

**CITY OF JORDAN
ORDINANCE 2021-12**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 90 NUISANCES;
HEALTH AND SAFETY BY AMENDING SECTION 90.999 PENALTY**

Subdivision 1. Purpose. City Code Section 90.999 addresses penalties for violations of Chapter 90 Nuisances; Health and Safety. The City Council for the City of Jordan, Minnesota finds that amendment to City Code Section 90.999 is necessary to reflect stages of enforcement and penalties associated therewith.

Subdivision 2. Amendment. NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that Section 90.999 (D) of the Jordan City Code is hereby amended as follows:

(D) (1) If the city determines the real property owner is violation of any section of §§90.090 *et seq.*, the property owner and/or the person believed to be responsible for the nuisance shall be notified, by writing, by the Zoning Administrator to correct the violations within 15 days after the notice has been served. The notice may be served personally or by certified mail, return receipt requested, to the last known address of the property owner. The Zoning Administrator may grant in writing additional time or an exemption when bona fide efforts to correct the violations are in progress. If the correction has not been made in the opinion of the Zoning Administrator within the time period granted by the Zoning Administrator, and in the Zoning Administrator's opinion sufficient time has been given to correct the violation, the City Administrator shall notify the owner and/or the person believed to be responsible for the nuisance of the Zoning Administrator's determination of a continued violation and the imposition of an administrative penalty in the amount set by Council for each day thereafter that the nuisance remains, as a separate offense shall be deemed committed upon each day during which a violation occurs or continues. The written notice shall inform the recipient of his/her right to appeal an administrative penalty under division (D)(2). The notice may be served personally or by certified mail, return receipt requested, to the last known address of the property owner and/or person believed to be responsible for the violation.

(2) A person notified of the imposition of an administrative penalty pursuant to division (D)(1), may request a hearing before the City Council by submitting a notice of appeal to the City Administrator within 20 days of receipt of written notice of administrative penalty. Following a timely receipt of a written notice of appeal, the person shall be afforded an opportunity for a hearing before the City Council. The City Council may affirm, adjust, or waive the administrative penalty. The administrative penalty shall be effective beginning on the date the property owner and/or person believed to be responsible for the violation receipt of the written notification from the City Administrator and continuing until violation is eliminated/resolved to the City's satisfaction, unless adjusted or waived by City Council at the conclusion of an appeal.

(3) In addition to the city's authority under division (D)(1), if the violator has not corrected the condition to the satisfaction of the city within 15 days after receiving the warning notice from the Zoning Administrator pursuant to division (D)(1), the city may remove or cause to be removed the vehicle or other personal property which constitutes the violation, and charge the vehicle owner or vehicle operator, landowner and/or building contractor responsible for the condition the cost of the removal, plus the cost of storage or disposal of

the items or times which constituted the violation. If the assessed costs set out in this division are not paid within 30 days after billing by the city, the city reserves the right to assess the costs against the real property on which the violation occurred, on the next real estate tax assessment roll following the violation.

(4) Any violator who is served a warning notice from the Zoning Administrator under division (D)(1) above, who responds to the notice by moving the item which is in violation to a new location within city limits which is also in violation of §§90.090 *et seq.*, shall be considered to be in continued violation, and the original 15-day warning notice grace period shall continue to run in the same manner as if the violator has not moved the item from the original location.

(5) If after the City Administrator has provided written notice of the imposition of an administrative penalty and the appeal period has expired or the administrative penalty was either affirmed or adjusted by the City Council at the conclusion of a timely appeal, and the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected within thirty (30) days the expiration of the time to request an appeal hearing or after the date of the appeal hearing, the city, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation. Any person violating any provision of §§90.090 *et seq.* may be charged with a misdemeanor. A separate misdemeanor shall be deemed to have been committed upon each day during which a violation of the Code occurs or continues.

Subdivision 3: Effective Date. This ordinance is effective immediately following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this ____ day of _____, 2021.

Mike Franklin, Mayor

ATTEST:

Tom Nikunen, City Administrator