

Neighborhood Calming:

A guide to understanding and
utilizing Iowa City's
Nuisance Ordinances



TABLE OF CONTENTS

IS THERE A PROBLEM PROPERTY IN YOUR NEIGHBORHOOD?

BEHAVIOR

Disorderly House.	4
Public Intoxication.	5
Underage Drinking.	5
Animals.	6

PROPERTY MAINTENANCE

Garbage.	7
Tall Lawn/Weeds.	7
Over Occupancy.	8
Snow and Ice.	9
Trash & Debris in Yard	9

VEHICULAR CONCERNS

Illegal Parking.	10
Inoperable Vehicles.	11

RESOLUTION SECTION

Step 1: Talk to your Neighbor.	12
Step 2: Property Information Look-up.	13
Step 3: Talk to Surrounding Neighbors.	14
Step 4: Talk to the Landlord	14
Step 5: File a Complaint.	15
Step 6: Checking the Status of a Complaint.	17
Step 7: Rental Permit Sanction Enforcement Steps.	18
Step 8: The Imposition of Rental Permit Sanctions.	20
Glossary.	22

This booklet will help make things easier by giving you the information you need to productively address neighborhood problems. The **BEHAVIOR, PROPERTY MAINTENANCE,** and **VEHICULAR CONCERNS** sections cover some of the more common property problems you may be experiencing and spells out the City's regulations. You can learn how problems can be addressed in the **RESOLUTION SECTION.**

IS THERE A PROBLEM PROPERTY IN YOUR NEIGHBORHOOD?

Have you experienced the following in your neighborhood?

- ✦ Raucous parties that keep you awake at night?
- ✦ Furniture, appliances, or garbage left in yards instead of making a trip to the landfill?
- ✦ Trash and debris left in yards after a party?
- ✦ Cars parked on the street for weeks without being moved?
- ✦ Grass and weeds that have grown up to your knees?

If so, you may have a problem property on your hands. Fortunately, the City of Iowa City adopted the Iowa City Nuisance Ordinance in 2003 which can effectively help reduce such problems. The main focus of the Nuisance Ordinance is to ensure that property owners and renters are held accountable for their problem properties. Oftentimes just one problem property can severely impact the quality of life in the surrounding neighborhood.

Before you pursue any formal complaint process, we strongly encourage you to consider approaching your neighbor and/or the property owner with the issue. Oftentimes younger renters simply are not aware of the impact they may have on the neighborhood. However, if you find this approach is not successful, you can play a critical role in putting this new ordinance to work. In order for it to work, it is necessary to report these problems to the City as staff members are not always able to look out for problem properties. They rely on good neighbors to bring attention to these problems. It is also important to notify the City if problems seem to be recurring on a particular property. Without good neighbors drawing attention to problem properties, the Iowa City Nuisance Ordinance will not be effective.

BEHAVIOR

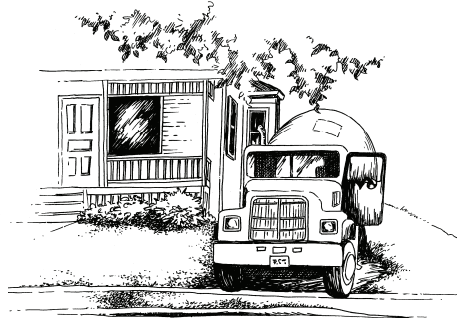
DISORDERLY HOUSE

It is illegal to permit or allow to continue quarreling, fighting, disorderly conduct or any other conduct that threatens injury to persons or damage to property or loud, raucous, disagreement noises to the disturbance of neighbors or general public coming from property you own or occupy. That means that if you can hear noise from the party next door while you are in your bed, the party is most likely too loud. Please call:

The Police Department
(319)356-5275
(City Code: 8-5-5-A)

GENERAL NOISE VIOLATIONS

Creating loud or unreasonable noise using amplified sound equipment at *any time* is in violation of the City's noise ordinance if the sound is plainly audible across a residential property boundary. Also, handling crates, containers, building materials, garbage cans, or similar objects outdoors to create a noise disturbance between the hours of 10:00 P.M. and 6:00 A.M. is prohibited. Construction equipment should not be operated between 10:00 P.M. and 7:00 A.M. without a permit from the city engineer. If someone/something in your neighborhood is creating this type of noise, just call:



