

NOTICE OF AGENDA

CITY COUNCIL WORKSHOP

[City of Forest Lake - Livestream and Recorded Meetings](#)

Forest Lake City Center – Community Room 2nd Level
Forest Lake, Minnesota

October 16, 2023 - 6:30 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Open Forum - Citizen Petitions, Requests and Concerns
The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.
5. Public Facilities Use (*Under Separate Cover*)
6. Public Nuisances, Abatement and Administrative Citation
7. Refuse Hauler Contract Renewal
8. Holiday Bridge Lighting Update
9. Adjourn

MEMO

TO: Forest Lake City Council
FROM: City Attorney Amanda Johnson
DATE: October 16, 2023
RE: Council Work Session on Code Enforcement and Public Nuisances

As you may recall, in June 2023, Council directed me to update and modernize the City's nuisance, property maintenance and code enforcement ordinances, as well as include administrative citations as an additional tool for code enforcement. Since that time, I have researched City Code and related state statutes, drafted new ordinances for your consideration, and met with City Staff multiple times to get feedback and revise the proposed language.

Tonight, I will be looking for Council's feedback on the proposed ordinances. During the meeting, I will walk you through the proposed language and highlight several areas where Council needs to make various policy decisions. Please see comments throughout the draft ordinance for areas requiring extra Council attention.

I am not necessarily recommending all the language in this draft ordinance. There are areas where I have included draft language as a starting point for your discussion and not necessarily the final product. In addition, this is a draft ordinance, meaning final clean-up, grammar, and organization has not been completed.

After I have incorporated all the changes you request during the meeting, the final ordinance will be brought to a Council meeting before the end of 2023 for an official public hearing and consideration. Staff's goal is to have the ordinance in place by January 1, 2024, so that we can build out the code enforcement program starting in 2024.

Enclosure:

- Draft Ordinance

**CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA**

ORDINANCE NO. _____

The City Council of the City of Forest Lake does ordain:

SECTION 1. REPEAL AND REPLACE. Forest Lake City Code Section 10.20 is hereby repealed and replaced as follows:

§ 10.20 Enforcement and Inspections.

A. Enforcement.

1. Any licensed peace officer of the City’s Police Department, or the County Sheriff, or any Deputy Sheriff, shall have the authority to enforce any provision of this code.
2. The following individuals designated in this section, or their designee, shall have the authority to administer and enforce the provisions of this code:
 - a) Building Official;
 - b) City Administrator;
 - c) City Clerk;
 - d) Code Enforcement Officer;
 - e) Community Development Director;
 - f) Community Service Officer;
 - g) Fire Chief, Fire Inspector, Fire Marshal; and
 - h) Public Works Director.

For the purposes of clarity, these individuals shall hereafter be referred to as “Enforcement Officer.”

B. Inspections. Any City official or employee designated by this code who has the responsibility to perform a duty under this code may, with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

C. Inspection of buildings and premises.

1. *General rule.* For the purpose of safeguarding the health and safety of the general public and the occupants of any building, or to determine compliance with the code,

an order, permit, or license, it is the duty of any authorized officer to conduct inspections to determine and document the condition of the buildings and premises located within the City. For the purpose of making the inspection, the authorized officer is authorized to enter, examine and survey the building or premises at all reasonable times.

2. *Notice.* Prior to making the inspection, the authorized officer will inform the occupants of the building or premises to be inspected of the date and time of the inspection by personal service or regular mail postmarked not less than 72 hours prior to the time the inspection is made.
 3. *Access.* After the written notice has been given, the owner, occupant or operator of the building must give the authorized officer free access to the building and its premises, for the purpose of inspection, examination or survey, provided that the inspection, examination or survey must not have for its purpose the harassment of the owner or occupant and the inspection, examination or survey is made so as to cause the least amount of inconvenience to the owner or occupant.
 4. *Emergency Access.* The authorized officer must be allowed immediate entry:
 - a) At any time when in the opinion of the authorized officer an actual emergency tending to create an immediate danger to public health and safety exists; or
 - b) At any time when the owner or occupant requests an inspection.
- D. *Application for search warrant.* Upon a refusal of any owner or occupant to permit the authorized officer access to a dwelling, dwelling unit or premises to make an inspection, and upon a belief of probable cause that the dwelling, dwelling unit or premises does not conform to the requirements of this code, the authorized officer may make application to the appropriate court for an order or warrant directing the inspection and search of the dwelling, dwelling unit or premises for its conformity to the requirements of this code, and any evidence or information from the inspection or search may be used in any court proceedings.
- E. *Interference with official duties.* It is unlawful for any person to prevent, delay or interfere with representatives of the City while they are engaged in the performance of his or her duties.
- F. *Reinspection Fees.* The City may charge a reinspection fee for violations of any ordinance related to buildings and premises. Failure to pay the reinspection fee may result it in being assessed against the property as provided in Minn. Stat. Chapter 429, as it may be amended from time to time.

