



Executive Summary

City Council Workshop

AGENDA ITEM: Ordinance Enforcement

PREPARED BY: Jacob Schillander, City Administrator

RECOMMENDED ACTION: Discussion

Summary:

The City of Maple Plain has historically operated under a complaint-based model for ordinance enforcement. However, staff have observed inconsistencies in how this model is applied. While Council has affirmed the complaint-based approach, staff are frequently asked to investigate specific violations or conduct proactive patrols to identify issues. This has led to confusion about expectations and enforcement priorities.

Staff respectfully request clear Council direction on the following:

- Are we complaint-based for all ordinances, or only certain types?
- Should we identify specific ordinances (e.g., public nuisances, property maintenance) where proactive enforcement is expected?
- Should informal Council requests be treated as valid complaints, or should all complaints be submitted through formal channels?

To ensure fairness and transparency, staff recommend that all complaints be submitted via the City's official complaint form, either in person or through the Baseline online tool, expected to launch by year-end. This formal process protects staff and the City from allegations of selective enforcement and ensures consistent documentation.

Public vs. Private Nuisances:

As enforcement requests increase, staff also seek Council guidance on distinguishing between Public Nuisances and Private Nuisances, as this affects both enforcement authority and legal responsibility.

Public Nuisance: Defined under Minn. Stat. § 609.74 and Maple Plain City Code (Sec. 6-31), a public

nuisance is a condition or activity that unreasonably interferes with the health, safety, peace, or comfort of the general public. Examples include:

- Accumulation of garbage or hazardous materials
- Obstructed sidewalks or public rights-of-way
- Excessive noise affecting multiple properties
- Uncontrolled weeds or vermin that pose a public health risk

These are enforceable by the City under its police powers and are typically addressed through ordinance citations or abatement procedures.

Private Nuisance: A condition that interferes with the use or enjoyment of a specific individual's property, but does not rise to the level of a public concern. Examples include:

- A neighbor's bright security light shining into a bedroom
- Disputes over fence placement or minor drainage issues
- Tree branches overhanging a private yard

These are generally civil matters between property owners and are not enforceable by the City unless they also constitute a public nuisance.

Clarifying this distinction will help staff respond appropriately to complaints and avoid overreach into private disputes.

Legal Context: Proactive vs. Complaint-Based Enforcement

Minnesota law does not mandate that cities use either a proactive or complaint-based approach to ordinance enforcement. Instead, cities have discretion to choose enforcement strategies that best suit their community needs, provided they are applied consistently and without discrimination.

The League of Minnesota Cities (LMC) recommends that cities:

- Clearly define their enforcement model (complaint-based, proactive, or hybrid)
- Apply enforcement uniformly to avoid claims of selective enforcement or bias
- Document all enforcement actions thoroughly, especially when initiated without a formal complaint

Proactive enforcement can be beneficial for addressing public health and safety concerns, but it must be balanced with resource constraints and legal risks. Complaint-based enforcement is often preferred for private disputes, less visible or subjective violations, or where enforcement could be perceived as targeting individuals.

Recommendations:

Staff recommend Council provide clear direction on:

1. Which ordinances should be enforced proactively.
2. Whether informal Council requests constitute valid complaints.
3. Adoption of a formal complaint submission process for all violations.
4. Clarification of public vs. private nuisance enforcement responsibilities.