



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT**MEMORANDUM**

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Steven Boka, Director of Community Development
Date: July 12, 2013
Re: Request to Abate the Nuisance at 2003 Breese Street

INTRODUCTION: The city has the authority to remove (demolish) homes in the community when it has been determined that the structure does not meet the minimum standards to be occupied, transferred, or sold.

BACKGROUND: On July 5, 2013 this office responded to a call from the police and fire departments concerning the status of the property located at 2003 Breese Street. The property owner was deceased and currently located in the home as were several dogs and cats. The property owner was subsequently removed from the property and a visual inspection of the property resulted in a determination that the home was unfit for occupancy. The residence was subsequently declared a nuisance and all known owners with an interest were notified of the nuisance as required by City Code. Utilities to the property were turned off by the appropriate utility companies and the building was secured and posted for No Occupancy by city staff.

RECOMMENDATION/RATIONALE: The home is beyond saving and should be demolished, the site cleared, and the nuisance abated. It is recommended that the attached resolution be adopted by the City Council authorizing my office to proceed with the demolition as requested.

BACKUP INFORMATION:

1. Cover Memo
2. Resolution
3. Notices
4. Inspector Report

RESOLUTION NUMBER _____

A RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO
PROCEED WITH SPECIFIED WORK ON THE PREMISES LOCATED
AT 2003 Breese Street. IN THE CITY OF MUSCATINE, IOWA

WHEREAS, The Building Official has caused all (known) interested parties to be advised that the building located at 2003 Breese Street is subject to be abated under a notice to "ABATE A NUISANCE" from the Building Official of the City of Muscatine, Iowa, a copy of which notice is attached hereto, and incorporated by reference; and

WHEREAS, a report by the Building Official was submitted to this Council on July 18, 2013 and an updated report submitted to the City Council, a copy of which is attached hereto and made a part hereof, indicating that the said owner (s) (has) (have) failed, neglected, or refused to comply with said Notice; and

WHEREAS, it would be in the best interest of the health and well being of the citizens of Muscatine, Iowa, if this Council were to order the Building Official to "Abate a Nuisance" by demolition as set out in said Notice,

NOW, THEREFORE, be it resolved by the City Council of the City of Muscatine, Iowa, as follows:

1. The Building Official is ordered to proceed with the demolition of this structure and the clean-up necessary to Abate a Nuisance as specified in said Notice.
2. The Building Official may contract for the performance of said work, the cost of which shall not exceed \$15,000.00, and shall upon completion of said work, transmit a statement of cost to this Council which shall in turn certify the same to the County for placement on the tax roles in the manner prescribed by State Code.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF July, 2013.

Dewayne Hopkins, Mayor

ATTEST:

(SEAL)

Gregg Mandsager, City Clerk



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Nuisance Property
2003 Breese Street
Muscatine, Iowa 52761

Russell and Bernice Howard (Deceased)

On July 05, 2013 I was requested by Muscatine Police Department, Sergeant Vince Motto, to respond to the above listed address due to property / living conditions.

Upon arrival, there were several officers present as well as detectives and the Muscatine Fire Department.

In speaking with Sgt. Motto, I was advised that a deceased female, Robin Howard 59 yoa, was found by a relative. Upon the response of Police and Medical it was determined that she was deceased and had been for several days. The Medical Examiner was then also contacted.

Sgt. Motto's concern relating to me was the obvious deteriorated condition of the property's interior and exterior as well as several animals that were still inside the property.

Animal control was on vacation so the Humane Society was contacted for assistance with the animals. 2 dogs and 2 cats were eventually removed from the property and an officer, the medical examiner and I all suited up in Hazardous Material gear to enter the property.

Assistance was first given to the officer and medical examiner to take care of the deceased. After this was completed I began taking photos and inspecting the conditions of the property. The interior of this property was very badly deteriorated. The ceiling was falling in in multiple rooms, the kitchen area and bathroom area were not useable, the living room and one bedroom was near impossible to access due to the conditions and the floor was falling into the basement / crawl space. A number of areas in the floor had rather large holes and the floor was unsafe to even walk on.

Photos taken are included in case file. Photos of the exterior were also taken and depicts relative conditions of the property.

The nearest relative to the deceased was Brenda Howard, a sister-in-law who was the person who had found Ms. Howard. I was able to speak with Ms. Howard briefly who had advised that Robin had lived at this location with her mother to take care of her until her mother passed a few years ago. Robin was then on her own and was unable to work due to some medical conditions. Robin apparently had very little to live on and Brenda attempted to help as much as possible including paying her utility bills and had even attempted to find Robin more suitable housing. Robin simply did not want to leave the family home.

Brenda had also indicated that it had recently even got to the point that Robin would not allow her into the home and would speak with her at the door only.

I inquired about other living family and Brenda stated that Robin did have a brother living in Indiana however he was also elderly, in poor health and had dementia. She indicated that she would be making contact with him.

I left my card with Brenda at this point and indicated that I would make contact with her sometime the following week as she was naturally quite upset.

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**

After Robin had been removed and there were no more animals in the property I decided to contact Muscatine Power and Water and Alliant Energy to have the utilities dis-connected. The condition of the home made it a very unsafe and unhealthy place and I was concerned about leaving the utilities on with the property in this condition.

The last thing done here after utilities were dis-connected was requesting our city contractor to secure the property and it was posting all appropriate notices.

July 10, 2013

Met and spoke with Brenda Howard at her residence after allowing some time after this incident. Brenda indicated that she had spoken with Robin's closest living relative, a brother, Russell Howard and his wife Eileen in Indiana. Brenda explained that the condition of the property and etc. was passed along to Russell and Eileen and they apparently understood. It was relayed to me that if there were any questions or concerns that Howard and/or Eileen would make contact with this office. No contact has been made at this time.

Further Property Information;

Still currently deeded to;
Russell and Bernice Howard – both deceased

Taxes have not been paid for 2 years, there are 2 tax certificates on file for this property.



Ken Rogers
Health and Housing Coordinator
Code Enforcement



All notices served by Posting onto
Property and Personal delivery to local
nearest relative, Brenda Howards
109 Powd Muscatine

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COMMUNITY DEVELOPMENT

NOTICE TO ABATE NUISANCE

Planning,
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Housing Inspections,
Code Enforcement

July 05, 2013

Entire Property

Russell Howard
Bernice Howard
2003 Breese Street
Muscatine, IA 52761

Dear Mr. and Mrs. Howard,

You are hereby notified that the **weeds and/or brush** located at **2003 Breese Street** in the City of Muscatine, Iowa constitute a nuisance as defined by Title 9, Chapter 9 of the City Code of Muscatine. "Noxious weed" includes weeds such as jimson, burdock, ragweed, thistle, cocklebur, and any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in height (City Code 9-9-2(A)).

Pursuant to the terms of the aforementioned Ordinance, you are required to abate and remove said nuisance within five (5) days from the date shown at the beginning of this letter. Should you fail to abate this nuisance in this allotted time period, the City will cause the same to be done by private contractor at his current hourly rate, equipment costs, and tipping fees. There will be a one hour **MINIMUM CHARGE** per job as well as an **ADMINISTRATIVE FEE** for inspection and processing the required notice.

Please be aware that allowing grass clippings or any other debris to be deposited into a street or gutter is a violation of City Code 9-4-1 (A)(9). Per Section 1-2-7 (B)(2) of the City Code violations are "...punishable as provided in the following schedule of civil penalties: 1st offense, \$100.00; 2nd offense, \$200.00; and third and subsequent offense(s), \$300.00."

If you have any questions concerning this order or if I may assist you in some way, please contact my office at 262-4141 prior to the imposed deadline.

Your cooperation in this matter is both expected and appreciated.

Sincerely,

Ken Rogers
Senior Health and Housing Inspector
Code Enforcement

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July 05, 2013

Russell Howard
Bernice Howard
2003 Breese Street
Muscatine, IA 52761

Dear Mr. and Mrs. Howard,

Please be advised that the continued use of the property located at **2003 Breese Street** for the storage of junk and/or salvage constitutes a nuisance as defined in Title 9, Chapter 4, Section 1 (A)(12) of the City Code of Muscatine which reads, "All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate." Junk is further defined under Subsection A (15) of the same Title and Chapter as follows, "'Junk' means any metal or wood, whether usable or not, stored in a manner that it constitutes a health or safety hazard."

You are also in violation of Title 9, Chapter 4, Section 1 (A)(11) of the Code which reads, "Any unused, abandoned, junked, or obsolete cars or motor vehicles whether on private or public property. A junked or obsolete car or motor vehicle shall be a car or motor vehicle or a portion thereof, not in running condition or not licensed for the current year as provided by law." This section violation refers to the automobile(s) stored on this property.

With this in mind, you are hereby ordered to **ABATE A NUISANCE** within ten (10) days of receipt of this order by removing all junk and/or salvage and any unlicensed and/or inoperable vehicles located on your property. Failure to comply with this order may result in additional action being taken to assure compliance with local law.

You have the right to appeal the determination that the condition of this property constitutes a nuisance by requesting a hearing before the City Council. The request must be in writing and delivered to the City Clerk within ten (10) days from the date of this order or it will be conclusively presumed a nuisance exists and it must be abated as ordered.

If you have any questions concerning this order or if I may assist you in any way, please contact my office at 262-4141 prior to the imposed deadline.

Your cooperation in this matter is both expected and appreciated.

Sincerely,

Ken Rogers
Senior Health and Housing Inspector

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July 05, 2013

Russell Howard
Bernice Howard
2003 Breese Street
Muscatine, IA 52761

Ref.: 2003 Breese Street

Dear Mr. and Mrs. Howard,

YOU ARE HEREBY NOTIFIED; that the current condition of the structure as identified above, constitutes a nuisance as stated in Title 9, Chapter 4, Section 1 (A)(6) of the City Code of Muscatine which reads, "All houses, barns, stables, stores, shops, markets, factories, or other structures when through neglect, abandonment, vacancy, disrepair, or vandalism become an attractive nuisance or hazardous to the public."

You are hereby ordered to **ABATE A NUISANCE** as provided in Title 9, Chapter 4, Section 3 (A) of the City Code of Muscatine.

You are further ordered to begin abatement of the above described nuisance through demolition within ten (10) days of receipt of this notice. Failure to commence abatement within ten (10) days of the receipt of this notice will result in my office taking additional action as provided in Title 9, Chapter 4, of the City Code of Muscatine.

You have the right to appeal the determination that the condition of this property constitutes a nuisance by requesting a hearing before the City Council. The request must be in writing and delivered to the City Clerk within ten (10) days from the date of this order or it will be conclusively presumed a nuisance exists and it must be abated as ordered.

If you have any questions concerning this order or if I may assist you in some way, please contact my office at 262-4141 prior to the imposed deadline.

Your cooperation in this matter is both expected and appreciated.

Sincerely,

Ken Rogers
Senior Health and Housing Inspector
Code Enforcement
City of Muscatine

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