



Executive Summary

City Council Workshop

AGENDA ITEM:	Ordinance 343- Amending Chapter 6, Article 2 - Nuisance Violation
PREPARED BY:	Kevin Larson, Assistant City Administrator
RECOMMENDED ACTION: Discussion	

Background:

After this past summer, it became apparent that part of the City code for nuisances (chapter 6 article 2) could be amended for clarity both for residents and staff. Currently, City code does not fully define the steps, timelines, or administrative responsibilities. This can lead to procedural inconsistencies, unclear expectations for property owners, and limited documentation for Council review. Additionally, the code does not specify how repeat violations are handled, how unpaid abatement costs are applied to property taxes, or the appeals process.

Reasons for the potential changes

1. Clarity and consistency.
2. Accountability and transparency
3. Efficient enforcement and cost recovery
4. Escalation and chronic nuisance management

Proposed alterations

Updated and Expanded Definitions (Sec. 6-27)

The ordinance updates the definition of “noxious weed” to align with plants designated by the Minnesota Commissioner of Agriculture as harmful to public health, the environment, infrastructure, or property.

Defining the City Administrator’s Actions in Enforcement (Sec. 6-31)

The ordinance requires staff to investigate any written nuisance complaint within ten business days and to issue a compliance order if a nuisance is confirmed. If the order is not followed, the matter must be forwarded to the City Council for appropriate action. It also clarifies that nuisance determinations may be appealed under the procedures outlined in Section 1-20.

Abatement of nuisance by City Council. (Sec. 6-33)

Removes the verbiage of the recovery of costs. This will be addressed in Sec. 6-36.

Repeated Nuisance Violations (Sec. 6-35)

The City Code does not currently include a repeat nuisance offender provision. The ordinance establishes a Repeat Nuisance Service Call program to address properties that require multiple nuisance-related responses. After three nuisance service calls within a 24-month period, any additional responses are considered repeat calls and are subject to a fee set in the City's fee schedule. The program is designed to reduce the strain on limited City resources and ensure that the added costs of repeated enforcement are borne by the responsible property owner or occupant. The ordinance outlines key definitions, fee authority, and billing and collection procedures, including interest on delinquent invoices and the option to assess unpaid charges to property taxes. It also confirms that the City retains all other legal remedies available for nuisance enforcement.

Staff recommends setting the fee for repeat nuisance violations at twice the amount of the corresponding subsequent violation fee listed in the City's fee schedule.

Recovery of Costs (Sec. 6-36)

Currently costs may be assessed as a special assessment (Sec. 6-33). Sec. 6-36 offer alternative section that provides an explicit description regarding fees and the recovery of costs. This ordinance clarifies that property owners, or individuals responsible for creating a nuisance, are personally liable for the full cost of abatement, including administrative expenses. Once the City completes the work, a bill is issued and immediately due. If the charges remain unpaid, and the nuisance falls within statutory categories such as health or safety hazards, sidewalk snow and ice, weed overgrowth, or hazardous trees, the City may assess the costs to the property following required notice and hearing procedures. These assessments may be certified to Hennepin County for collection with property taxes.

Council Direction

Staff is looking for Council to consider amending code with these adjustments. Amending these changes to the City's nuisance enforcement framework could reinforce the City's commitment to fair, transparent, and consistent code enforcement. These updates could strengthen the City's ability to recover costs, manage repeat violations, and maintain high community standards for health, safety, and property maintenance.

Exhibits

- A. Ordinance No. 343 Amending City Code Chapter 6, Article 2 Nuisance Violation