

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-203

**AN ORDINANCE ADDING A NEW SECTION 11.02 TO THE LAKE ELMO CITY
CODE REGARDING SPECIAL ASSESSMENTS FOR SERVICES, ADDING A NEW
SECTION 11.03 TO THE LAKE ELMO CITY CODE REGARDING CHARGES FOR
EMERGENCY AND OTHER SERVICES, AND AMENDING CHAPTER 96 OF THE
LAKE ELMO CITY CODE RELATED TO NUISANCE ABATEMENT**

SECTION 1. The City Council of the City of Lake Elmo hereby adds a new Section 11.02 to the City Code which shall read as follows:

§ 11.02 CURRENT SERVICES; PERSONAL LIABILITY; SPECIAL ASSESSMENTS.

(A) *Authority.* This section is adopted pursuant to Minnesota Statutes Section 429.101.

(B) *Application.* This section applies to the following City services:

- (1) Snow, ice, or rubbish removal from sidewalks;
- (2) The repair of sidewalks and alleys;
- (3) Weed elimination from streets or private property;
- (4) Removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Sections 463.15 to 463.26;
- (5) Installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (6) The trimming and care of trees and the removal of unsound trees from a street;
- (7) The treatment and removal of insect infested or diseased trees on private property;
- (8) The operation of a street lighting system;
- (9) The operation and maintenance of a fire protection system;
- (10) The operation and maintenance of a pedestrian skyway system;
- (11) Inspections relating to a City housing maintenance code violation;
- (12) The recovery of any disbursements under Minnesota Statutes Section 504B.445, subdivision 4, clause (5), including disbursements for payment

of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in Minnesota Statutes Section 504B.445, subdivision 4, clause (2); and

- (13) The recovery of delinquent vacant building registration fees under a City program designed to identify and register vacant buildings.

(C) *Personal liability.* Except as otherwise provided by law, the owner of property on which or adjacent to which a current service has been performed under this section, is personally liable for the cost of the service. As soon as the service has been completed and the cost is determined, the Finance Director or other designated City official will prepare a bill and mail it to the owner and thereupon the amount will be due and payable in the office of the Finance Director.

(D) *Assessment.* On or before September 15th of each year, the Finance Director will list the total unpaid charges for current services against each separate lot or parcel to which they are attributable to under this section. The City Council may then levy the unpaid charges against the property as a special assessment under Minnesota Statutes Section 429.101 and other pertinent statutes, for certification to the county auditor, and collection along with current taxes the following year or in annual installments, not exceeding 10, as the Council determines.

SECTION 2. The City Council of the City of Lake Elmo hereby adds a new Section 11.03 to the City Code which shall read as follows:

§ 11.03 CHARGES FOR EMERGENCY SERVICES; COLLECTION; COLLECTION OF UNPAID SERVICE CHARGES AND FEES.

(A) *Authority.* This section is adopted pursuant to Minnesota Statutes Sections 415.01, 366.011, and 366.012.

(B) *Charges for emergency services; collection.* The City may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the City or contracted for by the City. If the service charge remains unpaid for 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the City or its contractor on behalf of the City may use any lawful means allowed to a private party for collection of an unsecured delinquent debt. The City may also use the authority of Section 11.03 (C) to collect unpaid service charges of this kind from delinquent recipients of services who are owners of taxable property in the City, or areas served by the City for emergency services.

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a City to impose a service charge or assessment for a service provided by the City or contracted for by the City.

(C) *Collection of unpaid service charges and fees.* If the City is authorized to impose a service charge or fee on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the City, the City may certify to the county auditor, on or before October 15th for each year, any unpaid service charges or fees which shall then be collected together with property taxes levied against the property. A charge or fee may be certified to the auditor only if, on or before September 15th, the City has given written notice to the property owner

of its intention to certify the charge or fee to the auditor. The service charges or fees shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to any other law authorizing the collection of unpaid costs and service charges or fees.

SECTION 3. The City Council of the City of Lake Elmo hereby repeals Sections 96.11 and 96.12 of the City Code in their entireties.

SECTION 4. The City Council of the City of Lake Elmo hereby adds a new Section 96.11 to the City Code which shall read as follows:

§ 96.11. NUISANCE ABATEMENT PROCEDURE.

(A) *Notice.* Whenever the City determines that a public nuisance is being maintained or exists on a premises in the City, the Building Official or his or her designed representative, after consulting with the City Administrator, may abate the nuisance after providing written notice to the affected record property owner.

(1) The notice shall be given to the affected record property owner by U.S. Mail or personal delivery. Refusal by the recipient to accept the notice shall not constitute a defense that the notice was not received. If the record owner is not able to be found, the City shall attach a copy of the notice or a door hanger with the same information to main entrance door of the principal structure on the property. The notice shall state the following information:

- (a) The date;
- (b) The address or legal description of the property;
- (c) A description of the nuisance and the section or sections of the City Code which was/were violated;
- (d) The steps to be taken in order to abate the nuisance;
- (e) The date by which the nuisance must be abated (grass and weed violations must be abated within five calendar days from the date of the notice);
- (f) That if the nuisance is not abated by the date stated, the City will abate the nuisance and the costs incurred by the City will be charged, and if left unpaid, will be certified to the county auditor for collection with property taxes or specially assessed;
- (g) That the recipient has the right to request a hearing before the City Council and the date the hearing request must be made by; and
- (h) A description of the penalties that may apply if the condition is not corrected.

(B) *Abatement*. If the nuisance is not abated by the date stated in the notice and no hearing has been requested, the City may abate the nuisance. City staff must keep a record of the total cost of the abatement attributable to the property and report the information to the City Administrator.

(C) *Abatement charges*. When the abatement has been completed and the cost determined, the City shall prepare a bill and mail it to the record owner and thereupon the amount shall be immediately due and payable. If the record owner fails to pay the bill, the total charges may be certified by the City to the county auditor for collection with property taxes as set forth in Section 11.03 (C) of this code or specially assessed in accordance with Minnesota Statutes Sections 429.101 and 429.061, whichever may be applicable.

(D) *Emergency abatement*. Nothing in this subchapter shall prevent the City, without notice or other process, from immediately abating any nuisance condition in an emergency situation which poses an imminent and serious hazard to the public health, safety, or welfare. To proceed with immediate abatement, the City official shall determine that a public nuisance exists or is being maintained on the premises and that delay in abatement will unreasonably endanger the public health, safety, or welfare. If at all possible, the City official shall attempt to notify the record owner of the nature of the nuisance and the abatement prior to the abatement. If notification prior to abatement is not possible, the City official shall notify the record owner as soon as practicable after abatement.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-203 was adopted on this 20th day of March 2018, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

This Ordinance 08-203 was published on the 11th day of April, 2018.