

**CITY OF BAXTER, MINNESOTA
ORDNANCE 2025-009**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 1, CHAPTER 4, SECTION 3 OF
THE BAXTER CITY CODE**

THE CITY OF BAXTER ORDAINS:

SECTION 1. REPEAL AND REPLACE. Title 1, Chapter 4, Section 3, Alternative Methods of Enforcement, of the Baxter City Code is hereby repealed and replaced as follows:

1-4-3: ALTERNATIVE METHODS OF ENFORCEMENT:

A. Purpose: The city council finds that there is a need for alternative methods of enforcing this code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for this code's violations.

B. General Provisions:

1. Administrative Offense: A violation of any provision of this code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

2. Exemption: Alcohol and tobacco license violations are not subject to administrative citation under this section.

3. Civil Penalty: An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law.

4. Schedule Of Fines And Fees: The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review under subsection F of this section. The city council may adopt a schedule of fees to be paid to administrative hearing officers.

5. Enforcement:

- a. Any peace officer licensed in Crow Wing County, including but not limited to the City's Police Department, the County Sheriff, or any Deputy Sheriff, shall have the authority to enforce any provision of this Code.

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b. The following individuals designated in this section, or their designee, shall have the authority to administer and enforce the provisions of this code:

- (1) Building Official;
- (2) City Administrator;
- (3) City Clerk;
- (4) Code Enforcement Coordinator;
- (5) Community Development Director;
- (6) Community Service Officer;
- (7) Fire Chief, Fire Inspector, Fire Marshal; and
- (8) Public Works Director.

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For the purposes of clarity, the individuals identified above in paragraph 5 shall hereafter be referred to as "Enforcement Officer."

6. Intent: A violation of the City Code is a misdemeanor; however, this Chapter seeks to gain compliance with the Code through administrative citations as an alternative to the commencement of any formal civil or criminal court action. These administrative civil penalties are in addition to any other legal or equitable remedy available to the City for City Code violations. The City may, in its discretion, choose not to issue an administrative citation and may instead initiate criminal charges, abatement, or civil proceedings.

C. Administrative Citation Procedures:

1. Compliance Letter: Any employee or Enforcement Officer enumerated in City Code Section 1-4-3.B or any duly authorized representative thereof is authorized to issue compliance letters and administrative citations for violations of this code.

a. —a.—Contents of Letter. If an Enforcement Officer determines that a code violation has occurred, the city may issue a compliance letter. The compliance letter shall contain the following information:

i. A legal description or address of the property on which the Code violation has occurred;

ii. The nature of the violation, including a reference to the appropriate Code section;

iii. A compliance deadline, providing a reasonable time for compliance based on the nature of the violation; and

iv. A statement that failure to correct the violation may result in the imposition of an administrative citation, including a civil penalty and stating the amount of the penalty as provided in the fee schedule.

b. Service of compliance letter. The compliance letter may be served on the offender by certified mail, regular mail sent to the last known legal address, by personal service or by

posting a copy in a conspicuous place in or about the building or property affected by the letter.

c. Reasonable extensions. Following service of the compliance letter, the City shall attempt to work to resolve the violation, including, but not limited to, offering reasonable extensions for compliance.

d. Exceptions to issuance of a compliance letter. For violations of any of the following sections, the City shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in paragraph 2 below.

a) Repeat offender. If the same offender commits a subsequent violation within 12 months after a compliance letter has been issued for a same or similar offense.

b) License violations. For any license violations, including, but not limited to, not having a license.

c) Fire protection and prevention violations.

d) Animal violations. For any violation of Title 5 – Chapter 3.

e) Traffic or parking violations. For traffic or parking violations issued under Title 6.

f) Noise violations. For any violation Title 4 – Chapter 1 – Section 4.

g) Failure to follow a stop work order issued by the City Building Official.

h) Emergency situations. When a condition exists that requires immediate action to protect the public health, safety and welfare.

