

ORDINANCE 2005-Or-____
By Benson, Niziolek and Zerby

Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Nuisances Generally: Public Nuisances.

The City Council of the City of Minneapolis do ordain as follows:

That Section 227.100 of the above entitled ordinance be amended to read as follows:

227.100. Abatement of offensive conditions and vegetation. (a) When there exists on private property a condition which is in violation of section 227.90, a notice to remove the offensive matter or correct the nuisance condition shall be served by the chief of police, the chief of the fire department, director of inspections, commissioner of health, or their authorized representatives, upon the owner. Such notice may be served personally or may be served by mail. Such notice shall describe the matter to be removed and require removal thereof within three (3) days not to include Saturdays, Sundays or holidays following service of the notice. If at the end of said three (3) days following service of such notice the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition.

(b) For properties in which there have been two (2) or more notices issued to remove offensive matter or to correct nuisance conditions within the prior twelve (12) month period, compliance with section (a) shall not be required. For these properties, the second notice issued within a twelve (12) month period shall contain a general notice that the city may abate future violations of section 227.90 without providing additional specific notice of the violation. This general notice shall remain in effect for twelve (12) months from the date it is sent. This notice shall inform the owner that the costs incurred by the city will be assessed pursuant to the procedure set forth by this ordinance.

(c) Whether notice was provided pursuant to section (a) or section (b), All costs, including an administrative fee of seventy-five dollars (\$75), incurred by the city for the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one sum or by up to ten (10) equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this section. In cases where there have been ~~two (2)~~ one (1) authorized removals of offensive conditions and/or vegetation at a given site within any twelve-month period, the ~~third~~second and subsequent abatement assessments shall have a double administrative fee until such time as no authorizations are required for a period of twelve (12) months.

(d) When the city causes the correction or removal and disposition of a nuisance under this section, the chief of police, ~~the chief of the fire department,~~ director of inspections, commissioner of health, or their authorized representatives shall mail to the owner a notice of intent to assess the costs of said action. Such notice shall state the amount and basis for the costs and the time, date and place of a hearing before a hearing officer appointed by the council to determine the validity and amount of the proposed assessment. The notice may require, as a prerequisite to an owner's challenge of an assessment, that the owner file written objections to the assessment no later than ~~ten (10)~~ fifteen (15) days before the hearing. The notice shall state that the owner may appeal the assessment to the district court within thirty (30) days after the adoption of

the assessment by the council at an annual meeting. The notice shall also inform the owner of the provisions of Minnesota Statutes Sections 435.193 to 435.195 and of the existence of any deferment procedure.

(e) "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or, if none, the person listed as owner by the city assessor on the homestead record, or, if none, the taxpayer as shown by the records of the city assessor.