Housing and Inspection Services
(319)356-5120
(City Code: 6-4-4-A-1-a)

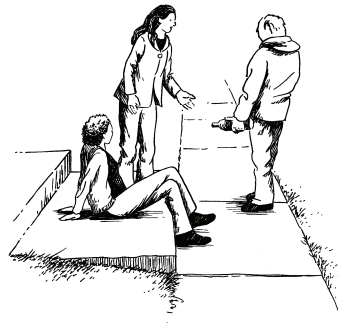
BEHAVIOR

PUBLIC INTOXICATION

The Code of Iowa states that a person shall not be intoxicated or simulate intoxication in a public place. Violating this statute is a simple misdemeanor. Generally, persons will be arrested if they have a BAC (blood alcohol content) of over .10 *and* have drawn negative attention to themselves or are a danger to themselves or the public.

If someone in your neighborhood is walking the streets while intoxicated and you feel that he or she represents a danger, please call:

The Police Department
(319)356-5275
(City Code: 17-5-6-4-C-8-4)



UNDERAGE DRINKING

The Code of Iowa entitled Possession of Alcohol Under the Legal Age (PAULA) states that underage drinking and purchasing alcohol for minors are illegal acts. Also, if a person is hosting a party where underage drinking is taking place, the host can be arrested.

If you suspect that your neighbors under the legal age of 21 are drinking alcoholic beverages, or that your neighbors are serving alcohol to those under the age of 21, you should call:

The Police Department
(319)356-5275
(City Code: 4-2-5-A)

BEHAVIOR

ANIMALS

No person should ever cause or allow any animal in their care to make noises that disturb other neighborhood residents or the general public. That means that allowing a dog to bark excessively is offensive to surrounding neighbors and is in violation of the City Code.

Permitting any animal to run at large could result in that animal being impounded. The animal's owner is responsible for the impoundment fee and must provide a veterinarian's certificate showing that the animal is up to date on rabies vaccination in order to retrieve his or her pet.

No person should neglect, abandon, or abuse any animal. All pets should be provided with adequate care, food, water, exercise, sanitation, space, indoor and outdoor shelter, and veterinary care. If your neighbor is mistreating Fido, or allowing him to run wild or bark excessively, please call:

Animal Control

(319)356-5295

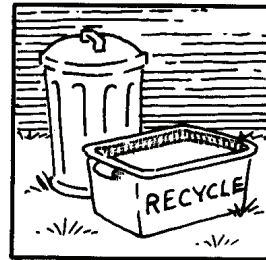
(See City Code: 8-4-5-B, 8-3-4-B, 8-3-3-A)



PROPERTY MAINTENANCE

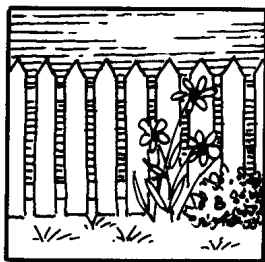
GARBAGE

Garbage containers should be placed upon the curb in front of the residential dwelling. Each type of waste (refuse, recycling, untreated wood, yard waste) should be separated and easily identifiable. Placement of containers should occur no later than 7:00 A.M. on the garbage pickup day and no earlier than 3:00 P.M. on the day before trash pickup. Containers should be removed from the curb on the same day that the collection occurred and should be returned to a location near the side or back of the building. If your neighbors leave their garbage cans out for days after collection day, you should call Housing & Inspection Services.



TALL LAWN/WEEDS

Iowa City's grass/weeds ordinance is in effect when lawns grow higher than 14 inches. Plant growth should never obstruct streets or sidewalks regardless of height. Included in the regulation are undeveloped lots, adjacent parking areas, alleys, and public right of ways up to the center line. Plants and tall grass should never impede vehicular or pedestrian travel.



If someone in your neighborhood is violating the weed ordinance by allowing his or her grass to grow too high or by allowing weeds to obstruct a public right of way, please contact:

Housing and Inspection Services
(319)356-5120

(See City Code: 16-3H-9-D and 6-3-2-B)

PROPERTY MAINTENANCE

OVER-OCCUPANCY

Every residential dwelling in Iowa City has a maximum occupancy limit that depends on the zoning designation for the area. Over-occupied units can have a negative effect on the neighborhood by limiting parking and causing increased noise disturbances. If you suspect that a rental unit in your neighborhood may be over-occupied, start by checking the City's online rental permit database. It's easy! All you need is the property address.