2. Administrative Citation.

1. Generally. Upon the failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the City, or for any offense for which a compliance letter is not required, the City may issue an administrative citation. The administrative citation shall be served by certified mail, regular mail or by personal service and shall contain the following information:

a) A legal description or address of the property on which the Code violation has occurred;

b) Reference to the Code that is alleged to be violated;

c) The amount of the administrative civil penalty for the specific Code violation, which shall be due and payable to the City within 30 calendar days of the date the citation is mailed or personally served;

d) A statement that the violation must be corrected or a subsequent administrative or a criminal citation may be issued;

e) A statement that the Code violation and the amount of the administrative civil penalty may be contested to be heard before an independent hearing

officer by notifying the City Clerk in writing within 10 calendar days after the citation was mailed or personally served; and

- f) A statement that failure to pay the administrative civil penalty may result in it being assessed against the property as provided in Minnesota Statute Chapter 429, as it may be amended from time to time.
 2. Payment of penalty and correction of violation. If the offender pays the administrative civil penalty and corrects the Code violation, no further action will be taken for that same violation.
 3. Payment of penalty without correction of violation. If the offender pays the administrative civil penalty but fails to correct the Code violation, the City may issue a subsequent administrative citation, initiate criminal proceedings or initiate any other proceedings or remedies available in order to enforce correction of the City Code violation.
 4. No payment of penalty and no correction of violation. If the offender fails to pay the administrative civil penalty and fails to correct the Code violation, the City may do any of the following, or any combination thereof:
 - a) Assess the administrative civil penalty against the property pursuant to Minnesota Statute Chapter 429, as it may be amended from time to time;
 - b) Issue a subsequent administrative citation, thereby commencing a new administrative penalty process;
 - c) Initiate criminal proceedings; and/or
 - d) Initiate other enforcement action authorized by law.
 5. Failure to pay an administrative citation for which the costs cannot be assessed shall be a misdemeanor.
3. Contesting the administrative citation. An offender receiving an administrative citation may contest the alleged Code violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the offender must notify the City Clerk in writing within 10 calendar days from the date the citation is mailed or personally served, stating that the offender contests the alleged violation, the amount of the penalty or both and pay a non-refundable filing fee as established by the City's Fee Schedule.
- a. Administrative citation hearing.
 - i. Scheduling the hearing. After receipt of the written notice to contest the citation as provided in paragraph 3 above, the City Clerk shall schedule a hearing before an independent hearing officer, which will be held within 60 calendar days, unless otherwise agreed to in writing by the parties. The City Clerk shall notify the owner of the date, time and location of the hearing.
 - ii. Independent hearing officer. An independent hearing officer from the office of administrative law judges shall preside over the administrative citation hearing.
 - iii. Conduct of the administrative citation hearing.

1. At the hearing, both parties may be represented by counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce exhibits; however, strict rules of evidence shall not apply.
2. The hearing officer shall receive and give weight to the evidence, including hearsay evidence.
3. The hearing shall be recorded and the City shall maintain a full record of the proceedings according to its data retention schedule.
4. Authority of hearing officer. The independent hearing officer has the authority to do any of the following, or a combination thereof:
 - (a) Make a finding that a violation has occurred;
 - (b) Reduce, stay or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions;
 - (c) Require compliance with the City Code within a specified time frame; and/or
 - (d) Make a finding that no violation has occurred and dismiss the administrative citation.

iv. Decision and order.

- i. The hearing officer may announce a decision at the conclusion of the hearing or may take the matter under advisement.
 - ii. The hearing officer shall issue a decision in the form of an order and shall serve a written copy of the order upon the parties no later than 30 calendar days after the hearing.
 - iii. Any administrative civil penalty that the independent hearing officer imposes must be paid to the City within the time frame established in the order. If no date is specified, it must be paid within 30 days of the hearing officer's order.
 - iv. If the administrative civil penalty is not paid, the City may assess the civil penalty against the owner's property pursuant to Minnesota Statute Chapter 429, as it may be amended from time to time.
 - v. If the hearing officer determines that no violation occurred, then the City may not proceed with criminal prosecution for the same act or conduct.
- e) Finding of violation. If the violation is upheld, then the offender must reimburse the City for the cost of the hearing, not to exceed the amount established in the City's Fee Schedule.

f) Failure to appear. Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the offender fails to appear, the administrative citation shall be sustained and the fee for the cost of the hearing shall be imposed. If the City fails to appear, the administrative citation shall be dismissed and the City shall refund the filing fee.

b. Appeal. The hearing officer's decision is final and may only be appealed to the Minnesota Court of Appeals.

