



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:

The suggested revisions to City for nuisances (chapter 6 article 2) further define the steps, timelines, or administrative responsibilities. Leading to procedural consistencies, clear expectations for property owners, define how repeat nuisance violations are handled, and provide details on abatement cost recovery.

Reasons for the potential changes

1. Clarity and consistency.
2. Accountability and transparency
3. Efficient enforcement and cost recovery

Follow-up questions/answers from the previous workshop.

- Can City staff abate a nuisance within a 14-day period?
 - Allowing City staff to abate a nuisance within 14 days without the Council's approval is not allowed.
- Can City staff abate a nuisance without going to the Council?
 - Unless there is an immediate (dangerous) nuisance that requires immediate abatement (open walls, downed power lines or fallen trees), staff cannot abate without it going before the Council.
- After the Council rules to abate a nuisance, can City staff enter private property?
 - City staff cannot enter a property, even to abate, without the property owners' consent or a warrant is an unreasonable search and seizure prohibited by the Constitution. The exception is if the nuisance is in plain sight.
- Is it legal to increase the rate for repeat offenders?

- Increasing the rate for repeat offenders is not allowed. This would create undue hardship.
- Can the City charge for inspections for a nuisance violation?
 - Charging a fee for inspections is not allowed for nuisance violations. The city can only charge an inspection fee if it is municipal housing maintenance code violations.
- Can the City assess owners for nuisance violations?
 - Assessments for nuisance violations are not allowed. Nuisance violations can only be collected in the form of administrative citation. The cost to abate the nuisance violation is allowed.

Proposed alterations summaries

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 (10) business days and to issue a compliance order if a nuisance is confirmed. If the order is not followed, the matter must be sent to the City Council for proper action. It also clarifies that nuisance determinations may be appealed under the procedures outlined in Section 1-21.

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

(a) Assigns a process for the abatement procedure.

1. Hearing
2. After compliance is ordered, allows for the residents to abate in a reasonable time
3. Defines injunctive relief to abate the nuisance

Also, removes the verbiage of the recovery of costs. This will be addressed in Sec. 6-36.

(b) defines the conditions that allow the City to deviate from the standard abatement procedures and defines the Cities actions following a summary abatement.

Immediate hazard abatement (Sec. 6-34)

Defines the City’s action after an immediate hazard abatement.

Recovery of Costs (Sec. 6-35)

(a) This addition defines the personal liability of the property owner for public nuisances and defines the actions of the City.

(b) defines that a public health or safety hazard recovery costs can be assessed on the following Council’s determination.

Administrative Policy: Nuisance Code Enforcement

Reasons for the policy. City staff created this policy to provide standardized enforcement procedures that protect public health, safety, and welfare while improving consistency, transparency, and legal compliance in nuisance enforcement activities. The policy also clarifies staff authority, resident rights, and administrative procedures to help reduce confusion and support effective code enforcement operations.

Purpose

The Administrative Policy for Nuisance Code Enforcement establishes a clear and consistent process for identifying, investigating, and enforcing nuisance violations within the City of Maple Plain. The policy outlines enforcement responsibilities, complaint procedures, compliance timelines, appeal rights, special nuisance procedures, abatement authority, cost recovery processes, and documentation requirements. It is intended to ensure nuisance enforcement is administered fairly, efficiently, and in compliance with City Code and applicable Minnesota law.

Council Direction

Staff is looking for Council to consider amending code with these adjustments and approving the administrative policy. 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, and support high community standards for health, safety, and property maintenance.

Exhibits

- A. Ordinance No. 343 Amending City Code Chapter 6, Article 2 Nuisance Violation
- B. Administrative Policy: Nuisance Code Enforcement