1. Go to www.icgov.org.
2. Click on the dark blue 'Services' tab at the top of the page.
3. Scroll down beneath the 'Housing' heading and click on 'Rental Housing Inspection.'
4. Under the 'Rental Permit' heading, select 'Search for a Rental Permit.'
5. Click on the first letter (or number) of the street name of the property you are searching.
6. Click on the street name, then on the next page, click on the range of addresses for the property you are searching.
7. Scroll to the bottom of the page under 'Unit Specific Information.'

Here you can see the unit number, the number of bedrooms in the unit, and the maximum occupancy number, which pertains to unrelated persons. The property owner contact information is available on the rental permit as well as the "agent" for the property (if applicable). The occupancy rule for owner-occupied housing is dependant upon the City Code's definition of "household," which can be found in section 14-9A-1. If after viewing this information you suspect that a unit is over the occupancy level, please call:

Housing and Inspection Services

(319)356-5130

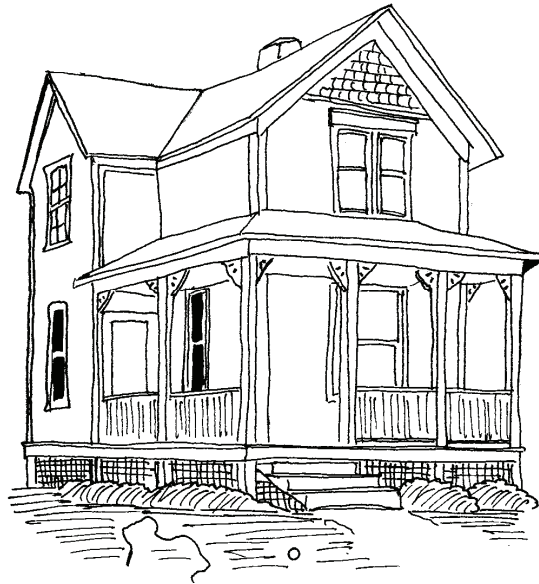
(See City Code: 14-2-C-5)

PROPERTY MAINTENANCE

SNOW AND ICE

Iowa City's Nuisance Ordinance states that snow and ice accumulations of more than 1" should not remain on a sidewalk for more than 24 hours. The entire width of the sidewalk must be cleared free of snow or ice. If someone in your neighborhood is violating the ordinance by allowing snow or ice to accumulate on public sidewalks adjacent to his or her yard, please contact:

**Housing and
Inspection Services**
(319)356-5120
(See City Code: 16-1A-8-A)



TRASH AND DEBRIS IN YARD

The Iowa City Nuisance Ordinance disallows "causing, permitting, or allowing any refuse, solid waste, garbage, upholstered furniture, noxious substances or hazardous wastes, junk, salvage materials to be collected in any place," or "to be thrown, left, or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, or lot whether vacant or occupied." This means that *anytime* trash and debris is accumulating in a neighbors' yard so as to become an eyesore, it has become a nuisance and you should contact:

Housing and Inspection Services
(319)356-5120
(City Code: 6-1-2-A-2)

VEHICULAR CONCERNS

ILLEGAL PARKING

Parking at the same location on a city street for more than 48 hours is in violation of the City Code. Also, parking is prohibited in residential alleys and in the public right-of-way, which is the area of a driveway between the sidewalk and the street. Parking should never impede pedestrian or vehicular traffic.

Trailers, semi-trailers, and other non-motorized vehicles (except bicycles) of any type and size shall not be parked on any street in a residential district, except for the purpose of loading or unloading. In these instances, parking of this type should never occur for more than 48 hours.

Vehicles may not be parked on a roadway for the explicit purpose of display for sale. Parking is only allowed on approved surfaces. Lawns are not approved and parking on gravel areas is approved *ONLY* if the area has been continuously maintained as gravel parking. You can check to see if the gravel parking area is approved by calling 356-5120 or 356-5130.