4. Schedule of administrative civil penalties.

a. The City shall adopt a fee schedule of administrative civil penalties for City Code violations by resolution.

b. The maximum amount of an administrative civil penalty may not exceed twice the maximum fine authorized by state law for misdemeanor offenses or the maximum fine authorized by state law for an administrative process.

~~G. Recovery Of Civil Penalties:~~

SECTION 2 AMENDMENTS. The text of Title 4, Chapter 4 (Regulating Growth of Tall Grass and Weeds) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

SECTION:

4-4-1: Definitions

4-4-2: Noxious Weeds

4-4-3: Conversion To Turf

4-4-4: Exceptions

4-4-5: Standards For Native Prairie And Forest Restoration

4-4-6: Notice Of Public Nuisance; Abatement; Assessment

4-4-1: DEFINITIONS:

GARDEN: A cultivated area dedicated to growing vegetables, fruits, flowers, ornamental grasses, ground covers, shrubs and similar plants that were planted in a well defined location.

IDLE ACREAGE OR UNDEVELOPED PLATTED LOT: Areas or a platted lot awaiting development where the vegetation may have been altered but not converted to turf.

NATIVE FOREST REMNANT AREA: A native plant landscape area consisting of indigenous forest plants predominantly nonherbaceous that was purposely left to grow in a natural state and can maintain itself in a stable condition with minimal human intervention. Naturally occurring, noninvasive, noxious weeds such as poison ivy may be allowed to remain and vegetative management and removal of dead or diseased trees are allowed.

NATIVE FOREST RESTORATION AREA: A native plant landscape area which is being restored to indigenous forest plants which are predominantly nonherbaceous. A native forest restoration area does not include gardens.

NATIVE PLANTS: Those grasses, sedges, forbs, trees and shrubs that are plant species native to or naturalized to the state of Minnesota, excluding prohibited exotic species, as defined by Minnesota statutes chapter 84D. Native plants do not include weeds.

NATIVE PRAIRIE RESTORATION AREA: A native plant landscape area which is being restored to indigenous prairie or grassland plants which are predominantly herbaceous. A native prairie restoration area does not include gardens.

ORNAMENTAL GRASSES: Grasses that are not indigenous to Minnesota that are intended to add beauty to a garden. Ornamental grasses do not include turf grasses or weeds.

TURF GRASS: Commercially available cultured turf grass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

WEEDS: A. Noxious weeds as defined and designated pursuant to Minnesota statutes sections 18.76-18.88, as amended, or

B. Any volunteer plants as may be listed by the city weed inspector as prohibited plants, said list being available at city hall. (Ord. 2009-9, 5-19-2009)

4-4-2: NOXIOUS WEEDS:

Noxious weeds must be eradicated in all areas of the city according to state law unless otherwise provided for in this chapter. (Ord. 2009-9, 5-19-2009)

4-4-3: CONVERSION TO TURF:

Once an area has been converted to turf grass, the owner or occupant shall not allow the turf grass to exceed the height of seven inches (7") or be allowed to go to seed. Also, other than in the F (Commercial Forest) or RS (Special Residential/Cluster) District, no owner or occupant shall allow any herbaceous vegetation growing upon the adjacent City right-of-way to grow to a height greater than seven inches (7") or to allow such vegetation to go to seed except as otherwise permitted herein. (Ord. 2009-9, 5-19-2009)

4-4-4: EXCEPTIONS:

Provided the vegetation does not obstruct, block or impede any visual sightlines or signs required to ensure safe and efficient vehicular traffic upon City streets, the provisions of section 4-4-2 of this chapter shall not apply to vegetation that is located:

