

CITY OF MAPLE PLAIN

RESOLUTION NO. 2026-0526-02

**RESOLUTION ORDERING NUISANCE ABATEMENT ON THE PROPERTY
LOCATED AT 1409 HALGREN ROAD, MAPLE PLAIN, MINNESOTA**

WHEREAS, the City of Maple Plain (“City”) is a Minnesota municipal corporation located in Hennepin County, Minnesota; and

WHEREAS, City staff have been alerted to property maintenance issues at 1409 Halgren Road (the “Property”); and

WHEREAS, garbage, trash, rubbish, debris, or other refuse has accumulated in the open on the Property, as shown on attached Exhibit A; and

WHEREAS, Minn. Stat § 412.221, subd. 23, provides the City with the authority to define nuisances and provide for their prevention and abatement; and

WHEREAS, City Code § 6-28(7)b. declares specific conditions and acts to be a nuisance and provides that:

Each of the specific instances or incidents set forth in the following subsections are hereby declared to be a nuisance:

...

(7) Accumulations in the open (i.e. not contained within a building or any fully enclosed fence) of any of the following items or any parts or accessories thereto:

...

- b. Garbage, trash, rubbish, bottles, cans, broken glass and any other refuse on any property, including large quantities of organic debris and materials that accumulated by other than natural means, except neatly maintained compost piles.

and

WHEREAS, City Code § 6-31(b) provides that:

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.

and

WHEREAS, City staff conducted a visual inspection of the Property and photographed the condition on April 27, 2026; and

WHEREAS, City staff determined that the Property contained a nuisance violation to be addressed and provided a written Notice of Nuisance Violation on April 27, 2026, seeking compliance by May 11, 2026; and

WHEREAS, the Notice of Nuisance Violation provided the Property owner with a right to request a hearing within fourteen (14) calendar days from April 27, 2026; and

WHEREAS, the City has received no response from the Property owner since that time; and

WHEREAS, upon follow-up inspection on May 12, 2026, City staff noted that no visible improvements were made to the Property; and

WHEREAS, City Code § 6-33 addresses the abatement of nuisance by the 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.

and

WHEREAS, the Property owner was provided notice on May 19, 2026 that the matter was scheduled for a City Council hearing to be held on May 26, 2026; and

WHEREAS, City staff studied the matter, made a report, and provided other information to the City Council; and

WHEREAS, the City Council held a hearing to consider the matter on May 26, 2026; and

WHEREAS, upon approval of this Resolution, City staff will notify the Property owner that if the nuisance conditions are not corrected by **June 9, 2026**, City staff will take all necessary and prudent actions to abate the nuisance conditions on the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Maple Plain, as follows:

- (1) The Findings set forth above are expressly incorporated as if fully set forth herein.
- (2) The accumulation of debris on the Property in violation of City Code, coupled with the inability or unwillingness of the person responsible to take steps to bring the Property into compliance with City Code are a public nuisance.
- (3) City officials and staff are hereby authorized to take all necessary and prudent actions to abate the nuisance conditions located at 1409 Halgren Road and to take all necessary steps to assess the costs of such abatement on the Property for collection pursuant to City Code § 6-33 and Minn. Stat. § 429.101.

Adopted by the City Council of the City of Maple Plain this 26th day of May, 2026.

**CITY OF MAPLE PLAIN,
MINNESOTA**

Julie M. Maas-Kusske, Mayor

ATTEST:

Jacob W. Schillander, City Administrator

EXHIBIT A