If your neighbor is parking their vehicle illegally in your neighborhood and it is becoming a nuisance, please call:

The Police Department

(319)356-5275

(See City Code: 9-4-4-H, 9-4-1-A-8, 9-4-4-C, 9-4-4-G)

*Some condominium communities have private streets, which are marked with blue street signs rather than green. If you live in a condominium community on a private street, parking issues should be reported to the condo association and not to the police department.

VEHICULAR CONCERNS

INOPERABLE VEHICLES

A vehicle is considered inoperable if it exhibits one of the following characteristics: broken glass; a broken or loose tailpipe, fender, bumper, door, wheel, steering wheel, trunk top, or hood; a missing engine or wheel; an inability to move in forward and reverse; or is a habitat for mice, rats, snakes or other vermin.

Inoperable vehicles, according to the City's Nuisance Ordinance, may not be parked for more than 48 hours on public or private property within the city unless they are kept within a building or are parked in a junkyard or other auto-oriented use.

If your neighbor's broken down Chevy is really irritating you and is parked on private property, call:

Housing and Inspection Services

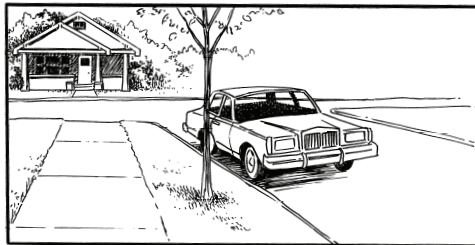
(319)356-5120

(See City Code: 6-1-2-O)

If the vehicle is parked on the street, please contact:

The Police Department

(319)356-5275



RESOLUTION

STEP 1: TALK TO YOUR PROBLEM NEIGHBOR

The first step in resolving a neighborhood problem is to talk to your offending neighbor. If you explain the problem and why it is bothering you, hopefully they will respond and problems will decrease. Oftentimes tenants simply are not aware of the rules of the neighborhood. Younger tenants may have never lived on their own before.

Iowa City's Office of Neighborhood Services created a booklet called "Stepping Off Campus" which is primarily designed for students but is of use to everyone. It explains everything you need to know about being a good neighbor and is something you can give to your neighbor if you think it would be helpful. Stop by City Hall to pick up a copy or contact the Office of Neighborhood Services at 356-5237 and they can get you a copy. It is also available on the City's website at: <http://www.icgov.org/offcampus/index.htm>.

In the case that filing a complaint becomes necessary, be sure to keep a record of any contact you have with your neighbor. That way, you will know the dates and responses you have received and can provide the information to the Police Department or Housing and Inspection Services.



RESOLUTION

STEP 2: PROPERTY INFORMATION LOOKUP

In dealing with nuisances, information about the property can help strengthen your case. You can check to see if there have been other complaints about the property. It's easy!

1. Go to www.icgov.org.
2. Click on the dark blue 'Services' tab near the top of the page.
3. Scroll down the list of City services and under the Housing section, click on 'Property Information Lookup.'
4. Click on the link to 'Find information about a parcel of land.'
5. At this point, you are able to search by parcel number, owner name, or the address of the property. In most cases, you will search by address.
6. Click on the parcel number for the correct property, scroll to the bottom of the page and view any cases associated with this parcel of land. Complaints begin with 'COM' in the case number and citations begin with 'CIT.' Remember that a 'COM' (complaint) does not necessarily mean that a 'CIT' (citation) was issued. You will need to look further into the file to determine whether a complaint led to a citation. By clicking on the case number, you can view the activities associated with the case, including the status of the case.

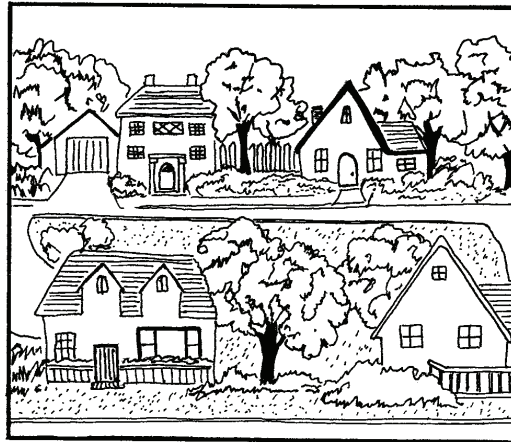
The abbreviations are:

ABD	Abandoned building
CIT	Citation
COM	Complaint
CRI	Criminal complaint
EXC	Special exception request
MOD	Minor modification
MEC	Mechanical permit
REN	Rental permit
RPS	Rental Permit Sanction
VAR	Variance request

RESOLUTION

STEP 3: TALK TO SURROUNDING NEIGHBORS

If you are concerned that a property may be a nuisance, other neighbors may have problems with it too. Speak to them about the problem. Mention the Nuisance Property Ordinance and that they can help by reporting problems. Receiving multiple complaints about a problem re-emphasizes to the landlord or City that the problem is indeed significant.



