

**TAB 6**

director of public works, or his designee, the director of public works, or his designee, may cause the condition or activity to be remedied by the city at the expense of the property owner.

(d) If the director of public works, or his designee, is unable to locate within twenty-four (24) hours the owner or owners of the property upon which there exists a nuisance which presents an immediate danger or threat to the health or life of an individual, the director of public works, or in his absence or unavailability, his designee, may cause the condition or activity to be remedied by the city at the expense of the property owner, and provide the property owner with notice thereof subsequent to such action. The failure of the director of public works or his designee to provide prior or subsequent notice to a property owner, after reasonable efforts to locate such owner have been unsuccessful, shall not cause remedial action taken pursuant to this subsection to be invalid or unlawful.

(e) If the cost of abating the nuisance, and the subsequent filing of a city lien in accordance with section 16-31, would act to severely and drastically diminish the interest of a lien holder on the property, the city shall notify, in the same manner as the owner of the property, the lien holders whose interest in the property is properly recorded with the clerk of the circuit court. (Ord. No. 07-920, § 4, 4-16-07)

#### **Sec. 16-30. Board; hearing.**

(a) There is hereby created the **nuisance abatement board**. Such board shall consist of all members of the code enforcement board and shall have the authority to hear and decide nuisance abatement issues. Such board shall have all the powers of the code enforcement board. The members of the nuisance abatement board shall elect a chairman and vice-chairman. A quorum of the nuisance abatement board shall be the same as a quorum of the code enforcement board. The city shall provide the nuisance abatement board with the same resources provided to the code enforcement board. The nuisance abatement board may call a hearing or meeting in the same manner that the code enforcement board may do so.

(b) Within such time period as indicated in the provision of notice to abate, as required by sections 16-28 and 16-29 herein, the owner of the property may make written request to the city clerk for a hearing before the nuisance abatement board, on a form provided by the city, to show that the condition or activity alleged in the notice does not exist or that such condition or activity does not constitute a nuisance. At the hearing, the director of public works, or his designee, and the property owner may introduce such evidence as is deemed necessary. The property owner shall have the right to be represented by counsel. The hearing shall be open to the public and may be held at any regular or special meeting of the code enforcement board or nuisance abatement board. The nuisance abatement board may establish rules and regulations for the review procedure. Following a review by the nuisance abatement board, the owner will have exhausted his administrative remedies.

(c) References in the Code to "nuisance abatement board" shall refer to the nuisance abatement board established herein, unless the context clearly requires otherwise. (Ord. No. 07-920, § 4, 4-16-07)