- A. On slopes equal to or steeper than three feet (3') horizontal to one foot (1') vertical.
- B. In a conservation easement.
- C. In a garden.
- D. In City park lands.
- E. In a floodplain area designated on the official zoning map.
- F. Within drainage ponds or ditches designed to meet City stormwater conveyance requirements.
- G. Within wetlands.
- H. In native forest remnant areas.
- I. In native forest or prairie restoration areas provided the standards in this section are met.
- J. Within idle acreage or undeveloped platted lots provided they are mowed twice a year - once between June 1 and June 15 and once between September 1 and September 15. (Ord. 2009-9, 5-19-2009)

4-4-5: STANDARDS FOR NATIVE PRAIRIE AND FOREST RESTORATION:

- A. Setbacks From Lot Lines:

1. Not less than ten feet (10') from the front lot line. For the purposes of this chapter, corner lots shall be deemed to have two (2) front yards and on riparian lots no setback is required on the lakeside lot line.

2. Not less than five feet (5') from the side and rear lot lines. No such setback is required if there is an opaque fence along said lot line or if the native plants abut a neighboring native plant landscape.

3. If the proposed native prairie or forest restoration area is replacing existing sod/turf, the natural area shall not exceed fifty percent (50%) of the sod/turf area.

B. Allowed Ground Cover In Setback: The setback area required in subsections A1 and A2 of this section shall be composed of regularly mowed turf grass, gardens, trees, shrubs, wood chips and/or rock.

C. Plan Approval: A plan setting forth the site layout and management of the restoration area which is in compliance with section 10-4-8 of this Code must be submitted by the applicant and approved by the Zoning Administrator before any native areas may be planted. The Zoning Administrator may refer the plan to the City Council for recommendation before taking action. (Ord. 2017-007, 8-1-2017)

~~4-4-6: NOTICE OF PUBLIC NUISANCE; ABATEMENT; ASSESSMENT:~~

This chapter shall be subject to Title 1, Chapter 4, Section 3. Any person found guilty of violating any provision of this chapter shall be subject to penalty as provided in section 1-4-1 of this code.

SECTION 3 AMENDMENTS. The text of Title 4, Chapter 1 (Nuisances) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

SECTION:

4-1-1: Public Nuisance Defined

4-1-2: Nuisances Affecting Health

4-1-3: Nuisances Affecting Morals And Decency

4-1-4: Nuisances Affecting Peace And Safety

4-1-5: Duties Of City Officers

4-1-6: Notice Of Public Nuisance; Abatement

4-1-7: Recovery Of Cost

4-1-8: Penalty

4-1-1: PUBLIC NUISANCE DEFINED:

Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this chapter to be a public nuisance and for which no sentence is specifically provided. (Ord. 5.1, 6-5-1984)

4-1-2: NUISANCES AFFECTING HEALTH:

The following are hereby declared to be nuisances affecting health:

- A. Decayed Or Unwholesome Food Or Vegetable Matter: Exposed accumulation of decayed or unwholesome food or vegetable matter.
- B. Diseased Animals: All diseased animals running at large.
- C. Stagnant Water: All ponds or pools of stagnant water.
- D. Carcasses: Carcasses of animals not buried or destroyed within twenty four (24) hours after death.
- E. Manure; Debris: Accumulations of manure, refuse, or other debris.
- F. Privy Vaults; Garbage Cans: Privy vaults and garbage cans which are not rodentfree or flytight or which are so maintained so as to constitute a health hazard or to emit foul and disagreeable odors.
- G. Pollution: The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances. (Ord. 5.1, 6-5-1984)
- H. Tall Grass And Weeds: Any violation of chapter 4, "Regulating Growth Of Tall Grass And Weeds", of this title. (Ord. 2009-9, 5-19-2009)
- I. Smoke And Fumes: Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- J. Contagious Disease: All public exposure of persons having a contagious disease.
- K. Offensive Trade Or Business: Any offensive trade or business as defined by statute not operating under local license. (Ord. 5.1, 6-5-1984)

4-1-3: NUISANCES AFFECTING MORALS AND DECENCY:

The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punchboards.
- B. Betting, bookmaking, and all apparatus used in such occupations.

