

The Town "Eyesore"

Almost every community has one - the spot or area that is filled with trash, debris, derelict vehicles, junk or the property is run down and in disrepair, i.e. the "eyesore" of the town. In many cases the owner is an individual that does not have a sense of community or that is not actively involved in the community in a positive way. In some instances the owner may no longer be a resident. In either case, it generally becomes a difficult challenge to correct the problem. Everyone in a small town tends to know everyone else and there is a fear of offending a friend or someone's friend, therefore, it may be uncomfortable to visit with the owner to discuss the issue. They have come to believe that their property was o.k. with people in the community, if no one had talked to them about it previously.

The question that concerns many towns both large and small is "How do we deal with the "eyesore" and get it cleaned up?" For a large community the zoning inspection or the neighborhood or health services staff would become involved. In many instances this will lead to some form of legal corrective action. Large communities often have the staff and dollars to deal with public nuisances. The challenge in a small community, often without the resources, staff or dollars, is how to deal with the problem. As indicated, they may know the owner and feel awkward in dealing with them on the subject.

For a small community the first steps will be to research the State Law, city ordinances / county zoning. Once that knowledge is in hand, discussions should be held with the property owner to negotiate improvements. If those negotiations are positive the problem is dealt with.

If the negotiations are not positive, the fall back position is the utilization of public nuisance ordinances or local zoning controls. That means working with a city council member or county supervisor to enlist assistance and support in correcting the issue and bringing it before the board or council.

Assuming the laws are in place to help correct the problem, often the procedure will be action by the governmental unit with formal notification of intended action by legal staff of that governmental unit to the property owner regarding the violation. This may in fact require the assistance of the local police (if there are any in the community) or the county Sheriff. All of this effort may still result in an impasse with refusal to act on the part of the property owner.

The only long term answer may be legal action to resolve the problem. This requires the City or County Attorney to become involved and as they say "the meter runs and the cost builds". It is expensive for legal action. In some cases the City Attorney may not live in the community and consequently may not have as strong an interest as the local residents.

If legal action is taken against the property owner and is successful, the owner may be forced to pay a fine or correct the problem or both. The owner may defy the court decree and refuse to pay the fine or correct the situation. The next actions are to see that the fine

is repeated every day that it is not resolved, so that the financial charge is increased. These charges may end up being assessed against the property and tied to tax bills.

In many instances the clean up costs can be assessed against the property and under certain circumstances the Judge can also assess the litigation costs against the property owner. This has not been used a great deal and often the attorney involved may not push for that resolution on the fees. In all cases discuss the issue with your county or city attorney before proceeding with action.

The eyesore can be corrected - it will take time, money and a great deal of fortitude and leadership by local citizens. It is worth it!!!!

To obtain additional information on the organization please contact:

Gerald F. Schnepf, Executive Director
Keep Iowa Beautiful
300 East Locust - Suite 100
Des Moines, IA 50309
Phone: 515-323-6507
E-mail: gschnepf@keepiowabeautiful.com
Web Page: www.keepiowabeautiful.com

See you in the next column featuring the "Building Community Pride".

Helping to Keep Iowa Beautiful

Gerald F. Schnepf, Executive Director

P.S. *Don't forget the Keep Iowa Beautiful check-off when doing your State income tax!*