

ORDINANCE NO. 343

CITY OF MAPLE PLAIN

**AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE REGARDING
NUISANCE PROCEDURES**

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

SECTION 1. AMENDMENT. The Maple Plain City Code Chapter 6, Article 2 is hereby amended as set forth below to delete the text in ~~strike through~~ and to add the underlined language as follows:

Sec. 6-27. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned property means deteriorated, wrecked, or derelict property in unusable condition, which has no apparent value other than nominal scrap or junk value, if any, and which has been left unprotected from the elements, and shall include machinery, refrigerators, washing machines, plumbing fixtures, furniture, cut trees, branches, building materials, general rubbish, tools, benches, deteriorated, wrecked, inoperative or partially dismantled motor vehicles, trailers, or boats, abandoned vehicles, or any other similar articles in the condition.

Approved driveway means an off-street area of asphaltic, concrete, or gravel surfacing which provides access to required off-street parking areas.

Noxious weed means an annual, biennial, or perennial plant that the commissioner of agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

Private premises means any premises for which ownership is not within the category described as public premises, and shall include, but not be limited to, that property on which the owner has a place of business or residence.

Sec. 6-31. – Enforcement.

- (a) The City Administrator or the administrator's officer as designated by the City Council and all law enforcement officers employed or contracted by the City shall enforce the provisions of this article relating to nuisances. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

- (b) Whenever, in the judgment of the Officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the Officer shall notify by issuing a compliance order to the person committing and maintaining the public nuisance and require said person to terminate and abate the nuisance and to remove the conditions or remedy the defects. The written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting the compliance order on the premises. The compliance order shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for removal of the nuisance after service of the compliance order shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service in the office of the City Administrator setting forth the manner and time thereof. When a compliance order so given is not complied with, the noncompliance shall be reported forthwith to the City Council for the action as may be necessary and deemed advisable in the name of the City to abate and enjoin the further continuation of the nuisance.
- (c) Whenever a written complaint is submitted to the City upon a complaint form furnished by the City, the Officer charged with enforcement shall investigate the complaint within five (5) business days. Whenever, in the judgment of the Officer charged with enforcement, it is determined that a nuisance is being maintained or exists within the City, the Officer shall issue a compliance order to the person committing and maintaining the public nuisance in the manner provided in subpart (b) of this section. When a compliance order so given is not complied with, the noncompliance shall be reported forthwith to the City Council for the action as may be necessary and deemed advisable in the name of the City to abate and enjoin the further continuation of the nuisance.
- (d) A determination that a public nuisance is being maintained or exists within the City may be appealed in the manner and timeframe provided in section 1-20.

Sec. 6-33. – Abatement of nuisance by City Council.

Without affecting any other penalty provision of this article, if, after the service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the directions of the compliance order within a reasonable time to be determined by the City Council, the nuisance may be abated at the expense of the City and the City shall recover the expenditure, including all reasonable costs incurred. ~~The cost of the remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minn. Stats. ch. 429, as it may be amended from time to time, but the assessment shall be payable in a single installment.~~

Sec. 6.35. – Repeat nuisance calls.

(a) *Purpose and intent.* The City Council finds that the City has limited staff and resources and that repeated service responses to the same property for nuisance service calls present a burden to the community by limiting the availability of law enforcement or public services to other residents of the City. It is the intent of the City to impose and collect repeat service call fees as authorized by Minn. Stat. §§ 366.011 and 415.01 from the person committing and maintaining the public nuisance. The repeat service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city wide.

(b) *Applicability.* This section shall apply to all owners and occupants of private property that is the subject, or location of, a repeat service call.

(c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance service call means a public officer response to a verified incident of any public nuisance as declared in this chapter.

Public officer means a law enforcement officer, City Building Inspector, City Administrator, or other officer designated by the City Council and charged with enforcement.

Public officer response means a public officer responding to a claim of nuisance on the property.

Repeat service call means each nuisance service call after three or more nuisance service calls where the responses occurred within a 24-month time period on the same private property

(d) *Fee imposed.* The owner or occupant of private property that is subject to a repeat service call shall pay a fee in an amount established in the City fee schedule.

(e) *Invoice, delinquency, and collection.*

(1) Hennepin Public Safety shall maintain records in connection with service calls and shall forward the records to the City Administrator.

(2) The City Administrator shall be responsible for the collection of accounts due and owing for each service call. The City Administrator shall invoice each owner or occupant of private property that is subject to a repeat service call fee imposed under this section at least quarterly. Payment of a repeat service call fee is due within 30 days of the invoice date. Fees that remain unpaid 30

days after the invoice date shall be considered delinquent and accrue interest at a rate of eight percent per annum.

(3) Unpaid delinquent amounts not paid by September 1 may be certified to Hennepin County for collection as a service charge as provided for in Minn. Stat. § 366.012.

(f) Appeal. A property owner or occupant may appeal any repeat service call fee imposed in the manner and timeframe provided in section 1-20.

(g) Legal remedies nonexclusive. Nothing in this section shall be construed to limit the City's available legal remedies for any violation of law which may constitute a nuisance service call hereunder, including criminal civil, administrative, injunctive, or other remedy.

Sec. 6-36. – Recovery of cost.

(a) Personal liability. The owner of any property on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, 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 is determined, the city clerk or other city official 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. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, 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 city 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 Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any 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 City Council may determine in each case.

Sec. 6-~~3537~~—6.56. - Reserved

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Plain this _____ day of _____,
2025.

Julie Maas-Kusske, Mayor

ATTEST:

Jacob Schillander, City Administrator

Published in the _____ on _____, 2025.