

City of Maple Plain

Administrative Policy: Nuisance Code Enforcement

05/26/26

1. Purpose

The purpose of this policy is to establish a clear, consistent, and legally compliant process for enforcing nuisance violations within the City of Maple Plain. This policy ensures enforcement aligns with Chapter 6, Article 2 of City Code, Ordinance No. 343, and applicable special nuisance procedures, while protecting public health, safety, and welfare.

2. Authority and Responsibility

The City Administrator, designated code enforcement officers, and contracted or employed law enforcement officers are responsible for enforcing nuisance regulations. These officials are authorized to inspect properties, investigate complaints, and initiate enforcement actions.

3. Definition of Public Nuisance

A public nuisance is a thing, act, or use of property that:

- Annoys, injures, or endangers the health, safety, comfort, or repose of the public;
- Offends public decency;
- Unlawfully interferes with the use of or obstructs or tends to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;
- Depreciates the value of the property of the inhabitants of the City or of a considerable number thereof; or
- In any way renders the inhabitants of the city or a considerable number thereof insecure in life or in use of property.

A public nuisance is a nuisance that impacts the community, the City at large, or an otherwise significant area of the City, such as a neighborhood. The City is not responsible for preventing or abating a nuisance that harms limited persons, such as complaints between neighbors, unless that nuisance also impacts the community as a whole.

3.1 Specific Nuisances

City Code Sec. 6-28 declares specific instances to be a nuisance. If the thing, act, or use of property is one of these instances, it is a public nuisance.

4. Enforcement Procedures

4.1 Complaint Intake and Investigation

- The nuisance process may start when staff observes a nuisance or a complaint has been submitted by residents.
- Staff shall investigate complaints within ten (10) business days.
- Documentation shall include notes, photographs, and relevant evidence.

4.2 Determination of Violation

If staff determines that a nuisance is present, the enforcement officer shall determine whether the violation follows:

- Typical Nuisance Procedure, or
- Special Nuisance Procedure (Section 5 of this policy)

4.3 Compliance Order (Typical Process)

When a nuisance is identified:

- A written compliance order shall be issued
- The order shall:
 - Describe the violation
 - Identify reasonable steps of corrective actions
 - Provide a compliance timeline in which the action must be taken (not to exceed 30 days)
- Service of the compliance order shall be made:
 - In person
 - By registered mail
 - Or by posting if owner is unknown

4.4 Appeal Process

- Property owners may appeal a compliance order within 14 days of the date of the compliance order
- Appeals are scheduled for a City Council hearing
- Council may:
 - Uphold the order
 - Modify timelines
 - Dismiss the violation
 - Order abatement

4.5 Non-Compliance

If the nuisance is not appealed within 14 days or is not corrected within the time given in the compliance order:

- The matter shall be scheduled for a City Council hearing
- Proper notice shall be provided
- Council may authorize:
 - City abatement
 - Legal action (injunction, warrant, etc.)
 - Cost recovery actions
 - Any other action permitted by law to abate the nuisance

4.6 City Abatement and Cost Recovery

If abatement is performed by the City:

- Costs shall be billed to the property owner
- Depending on the type of nuisance, unpaid costs may be:
 - Assessed against the property
 - Collected through property taxes per Minnesota Statutes Chapter 429

5. Special Nuisance Procedures

Certain nuisances are exempt from the typical process and allow expedited enforcement:

5.1 Noxious Weeds / Tall Grass

- 7-day written notice required to give property owner opportunity for self-compliance
- City may abate after 7 days without Council action
- Costs assessed to property
- Property owners may appeal within 7 days of the compliance order

5.2 Snow and Ice

- Must be removed within 12 hours after snowfall ends
- City may remove and assess costs without Council action

5.3 Immediate Hazard Abatement

- No prior notice required
- Applies to threats to life, safety, or property
- Examples:
 - Open wells
 - Downed power lines
 - Fallen trees blocking public areas
- Staff must document conditions thoroughly (photos, reports)

5.4 Hazardous Buildings

- Governed by the Hazardous and Substandard Buildings Act

- Separate legal procedures must be followed

6. Entry onto Property

City staff may enter property under the following conditions:

- Consent is obtained
- A warrant is issued
- The violation is visible from public space (plain view)
- Immediate hazard exists

7. Documentation and Recordkeeping

All enforcement actions shall include:

- Complaint records
- Inspection notes
- Photographic evidence
- Copies of notices and orders
- Proof of service
- Cost tracking (if applicable)

8. Coordination and Communication

- Staff shall coordinate with:
 - Public Works
 - Law Enforcement
 - Legal Counsel (as needed)
- Communication shall follow the City's administrative communication policy

9. Legal Remedies

This policy does not limit the City's authority to pursue:

- Criminal prosecution
- Administrative citations
- Civil actions
- Injunctive relief

10. Policy Administration

The City Administrator shall:

- Oversee implementation
- Ensure staff training
- Update procedures as needed to remain compliant with law