STEP 4: CONTACT THE LANDLORD

Landlords have a vested interest in maintaining good tenants who do not cause trouble in the neighborhood. If a nuisance persists, landlords may have their rental permits revoked. (See *OVER-OCCUPANCY* on how to look up a rental permit online to find the landlord's contact information). Be sure to express all of your concerns to the landlord and explain that you have already spoken to the tenants about the problem with no luck. By contacting the landlord, you are keeping them apprised of any troublesome situations involving their property. They will want to know if their tenants are not being good neighbors.

RESOLUTION

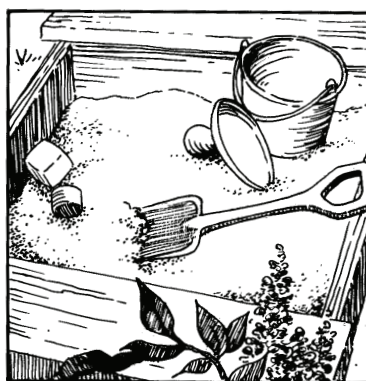
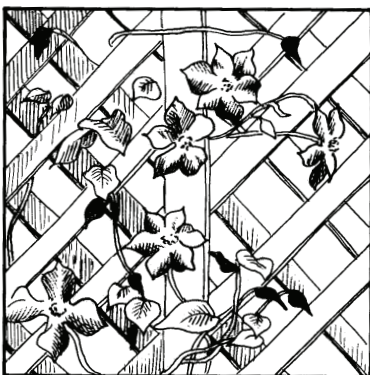
STEP 5: FILE A COMPLAINT

If problems persist after you have spoken with the tenant and the landlord, you really have a stubborn problem property on your hands! Be persistent. Filing a formal complaint is easy and can be done either online or over the phone. Depending on the situation, you will file a complaint to either the Police Department or to the Housing and Inspection Services Departments. See pages 3-10 of this brochure to determine the appropriate department with which to file the complaint.

ALL COMPLAINTS CAN BE HANDLED ANONYMOUSLY.

If you decide to file your complaint over the telephone, please have this information handy:

- ♦ The property address
- ♦ The circumstances and dates of the incidents for which you are filing the complaint.
- ♦ Any other complaints that you know have been filed against the property. See page 13.
- ♦ Knowledge of any citations that have been issued.



RESOLUTION

STEP 5: FILE A COMPLAINT, CONTINUED

If your complaint is a Housing and Inspection Services issue, you may also file it online anonymously.

- ◆ Go to www.icgov.org.
- ◆ In the upper left corner of the city homepage, you should see a section called 'Citizen Service Center.' Click on the link to 'Report a problem.'
- ◆ Click on 'Tall Grass/Weeds,' 'Inoperative/Obsolete Vehicle,' 'Parking on Unapproved Surfaces,' or if none of these apply, click on '...more.'
- ◆ You will now be taken to the screen to 'Report a Problem.'
- ◆ Use the first pull down menu to select the heading that best typifies your problem. Next, fill in the address of the problem property. Then, you are asked for the proximity. Use the pull down menu to explain where on the property the problem is occurring.
- ◆ Last, you are able to explain the situation fully. You are allowed up to 500 words. This box is a good chance to mention if you have had other similar problems with the property so that the inspector will know whether this is a first time problem or if this is a continual problem property.
- ◆ Under citizen information, you are able to fill out your personal information, such as name, company, address, etc. *You are not obligated to fill in this portion of the online form.* However, if you would like to be contacted with a response to your complaint, you should fill out the citizen information. Information you provide in this section is **NOT** disclosed to the property owner or the tenant.
- ◆ When you have completed the form, click on 'Submit Action Request.' Remember that online complaints to Housing and Inspection Services are only read during normal business day hours, Monday through Friday, 8:00 A.M. to 5:00 P.M.

