



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Via FIRST-CLASS MAIL and CERTIFIED MAIL

May 24, 2022

DAVENPORT HOTEL LLC
PO BOX 611
BETTENDORF IA 52722

Re: Nuisance Abatement at 324 Main St, Davenport IA: Parcel # L0007-24, L0007-25A, L0007-25, L0007-26 AND L0007-28.

As you aware, the City of Davenport has had to address several solid waste problems at your property within the past year. Pursuant to *Davenport Municipal Code § 8.12.015*, a problem area nuisance exists:

C: When three or more of the following acts are committed within a period of twelve consecutive months upon a property, or within one thousand five hundred feet of the property, by an interested party or their permittee (s):

1. Health code violations;
2. Environmental or solid waste violations
3. City Ordinance violations

Current Solid Waste records indicate that 3 official notices concerning solid waste violations were issued in the last twelve months on each of the following dates **1/31/2022 Immediate ECU, 2/10/2022 24 Hour Notice, & 5/12/2022 debris letter**. As a result, the City of Davenport declares your property **324 Main St Rd** a nuisance. As the problems at your property are continuing in nature, the City finds it necessary to implement an abatement plan as outlined below:

Your yard must be kept free of debris, including but not limited to, garbage, rubbish, tires, furniture, appliances, automobile parts, and yard waste from residential and commercial activities. All refuse must be placed in City of Davenport approved refuse containers with lids or in closed plastic bags so the refuse is fully contained inside and not overflowing. The refuse containers shall be sufficiently and properly emptied so not to be a source of litter for the surrounding area. At no time shall any debris be placed out for collection earlier than 7:00 p.m. on the day before the collection day or later than 7:00 a.m. on the day of collection. Containers shall be promptly removed after the refuse has been collected. Not allowing nuisance vehicles (as defined in §8.14.460) or abandoned vehicles (as defined in §10.76.010) to be located or stored upon the property or in the public rights of way abutting the property. In no event shall any bags or containers remain past midnight on the day of collection.

Since solid waste and debris are continually on your property, the City of Davenport will no longer send you further warnings. You are ordered to correct all future violations within 24 hours otherwise the City will clean up any solid waste at your cost which will include a \$120 administrative fee, \$95/hour cleanup crew fee, and landfill disposal fees. Additionally, Pursuant to Davenport Municipal Code § 8.12.125 you will receive a scheduled fine of \$250

for a first offense, \$500 for a second offense, and \$750 for a third or subsequent offense. Each day a violation persists shall constitute a separate offense.

This Nuisance Abatement Order will remain in full force and effect until no violations have occurred for twelve consecutive months. If you should you have any questions about whether or not a certain item will be deemed a violation, you need to call the Neighborhood Services Division at (563) 326-7746.

Be aware that the City will not tolerate these items being illegally dumped elsewhere. If we find debris from your property at another location other than a legal sanitary landfill, the City will remove the debris and assess the cost to you.

Alternatively, you may submit a written plan to me by noon on **June 6, 2022** detailing how you will abate the nuisance. If we find that your plan is acceptable, then we may enter into an agreement to resolve the matter.

You may request an administrative hearing to appeal this nuisance abatement order pursuant to the procedures set forth in Chapter 2.86 of the Davenport Municipal Code. **A valid appeal request must be made within 10 days from the date of this notice and shall be submitted in writing, to City Hall located at 226 W 4th Street, Davenport, IA 52801.** The appeal request shall include a copy of this notice, a statement regarding the basis for the appeal, and payment of the \$100 administrative hearing fee. The hearing is informal and you will be given an opportunity to present evidence and question the City's evidence. Failure to request a hearing within ten days from the date of this Notice shall constitute a waiver of the right to a hearing and the Notice will then be in effect and enforceable.

If the nuisance is not abated as ordered and no request for hearing is made within the timeline designated above, the city may take actions to abate the nuisance and assess the costs against you, the property owner.

Respectfully,

Bryce Ainslie
Code Enforcement Officer I
City of Davenport
Public Works/Community Services Division
563-328-6774
Bryce.Ainslie@davenportiowa.com