C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdyhouses.

D. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place.

E. Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose. (Ord. 5.1, 6-5-1984)

F. Notwithstanding the above provisions, any gambling authorized and licensed by the state of Minnesota pursuant to Minnesota statutes chapter 349 shall not be considered a nuisance and may be permitted as set forth in said statutes. (Ord. 2005-2, 1-18-2005)

4-1-4: NUISANCES AFFECTING PEACE AND SAFETY:

The following are declared to be nuisances affecting public peace and safety:

A. Snow And Ice: All snow and ice not removed from public sidewalks twelve (12) hours after the snow or other precipitation causing the condition has ceased to fall.

B. Obstructions At Intersections: All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.

C. Wires; Tree Limbs: All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

D. Noises; Vibrations: All unnecessary noises and annoying vibrations.

E. Obstructions; Excavations: Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law.

F. Radio Aerials; Television Antennas: Radio aerials or television antennas erected or maintained in a dangerous manner.

G. Obstruction Of Streets: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk.

H. Hanging Objects Over Public Ways: All hanging signs, awnings, or other similar structures over streets and sidewalks, or situated so as to endanger public safety, or not constructed and maintained as provided by ordinance.

I. Stormwater, Ice Or Snow: The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

J. Barbed Wire Fence: Any barbed wire fence less than six feet (6') above the ground and within three feet (3') of a public sidewalk or way.

K. Dangerous, Unguarded Machinery: All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

L. Wastewater: Wastewater cast upon or permitted to flow upon streets or other public property.

M. Unsheltered Storage; Personal Property; Clutter: No person may place, permit, store, allow, maintain or leave machinery, implements, equipment, clutter or personal property, worn out or discarded material, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires, any other unsightly debris, brush or materials, or unsheltered storage upon an open space area of any premises located anywhere in the City, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public. ~~Accumulations: Accumulations in the open of discarded or disused machinery, household appliances automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation.~~

N. Well, Hole Or Similar Excavation: Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

O. Obstruction Of Free Flow: Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

P. Harmful Objects; Placing Or Throwing: The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.

Q. Garbage Or Refuse: The depositing of garbage or refuse on a public right of way or on adjacent private property.

R. Other Conditions: All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 5.1, 6-5-1984)

S. Depositing Of Snow: The depositing of snow upon any city street or right of way except any right of way directly adjacent to the depositor's own driveway. (Ord. 5.2, 3-6-2001)

4-1-5: DUTIES OF CITY OFFICERS:

A. ~~A. Enforcement Officers~~ Building Inspector: The following individuals designated in this section, or their designee, shall have the authority to administer and building inspectors shall enforce the provisions of this chapter relating to nuisances affecting public safety:

1. Building Inspector/Official;
2. City Administrator;
3. City Clerk;

4. Code Enforcement Coordinator;
5. Community Development Director;
6. Community Service Officer;
7. Fire Chief, Fire Inspector, Fire Marshal; and
8. Public Works Director.

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B. Police Department: The police department shall enforce provisions relating to other nuisances and shall assist the other designated officers in the enforcement of provisions relating to nuisances affecting public safety.

C. Power Of Officials: Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (Ord. 5.1, 6-5-1984)

4-1-6: NOTICE OF PUBLIC NUISANCE; ABATEMENT:

A. Emergency Abatement: Whenever the City is made aware of the existence of a public nuisance, the City will inspect the property on which it is alleged that such a public nuisance exists. Should the Enforcement Officer determine that a public nuisance exists and that the public health, safety or welfare may be in immediate danger, then the City will implement emergency abatement procedures and the City may cause the nuisance to be removed or abated. When an Enforcement Officer authorizes emergency abatement, notice to the owner, agent or occupant of the property is not required. Following emergency abatement, the City will post a notice on the property describing the action taken to abate the nuisance.