RESOLUTION

STEP 6: CHECKING THE STATUS OF A COMPLAINT

The Iowa City Police Department maintains a daily activity log that gives information about every police activity that occurred that day. You can access the log as follows:

- ♦ Go to www.iowa-city.org/police/docket.asp.
- ♦ Each incident number has the corresponding activity, disposition, address, and time reported. The disposition should tell you whether the incident led to a citation.

To find out more information about an incident number, click on the number on the left column. Under the details section, you can often read the officer's notes about the incident.

The information contained in the daily activity log can be useful to you in that you will know how your complaint was handled. Also, you can check to see if there have been any other complaints about the property.



RESOLUTION

STEP 7: RENTAL PERMIT SANCTION ENFORCEMENT STEPS

The City of Iowa City recognizes that rental properties with chronic code violations have a negative impact on the quality of life, safety, and health of the neighborhoods in which they are located and that these violations tax City services. In 2003, the City adopted the Nuisance Property Ordinance to help fulfill the goal of peaceful habitation in Iowa City. Thanks to this ordinance, the City may impose rental permit sanctions after receiving 1-3 complaints about the property (depending on the type of complaint) in a 12 month period.

There are two different categories of nuisance property complaint cases. One category contains nuisance, zoning, building and housing complaints the other category deals with criminal complaints. This means that the City has the authority to issue a Reduced Term Rental Permit (one-year), a Rental Permit Suspension (up to 180 days), or a Revocation of Rental Permit. Sanctions may be applied to the individual dwelling unit, the entire rental unit, or the entire premises. Before issuing any of these sanctions, the City must first provide written notice via regular mail to the owner of the property where the code violations occurred.

If a second criminal code complaint violation occurs within 12 months, a code compliance meeting with the landlord and the tenants is required where they must reach a code compliance agreement. The notice of the meeting is sent by regular mail within 10 working days of contacting the property owner.

If three nuisance, zoning, building or housing code written notices of violations have been issued within a 12 month period, a code compliance meeting would also be required.

RESOLUTION

The purpose of this meeting is to obtain a code compliance settlement agreement in which the owner and tenants agree to take corrective action to avoid future code violations. If the property owner or tenant does not attend the scheduled code compliance meeting, fails or refuses to sign the code compliance agreement, or fails to comply with the guidelines outlined in the agreement, the City may then impose a rental permit sanction.

In deciding the severity of the rental permit sanction, the City will take into account:

- ◆ Level of cooperation of the parties to resolve issues.
- ◆ Level of disturbance associated with the violations.
- ◆ Impact of violations on neighbors or other victims.
- ◆ Degree to which parties have taken reasonable steps to resolve the problems.
- ◆ History of City and State code violations.

Property owner defenses to an enforcement action:

- ◆ Reported the violation to law enforcement.
- ◆ Evicted or attempted to evict tenants charged with a violation.
- ◆ Undertook reasonable means to avoid a recurrence of code violations.
- ◆ Executed a property management action plan.

(These defenses are not available to property owners who fail to attend a code compliance settlement meeting.)



RESOLUTION

STEP 8: THE IMPOSITION OF RENTAL PERMIT SANCTIONS

Sanctions may be applied to an individual dwelling unit, the entire rental dwelling, or the premises. Each separate violation counts as a basis for a rental permit sanction unless the owner qualifies for a defense to an enforcement action. The following sanctions may be imposed upon a rental permit:

1. Reduced Term Rental Permit (one-year)

The Director of Housing and Inspection Services may issue a reduced term rental permit for any of the following reasons:

If the owner, occupant, or any guest has on two or more separate occasions within a 12-month period been issued criminal complaints for violations of the following provisions of the Iowa Code, City Code, or U.S. Code on the premises of a rental property:

- ♦ Controlled substance
- ♦ Assault
- ♦ Willful injury
- ♦ Terrorism
- ♦ Stalking
- ♦ Trafficking stolen weapons
- ♦ Reckless use of a firearm
- ♦ Consumption of alcohol in a public place
- ♦ Alcohol intoxication in a public place
- ♦ Possession of alcohol under the legal age
- ♦ Criminal mischief
- ♦ Trespassing
- ♦ Interference with official acts
- ♦ Disorderly conduct
- ♦ Obstructing an officer
- ♦ Damaging or defacing property
- ♦ Indecent exposure
- ♦ Disorderly house

RESOLUTION

The owner, any occupant, or any guest has on three or more separate occasions within a 12-month period been issued municipal citations or written violations of the City Code of Iowa City on the premises of a rental property:

- ◆ Building or housing codes
- ◆ Zoning ordinance
- ◆ Nuisance ordinance
- ◆ Weed ordinance
- ◆ Graffiti

2. Suspension of Rental Permit

The Director of Housing and Inspection Services may suspend a rental permit for any of the following reasons:

- ◆ Failure to comply with the conditions of the reduced-term rental permit.
- ◆ Failure to comply with a court decision concerning the violation of any provisions of Section 14-5E-19.
- ◆ Adjudication by the court that the owner, owner's designated agent, or person acting on behalf of the owner has either violated the maximum occupancy provisions of the City Code, legally used or allowed the illegal use of uninhabitable or nonoccupiable space or illegally converted space to habitable use.
- ◆ Failure to comply with an order to abate a dangerous building.
- ◆ Failure to comply with any emergency order or placarding of a structure.
- ◆ Additional violations by the tenants or owner of the Iowa Code, City Code or US Code occur within one year of the conditions imposed pursuant to the reduced-term rental permit.

RESOLUTION

3. Revocation of Rental Permit

The Director of Housing and Inspection Services may issue a revocation of rental permit for any of the following reasons:

- ♦ Failure to comply with an order to abate a dangerous building
- ♦ Failure to comply with an emergency order of a structure
- ♦ Failure to comply with suspension of a rental permit
- ♦ more than one basis for rental permit suspension within two years of the re-instated permit previously having been

GLOSSARY

Code Compliance Settlement Agreement

A written agreement that shall include a list of specific actions and a specific schedule of deadlines for actions to abate the current violation and to avoid further code violations. It may also include provisions for periodic reassessment of the agreement or any written modification of the agreement.

Informational Disclosure and Acknowledgement Form

The disclosure form that landlords and tenants are required to sign includes information about the occupancy limit, the names of all tenants, fines that can be imposed for violations, along with regulations and enforcement provided by the Nuisance Property Ordinance.

Property Management Action Plan

The property management action plan shall be a detailed written response from the property owner or owner's designated agent describing the manner in which the property owner will, within his or her legal authority, make a good faith effort to prevent nuisance activities from continuing. The plan shall be filed with the Department of Housing and Inspection Services for approval within 10 working days from the date of the notice of violation sent to the owner or owner's designated agent.

GLOSSARY

Property Management Performance Guarantee

A cash deposit, certified check or irrevocable standby letter of credit in the amount of the estimated cost of the enforcement costs, to be determined by the City Manager or designee.

Reduced Term Rental Permit (one-year)

The reduced-term rental permit will be a one-year rental permit required to be renewed annually. This sanction shall be in effect for a period of not less than four years. Annual licensing inspections and fees are required. The Director may require any of the following with the issuance of a reduced-term rental permit: compliance with Iowa Code and/or City codes, submittal of a copy of the current lease agreement, payment of all City fees, payment of all court costs and fines, execution of a property management action plan, provision of a property management performance guarantee, and any other information the City deems necessary for enforcement of any provision of the Iowa Code or City Code.

Rental Permit Suspension

A rental permit shall be suspended for no more than 180 days beginning from the date of the Director's decision or a court ruling on a municipal infraction and no later than at the end of the current lease period unless a property management plan is executed.

Revocation of Rental Permit

A rental permit shall be revoked for not less than one year beginning from the date of the Director's decision or a court ruling on a municipal infraction.

REMEMBER

No one wants to complain about their neighbors, however, the City of Iowa City needs the assistance of your watchful eyes to help identify problem properties in your neighborhood. Iowa City's Nuisance Ordinance will not be effective if is not enforced. If we all work together we can make Iowa City a more inviting place to call home.



This guidebook was produced by the Iowa City Office of Neighborhood Services. This information is also available on the City of Iowa City website at icgov.org/neighborhoodcalming or call 319-356-5237 for additional copies.