

RESOLUTION NO. 1375

RESOLUTION SETTING A NUISANCE HEARING FOR ROBERT W. LUCASSEN FOR 207 E. GREEN STREET FOR 7:00 P.M. ON AUGUST 17, 2015

WHEREAS, the City of West Branch issued Mr. Robert W. Lucassen a notice to abate or remedy a nuisance located at 207 E. Green Street; and

WHEREAS, Mr. Lucassen has requested a hearing before the West Branch City Council; and

WHEREAS, Section 50.08 provides any person ordered to abate a nuisance a hearing with the Council to determine whether or not a nuisance exists; and

WHEREAS, Section 50.08 states that the hearing will be at a time and place fixed by the Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa that a nuisance hearing for Robert W. Lucassen for 207 E. Green Street is hereby set for August 17, 2015 at 7:00 p.m. in the West Branch City Council Chamber located at 110 N. Poplar Street in West Branch, IA.

Passed and approved this 3rd day of August, 2015.


Colton Miller, Mayor Pro Tem

ATTEST:


Matt Muckler, City Administrator/Clerk

City of West Branch, Iowa

PO Box 218, West Branch, IA 52358 319-643-5888

NOTICE TO ABATE OR REMEDY NUISANCE

Date of Complaint: July 15, 2015

Name and Address of Property Owner:

Robert Lucassen

207 E. Green St

West Branch, Iowa 52358

This is a Notice to Abate the Nuisance that exists at your property. Pursuant to Chapter 50 & 51 of the West Branch City Code of Ordinances, you are being given notice that a nuisance exists at your property.

1. DESCRIPTION OF NUISANCE: junk vehicles on property

2. LOCATION OF NUISANCE: 207 E. Green Street

3. ACTS NECESSARY TO ABATE THE NUISANCE: Mow Remove Junk Remove Vehicles

Other: _____

4. TIME ALLOWED TO ABATE THE NUISANCE: The nuisance will be abated within 5 10 20 days from this notice.

5. ASSESSMENT OF CITY COSTS: If the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person. In lieu of abating the nuisance and assessing the cost to a property owner, the City of West Branch may issue a municipal infraction per Chapter 4 of the City Code. Violations carry a penalty up to \$500.00 for the first offense and you will have to appear in court. Subsequent violations carry a penalty up to \$750.00.

6. REQUEST FOR HEARING: Pursuant to City Code Section 50.08 any person ordered to abate a nuisance may have a hearing with the City Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

Issued by City of West Branch, Iowa by City Administrator Matt Muckler:

Signed: 

Dated: 7/15/15

Nuisances Enumerated

The following nuisances are addressed within the City Code but do not limit the conditions which may be deemed a nuisance in the City:

- Offensive Smells (Chapter 50)
- Filth or Noisome Substance (Chapter 50)
- Impeding Passage of a Navigable River (Chapter 50)
- Water Pollution (Chapter 50)
- Blocking Public and Private Ways (Chapter 50)
- Billboards (Chapter 50)
- Storing of flammable junk (Chapter 50)
- Air Pollution (Chapter 50)
- Weeds, Brush or Grass over 6 inches (Chapter 50)
- Dutch Elm Disease (Chapter 50)
- Airport Air Space (Chapter 50)
- House of Ill Fame (Chapter 50)
- Junk and Junk Vehicles (Chapter 51)
- Drug Paraphernalia (Chapter 52)
- Storage and Disposal of Solid Waste (Chapter 105)
- Snow and Ice Accumulation on Sidewalks (Chapter 136)
- Obstructing Sidewalks (Chapter 136)
- Trees (Chapter 151)

Robert W. Lucassen
15850 Downing Rd.
Waverly, IL 62692
217-435-3421

July 22, 2015

City of West Branch, Iowa
PO Box 218
West Branch, IA 52358
Attn: Matt Muckler
VIA email Matt@westbranchiowa.org
Via Fax 319-643-2305

Dear Mr. Muckler:

This letter is to serve as a request for hearing. We received a letter dated July 15th on Monday, July 20, 2015. With only a 5 day notice. Therefore we are formally requesting a hearing. Please respond to this above address with more than 20 days prior notice of the date of said hearing. Thank you for your time and attention to this urgent matter.

Respectfully,


Robert W. Lucassen

Sent by Lisa Pierce, daughter of Robert Lucassen
7/22/15

City of West Branch

~A Heritage for Success~

Office of the City Administrator

July 26, 2015

Mr. Robert W. Lucassen
15850 Downing Rd.
Waverly, IL 62692

Dear Mr. Lucassen:

In your letter dated July 22, 2015, you requested a hearing to dispute a notice to abate the nuisance of junk vehicles on the property that you own at 207 E. Green Street in West Branch, IA per Section 50.08 of the Code of Ordinances of the City of West Branch, Iowa. Your request is granted. A hearing will be scheduled as part of the West Branch City Council's regular meeting of August 17, 2015. The meeting will take place in the West Branch City Council Chamber located at 110 N. Poplar Street in West Branch.

Sincerely,



Matt Muckler
City Administrator