

ORDINANCE NO. _____

**CITY OF LAKEVILLE
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE OF THE CITY OF LAKEVILLE, MINNESOTA
AMENDING TITLE 4, CHAPTER 1 OF THE CITY CODE CONCERNING
HEALTH AND SANITATION: NUISANCES**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE, MINNESOTA ORDAINS:

SECTION 1. Title 4, Chapter 1, of the Lakeville City Code is hereby amended to include the following sections:

4-1-7: ABATEMENT PROCEDURE FOR OBSTRUCTION OF PASSAGE:

Whenever the City Administrator or designee determines with reasonable certainty that a public nuisance as defined in Section 4-1-1(C) is being maintained or exists on private or public property in the City, the City is authorized to abate a public nuisance according to the procedures in this chapter.

- A. Notice: The City Administrator or authorized designee has the authority to determine that a condition on a property constitutes a nuisance as defined by Section 4-1-1(C). Upon that determination, an owner of record or occupant of the premises shall be notified in writing that a public nuisance exists and that the nuisance shall be terminated or abated. The City Administrator or authorized designee shall provide the notice to the owner of record or occupant by mail, in person, or by posting the notice on the property. A failure to receive the notice does not invalidate the service of the notice. The notice shall describe the nuisance and provide ten (10) days, or a reasonable timeframe as determined by the City Administrator or designee, for the nuisance to be abated. If the nuisance is not abated within that timeframe, the City Administrator or authorized designee may issue an Order pursuant to this section. The notice must state that if the owner or occupant fails to remedy the nuisance within the time provided in the notice, the City will abate the nuisance at the expense of the owner or occupant.

- B. An Order shall be given as set forth in this subsection. The Order shall include the following:
 - 1. The nuisance shall be abated within ten (10) days of the Order, or a reasonable timeframe as determined by the City Administrator or designee.
 - 2. The Order shall identify and describe the nuisance and shall specify the steps that may be taken to abate the nuisance.

3. The Order shall state that the City will abate the nuisance and assess the costs against the property if the nuisance is not abated within the timeframe specified in the Order.
4. The Order shall be served by the City Administrator or authorized designee on the owner of record or occupant of the premises in person, by mail, or by posting the notice on the property. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept the Order, the Order shall be served by posting it on the premises. A failure to receive the notice does not invalidate the service of the notice.
5. The Order shall include a statement that the Order may be appealed to City Council by filing a written request with the city clerk before the appeal deadline which shall be the abatement deadline designated in the Order. Upon receipt of a timely appeal notice, the City Clerk shall schedule the hearing at the next regularly scheduled City Council meeting. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing.
6. If the required actions specified in the Order are not complied with, the City Administrator or authorized designee may obtain an administrative search warrant to enter the property and inspect the nuisance condition, obtain a court order permitting the City to abate the nuisance, or take any other lawful action to abate the nuisance and assess the costs as prescribed in this chapter.

4-1-8: HIGH-COST ABATEMENT:

If the City determines that the cost of abating a nuisance will exceed three thousand dollars (\$3,000.00) based on a reasonable, good faith estimate, the written notice referred to in section 4-1-7 of this chapter must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

4-1-9: ABATEMENT PROCEDURE IN EVENT OF IMMINENT DANGER:

- A. **Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Sections 4-1-7 or 4-1-8 of this chapter will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the City Administrator or designee shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The City Administrator or designee must reasonably attempt to notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Section 4-1-7 or 4-1-8 and may order that the nuisance be immediately terminated or abated. If the nuisance is not

immediately terminated or abated, the City Council may order summary enforcement, abate the nuisance, and assess the costs to the property owner as prescribed in this chapter.

- B. **Immediate Abatement.** Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

4-1-10: RECOVERY OF COST OF ABATEMENT; LIABILITY AND ASSESSMENT:

- A. The owner of premises on which a nuisance has been abated by the City 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 determined, the City Clerk or other 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. After notice and hearing, as provided in Minnesota Statutes section 429.061 (which may be amended from time to time), the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minnesota Statutes section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council shall then certify the charges against the property to the County Auditor for collection along with current taxes the following year or in annual installments as the City Council may determine in each case.

SECTION 2. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 21st day of September 2020 by the City Council of the City of Lakeville.

CITY OF LAKEVILLE

BY: _____
Douglas P. Anderson, Mayor

ATTEST:

Charlene Friedges, City Clerk