



Border Area Maintenance and Enforcement

April 8, 2019

History

August 2018

- Citizen requested that the City Code be amended to allow other types of vegetation within the border area.
- Council directed staff to review the City Code and propose changes to allow plantings within the border area.

Current City Code – Sec. 102-2

Maintenance of border area

- Border area is defined as the area between the travelled roadway/alley/curb and the property line.
- Vegetation cannot exceed 12 inches in height.
- Only grass and naturally occurring plants are allowed to be planted by property owners.

Process

- City staff from impacted departments met to discuss and develop proposed revisions.
- Staff met with citizen and neighbors to review proposed code revisions.
- Staff made some modifications to proposed revisions based on resident input.

Proposed Revisions – Sec. 102-2

- Vegetation allowed with the following restrictions:
 - No noxious weeds allowed (defined by Iowa Code)
 - Cannot obstruct sidewalks or roadways
 - Cannot block signage and traffic control
 - Cannot exceed 3 feet in height (turfgrass cannot exceed 12 inches in height)
- Allow mulch around plantings
- Only turfgrass allowed within 5 feet of a fire hydrant
- Current vision clearance requirements remain

Unaccommodated Resident Requests

1. Allow vegetation up to 48 inches or exclude “flower stalks”.
 - 48 inches is too high for driveway/sidewalk visibility.
 - “Flower stalks” is too subjective for consistent enforcement.

2. Reduce 5 feet clearance around fire hydrants or allow groundcovers, paving stones, or mulch in this area.
 - Five feet clearance is Fire Code requirement.
 - Fire Department prefers “grass, dirt or pavement” in the clearance zone.
 - Further evaluation is needed regarding “paving stones” before they should be allowed.

Unaccommodated Resident Requests – continued

3. Prohibit use of chemicals within the right-of-way.
 - Further evaluation is needed before this should be considered.

Allowed



In Violation



Enforcement

ROW

Sight Obstructions
(Refer to T&T)

Vegetation outside of
sight obstruction
(including in an alley)
(Refer to PW)

Junk and Debris on the
ROW
(Refer to NID)

Notice

Dear Resident,

The City of Des Moines has been voted one of the best places to live. Please help us keep it beautiful by maintaining the border area of your property. As stated in Sec. 102-2. - Maintenance of border area, of the Municipal Code of Des Moines, Iowa, it is the abutting property owner's responsibility to maintain the quality of the area in which borders your property. Please see Page 2 to review Sec. 102-2. - Maintenance of border area, of the Municipal code of Des Moines, Iowa. If there is failure to maintain the quality of the border area of your property to these standards, the following Administrative Penalties may apply:

1st Offense (\$100.00), 2nd Offense in a mow season (\$150.00), 3rd or succeeding Offense (\$200.00).

If you have any problems or questions regarding this matter, please contact Matt Webb, City of Des Moines Public Works Section Chief, at 515-669-9756.

Thank you for your cooperation.

Sincerely,



Jonathan A. Gano
Public Works Director
JAG/SLT/WF/tc



CITY OF DES MOINES, IOWA
Notice of Violation – Failure to maintain the border area of your residence.

- FIRST OFFENSE
SECOND OR SUCCEEDING OFFENSE IN MOWING SEASON (APRIL 1ST TO NOVEMBER 1st)

Notice Issuance Date: «Date_of_Notice»

To: «First_Name» «Last_Name»
Address: «Mailing_Address»
«City», «State» «Zip»

Location of Violation (Where failure to maintain border area happened):
«Address_of_Violation»
Date & Time Violation Observed: «Date_of_Violation» at «Time_Observed»

YOU ARE HEREBY NOTIFIED by the Des Moines Public Works Department that the above-named person/company failed to maintain the quality expected in the Border Area of the address listed above. As stated in Sec. 102-2 - Maintenance of border area, of the Municipal Code of Des Moines, Iowa, at the time, date and location listed above by failing to maintain the border area at the property located at «Address_of_Violation».

YOU ARE FURTHER HEREBY NOTIFIED that the City of Des Moines demands from you by reason of this violation the payment of an administrative penalty in the amount of:

- \$100.00 (First Offense)
\$150.00 (Second Offense)
\$200.00 (Third or Succeeding Offense)

IF YOU CHOOSE TO PAY this Administrative Penalty, return this notice along with payment of the administrative penalty to the City Clerk's Office, 400 Robert D. Ray Dr., Des Moines, IA 50309, within thirty (30) days of issuance of this notice. Payment of this penalty constitutes admission of the above violation. Returned checks will result in the assessment of a surcharge of \$20.00. Please make checks payable to City of Des Moines.

IF YOU FEEL AGGRIEVED by this notice and the assessment of the administrative fine, you may request a hearing by filing this Request for Administrative Hearing within ten (10) calendar days of date of this notice. The appeal must state clearly why you think the administrative fine is incorrect and any defenses you wish to present at the hearing. The appeal shall be in writing and received by the City Clerk's Office, 400 Robert D. Ray Dr., Des Moines, IA 50309 (if requesting in person) OR City Clerk's Office, PO Box 10326, Des Moines, IA 50306 (if requesting by mail). If an appeal is filed, a hearing will be scheduled as promptly as reasonably possible, pursuant to Chapter 3-17 (b) of the Municipal Code.

I hereby request an administrative hearing pursuant to Chapter 102 of the Municipal Code of the City of Des Moines regarding this notice of violation and administrative fine.
Reason for appeal:

I understand that I will receive notice of the date and time of the hearing at the address I provided on this request for hearing. I understand that my failure to appear at the scheduled hearing will be deemed a waiver of my rights to a hearing.

FAILURE TO COMPLETE AND RETURN THIS NOTICE form and/or failure to pay the administrative penalty indicated above within 30 days of the issuance of this notice may result in: (a) a Municipal Infraction being filed in District Court as provided in Sections 1-15 and 102-127 of the Municipal Code, which carries a civil penalty of not more than \$750.00 for a first offense, or not more than \$1,000.00 for each repeat offense within a Mowing Season, or (b) this matter being referred to a collection agency for collection of the administrative penalty.

Property Owner's Signature:
Date:
Phone Number:
Printed Name:
Mailing Address:



Questions/Comments/Discussion