1. Special Requirements for Snow and Ice Removal: The City recognizes that the accumulation of snow and ice on public sidewalks presents a public nuisance that is an immediate danger to public health, safety and welfare. In the beginning of winter, the City will remind the general public via various public education campaigns about snow removal requirements. Therefore, no prior notice is required in the event that the City needs to abate snow or ice removal. In addition, the City will not post a notice on the property, but rather the City will mail the notice to the property owner along with the abatement invoice.

B. Nuisance Declared; Notice: Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, but the nature of the nuisance is not such as to require emergency abatement of the nuisance, then the general abatement procedures will be followed. The officer shall notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

BC. General Abatement Procedure and Service Of Notice:

1. In cases where emergency abatement of a public nuisance is not required, the Enforcement Officer will serve a notice on the owner or occupant, by certified mail, or by personal service, ordering the owner or occupant to remove the public nuisance. Personal Service; Certified, Registered Mail: The notice shall be served in person or by certified or registered mail.

2. Posting: If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.

DE. Contents Of Notice: The notice shall contain the following information:

1. Address of the premises where the nuisance is located;
2. The nature of the nuisance to be abated, specify the and steps to be taken to abate the nuisance;
3. A statement that in the event the owner or occupant does not comply with the notice, the City or a contractor selected by the City may perform the necessary work;
4. A statement that if the owner or occupant does not pay for the expense, the cost of the work will be assessed against the property; and
5. A compliance deadline and the time, not exceeding thirty (30) days, within which the nuisance is to be abated.

ED. Failure To Comply: The Enforcement Officer is authorized to enter in or upon the premises or structure for the purpose of enforcing and ensuring compliance with the provisions of this section. If the notice is not complied with within the time specified, the City has the authority to enter upon the property and abate the public nuisance. In abating the nuisance, the City may go to whatever extent necessary to complete the abatement of the public nuisance, including obtaining a court order. The City may call upon any of the City departments or divisions for whatever assistance is deemed necessary or may by private contract cause the abatement of the public nuisance. enforcing officer shall report that fact forthwith to the council.

6. If any material derived from the abatement is salvageable, and the City does not receive a notice of appeal pursuant to subdivision F below, the City may sell or otherwise dispose of the salvaged material with the proceeds from the sale going to the City's general fund.

EE. Abatement invoice. If the City performs the abatement work pursuant to this section, the City will maintain a record showing the cost of the work attributable to each separate lot and parcel. Abatement costs shall include, but are not limited to, the cost of the abatement, the cost of investigation, such as title searches, inspection and testing, the cost of notification, filing costs and administrative costs.

G. Appeals: An owner or responsible party may appeal an abatement notice of abatement letter for an abatement action by following the procedures to appeal an administrative citation set forth in City Code §1-4-3, Subdivision C. Any personal property of value or salvageable property coming into possession of the City during the course of the abatement pursuant to subdivision E above will be stored by the City pending the outcome of the appeal. Abatement By City; Hearing: Thereafter the council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the city. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least ten (10) days before the date stated in the notice when the council will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of posting and the hearing. (Ord. 5-1, 6-5-1984)

4-1-7: RECOVERY OF COST:

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A. Personal Liability: The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

B. Assessment: If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect infected trees, the clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota statutes section 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments not exceeding ten (10), as the council may determine in each case. (Ord. 5.1, 6-5-1984)

4-1-8: PENALTY:

Any person convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be subject to penalty as provided in section 1-4-1 of this code, plus the costs of prosecution. (Ord. 5.1, 6-5-1984; amd. 2002 Code)

SECTION 4. EFFECTIVE DATE. This amendment shall take effect upon its passage and publication.

SECTION 5. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending Title 1 as it pertains to Alternative Methods of Enforcement to better utilize administrative citation procedures and Title 4 as it pertains to the enforcement and abatement of nuisances.

Whereupon, said Ordinance is hereby declared adopted on this 15th day of July, 2025.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal