUMBERS:**

**In 2023, prior to the adoption of the Public Nuisance Ordinance, staff received 826 nuisance related complaints. In 2024, with the new Public Nuisance Ordinance in place, staff received 996 complaints--a 21% increase. Attachment #1 reflects the case types and number of complaints for 2024.**

**Approximately 19% of the complaints received (189) were unfounded, meaning the property was not in violation of the ordinance at the time of inspection. Staff issued 15 citations (2%) due to non-compliance, of which 7 were for dangerous trees.** In some cases, the owner had a desire to work towards compliance, but did not have the available funds, so they opted to be cited and have the trees removed through the abatement process.

**CONTINUED CONCERNS:**

**A few concerns have been received from residents about issues that the new Code does not currently address. These concerns are explained below. Supporting photos can be found in Attachment #2.**

**Vermin**

Staff receives complaints about neighboring properties that have conditions that harbor vermin or allow vermin to exist. When staff originally drafted the Public Nuisance Ordinance, a restriction on harborage of vermin was included. After public input was received, this language was removed by the City Council. **Those who spoke at the City Council meeting questioned how vermin would be defined and what the term "conditions" means.** Many other jurisdictions do have restrictions on vermin habitats.

*Question: Does City Council want to prohibit conditions which harbor vermin or the presence of vermin on the property?*

### **Outdoor Storage**

Previously, the Zoning Code prohibited the outdoor storage of any goods or materials for more than 72 hours. Two separate code sections restricted the outdoor placement of indoor furniture and/or appliances.

The current ordinance prohibits indoor furniture, appliances, and household items from being placed outdoors, **but it does not restrict any items that fall outside of the ‘indoor use’ category.** For example, the outdoor storage of bicycles, lawn mowers, coolers, etc., not specifically intended for indoor use cannot be regulated as they were under the previous Zoning Code language. Complaints about this issue typically arise when there is an abundance of items left outdoors (e.g., a single bicycle would not normally generate a complaint).

*Question: Does Council want to add provisions that would prohibit the Outdoor Storage of all items?*

### **Overgrown/Unmaintained Vegetation (not turf grass or noxious weeds)**

Prior to January 1, 2024, the *Municipal Code* prohibited noxious weeds and did not restrict the height of turf grasses, with the exception of rental properties which were restricted to 12 inches in height.

The new ordinance continues to prohibit noxious weeds and restricts turf grasses on all properties to 12 inches in height. It does not regulate either: 1) weeds that are not deemed noxious by the State of Iowa or the City, or 2) grasses that are not considered turf grasses. **Staff continues to receive complaints about general overgrowth and lack of vegetative maintenance.**

*Question: Does Council want to add language to the Code that would restrict vegetation types, heights, or overgrowth? Noxious weeds and turf grasses over 12 inches in height would continue to be prohibited.*

### **Junked Vehicles**

Junked vehicles continue to be prohibited from being kept on a property for more than 48 hours or up to 30 days if concealed, enclosed, or covered with a tight-fitting vehicle cover. This standard has not changed, but staff continues to have difficulties determining if a vehicle is junked because the criteria that constitute a junked vehicle often aren't visible, or at least not visible from the public way. The criteria for determining a Junked Vehicle can be found in Attachment #3.

The concern from citizens seems to be more about vehicles parked in one place for an extended period of time, whether junked or not. Previously, the Code prohibited operable vehicles from being stored for more than 15 days. This was removed from the Code after public input and concerns over the ability to enforce on something for 15 consecutive days.

*Question: Does Council want to restrict the length of time vehicles can be parked on private*

*property without moving?*

*Question: Does Council want to revise any of the criteria for defining a Junk Vehicle?*

### **Items in Right-of-Way**

Staff has encountered different situations where the right-of-way is used for storage or living purposes and has struggled to find an effective enforcement practice. There have been a few cases in which a person is living in a vehicle that is parked on the street and personal belongings are left outside of the vehicle. Staff has posted notice on the vehicle that the items need to be removed, but does not have a process for removing and safekeeping the items if they are not voluntarily removed.

Alternatively, there are situations where items are kept on the street and staff does not know to whom the items belong. These types of items include non-motorized equipment, tractors, boats, household items, etc.

*Question: Does Council want to prohibit any items from being placed in the ROW and establish a removal process for said items?*

### **Recreational Vehicles**

The current ordinance allows one travel trailer, recreational vehicle, boat, or boat trailer to be stored (over 72 hours) on private property in the rear yard or wholly in the side yard. In addition, it allows any recreational vehicle to be parked (up to 72 hours) in the driveway.

Staff has met resistance to this standard primarily during the camping season (April through October). Many residents have expressed interest in an exception to allow their recreational vehicle to be stored on the driveway when not in use from April through October.

*Question: Does the City Council want to create an exception as outlined above?*

### **Legal Concerns**

In addition to the Code concerns, there are also some legal concerns staff continues to encounter.

1. Staff is limited to enforcing only violations they are able to view from the public way. Staff cannot enter private property without the owner's permission to view potential violations. An administrative search warrant would be required to be obtained from the Court to enter private property. Staff can view the property from a neighboring property with permission from that property owner.
2. There have been a few instances where staff has been unable to contact the property owner. Attempts to serve citations have failed, even by local law enforcement. Citations are primarily issued so that staff can request permission from the Court to enter the property and abate the violation. This cannot happen when the citation is unable to be served. In short, an owner could ignore attempts at service leaving little to no recourse for violations.
3. The legal process offers little recourse when a citation is left unpaid. Legally, a person can be found to be in contempt of Court by not paying the fine, but there still is no penalty for that unless a judge is willing to sentence them to jail time. It is unlikely this would occur, so typically the citation, and the Court costs paid by the City to file, are left

unpaid.

## **Compliance Efforts**

**Voluntary compliance is staff's primary goal and has proven to be quite effective, since less than two percent of complaints result in a citation.** As previously stated, citations are primarily issued when staff is unable to achieve compliance through normal efforts. Of the 15 citations issued, two have been unable to be served and three have agreed to the citation because they lacked the funds to comply. They understand that the City will request permission to abate and the associated costs will be assessed to their property which they can pay off over 10 years. In these cases, the citations are being used as a mechanism for compliance in the form of a loan.

**Additionally, staff would like clarification and direction regarding when and at what cost is it appropriate to abate a violation.** For example, a homeowner has an excessive amount of peeling and chipping paint. Compliance in this case would require the home to be repainted or sided. If the owner is unable to comply and a citation is issued, should staff request abatement (permission to paint the house)? The alternative would be to issue a citation and then cite again if the property does not come into compliance. Should staff tow a recreational vehicle that is not parked in an approved area? Should staff remove several diseased ash trees in a wooded back yard at a cost of nearly \$10,000?

*Question: Is Council interested in exploring the establishment of a grant or loan program to help with abatement so that owners have an option other than a citation?*

*Question: What level of compliance is Council wanting to have staff achieve through abatement? Is there a monetary threshold?*

## **Complaint Process**

Staff currently operates primarily on a complaint-only basis. There is some proactive enforcement done in the Campustown neighborhoods to help control garbage and furniture concerns, but most of the opened cases have had complaints filed. Complaints are received by phone, email, mail, Ames on the Go, or in person. Ames on the Go has been a convenient mechanism for reporting because citizens can log the complaint in the app, include a photo and geocode the location. Since implementing Ames on the Go, the number of complaints has more than tripled.

Although the app has proven useful, it may have the effect of making it too easy to file a complaint. Last summer, one citizen used Ames on the Go to file nearly 100 complaints in a short period of time (over 60 in one day) and another citizen submitted nearly 80. Together, these two complainants account for 18% of the total complaints received in the year. Staff believes one of these complainants may have been the subject of a complaint, prompting them to seek out reportable violations. This created a philosophical struggle for staff since it was essentially proactive enforcement. The complaints could not be ignored, but staff was aware that the complaints were not initiated out of true concern to a neighbor.

The Council may recall that in 2024, staff presented Council with a similar issue related to sidewalk complaints. Sidewalk complaints are occasionally made anonymously via letter or phone, and these complaints would be investigated. The sidewalk complaint section of Ames

on the Go requires a registered user to make the complaint, but the issues are not posted on the map. City staff is able to see the registered user information. Complaints logged under the "other" category, however, do not require registered user information in order to be posted.

*Question: Should staff continue to enforce reactively or would Council like to implement proactive enforcement?*

*Question: Should there be restrictions on filing anonymous complaints?*

### **Vacant and Abandoned Structures**

City Council received a staff report on November 5, 2024, regarding vacant and abandoned structures. The report highlighted efforts from several other jurisdictions in regulating vacant and abandoned structures (See Attachment #4).

These options included adding abandoned structures in the nuisance ordinance, creating a vacant structure registration program, and utilizing State Code to take title to the property. Council requested this item be placed on a future workshop agenda. Staff is including it in this report as a discussion point since it shares many of the same concerns already raised within.

*Question: Does Council want to add language to the Code that would regulate vacant and abandoned structures?*

### **Summary of Concerns/Direction Needed**

The below list includes concerns raised throughout this report that Staff would like the Council's input on:

1. Does City Council want to prohibit conditions which harbor vermin or the presence of vermin on the property?
2. Does Council want to add provisions that would prohibit the Outdoor Storage of all items?
3. Does Council want to add language to the Code that would restrict overgrowth of vegetation in addition to the prohibition of noxious weeds and turf grasses over 12 inches in height
4. Does Council want to restrict the length of time vehicles can be parked on private property without moving?
5. Does Council want to revise any of the criteria for defining a Junk Vehicle?
6. Does Council want to prohibit any items from being placed in the ROW and establish a removal process for said items?
7. Does Council want to create an exception to allow RVs to be parked in a driveway for more than 72 hours from April to October?
8. Is Council interested in exploring the establishment of a grant or loan program to help with abatement so that owners have an option other than a citation?
9. What level of compliance is Council wanting to have staff achieve through abatement? Is there a monetary threshold?
10. Should staff continue to enforce reactively or would Council like to implement proactive enforcement?
11. Should there be restrictions on filing anonymous complaints?
12. Does Council want to add language to the Code that would regulate vacant and abandoned structures?

**STAFF COMMENTS:**

Overall, it has been very helpful to have all of the code sections that were previously spread through the *Municipal Code* in one section with the same fine structure and enforcement process. The concerns noted above are the result of customer concerns that that staff has not been able to resolve through the current ordinance. Staff would like direction from the City Council regarding each item listed above. For any changes that are desired, the staff will return at a later date with proposed language to address each concern.

**ATTACHMENT(S):**

[Attachment 1.docx](#)

[Attachment 2.docx](#)

[Attachment 3.docx](#)

[Attachment 4](#)