SECTION 2. REPEAL. Forest Lake City Code Section 10.98 is hereby repealed.

SECTION 3. REPEAL. Forest Lake City Code Chapter 131 is hereby repealed.

SECTION 3. ENACTMENT. Forest Lake City Code Title III, Chapter 36 is hereby enacted.

CHAPTER 36: ADMINISTRATIVE CITATIONS.

§ 36.01 PURPOSE AND AUTHORITY.

- A. *Purpose.* The Forest Lake City Council seeks to offer an alternative method of enforcement for City Code violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in City Code violations, including, but not limited to, neighborhood concerns, livability issues, economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense.

In addition, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not always the most effective or appropriate solutions to address City Code violations.

- B. *Authority.* Pursuant to the authority provided in Minn. Stat. §§ 412.221, subd. 23, 24, 26 and 32, the City Council finds that an alternative enforcement process is necessary to protect the health, safety, order, convenience and general welfare of the citizens of the City. It is the City Council's intent to create a process for the use and imposition of administrative civil penalties that will provide the public and the City with a more effective alternative method for addressing City Code violations.

§ 36.02 ALTERNATIVE METHODS OF ENFORCEMENT.

A violation of the City Code is a misdemeanor pursuant to City Code Ordinance No. 557; however, this section seeks to gain compliance with the City Code as an alternative to the commencement of any formal civil or criminal court action. The administrative civil penalties proceedings are in addition to any other legal or equitable remedy available to the City for City Code violations. The City may, in its discretion, choose not to issue an administrative citation and may initiate criminal charges, abatement, or civil proceedings instead.

- A. *Authority to issue compliance letters and administrative citations.* Any employee or agent enumerated in City Code § 10.20 or any duly authorized representative thereof is authorized to issue compliance letters and administrative citations for violations of the City Code.

- B. *Compliance letter.*

1. *Contents of compliance letter.* If a City employee or agent determines that a City Code violation has occurred, the City shall issue a compliance letter. The compliance letter shall contain the following information:

- a) A legal description or address of the property on which the City Code violation has occurred;
- b) The nature of the violation, including a reference to the appropriate City Code section;

- c) A compliance deadline, providing a reasonable time for compliance based on the nature of the violation; and
 - d) A statement that failure to correct the violation may result in the imposition of an administrative citation, including a civil penalty and stating the amount of the penalty as provided in the fee schedule.
2. *Service of compliance letter.* The compliance letter may be served on the offender by certified mail, regular mail sent to the last known legal address, by personal service or by posting a copy in a conspicuous place in or about the building or property affected by the letter.
 3. *Reasonable extensions.* Following service of the compliance letter, the City shall attempt to work to resolve the violation, including, but not limited to, offering reasonable extensions for compliance.
 4. *Exceptions to issuance of a compliance letter.* For violations of any of the following sections, the City shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in paragraph C below.
 - a) Repeat offender. If the same offender commits a subsequent violation within 12 months after a compliance letter has been issued for a same or similar offense.
 - b) License violations. For any license violations, including, but not limited to, not having a license.
 - c) Fire prevention violations. For violations of Chapter ____.
 - d) Animal violations. For any violation of Chapter ____.
 - e) Traffic or parking violations. For traffic or parking violations issued under Chapter ____.
 - f) Noise violations. For any violation of City Code § _____.
 - g) Failure to follow a stop work order issued by the City Building Official.
 - h) Emergency situations. When a condition exists that requires immediate action to protect the public health, safety and welfare.

C. *Administrative citation.*

1. *Generally.* Upon the failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the City, or for any offense for which a compliance letter is not required, the City may issue an administrative citation. The administrative citation shall be served by certified mail, regular mail or by personal service and shall contain the following information:
 - a) A legal description or address of the property on which the City Code violation has occurred;

- b) Reference to the City Code that is alleged to be violated;
- c) The amount of the administrative civil penalty for the specific City Code violation, which shall be due and payable to the City within 30 days of the date the citation is mailed or personally served;
- d) A statement that the violation must be corrected or a subsequent administrative or a criminal citation may be issued;
- e) A statement that the City Code violation and the amount of the administrative civil penalty may be contested to be heard before an independent hearing officer by notifying the City Clerk in writing within 10 calendar days after the citation was mailed or personally served; and
- f) A statement that failure to pay the administrative civil penalty may result in it being assessed against the property as provided in Minnesota Statute Chapter 429, as it may be amended from time to time.

2. *Payment of penalty and correction of violation.* If the offender pays the administrative civil penalty and corrects the City Code violation, no further action will be taken for that same violation.

3. *Payment of penalty without correction of violation.* If the offender pays the administrative civil penalty but fails to correct the City Code violation, the City may issue a subsequent administrative citation, initiate criminal proceedings or initiate any other proceedings or remedies available in order to enforce correction of the City Code violation.

4. *No payment of penalty and no correction of violation.* If the offender fails to pay the administrative civil penalty and fails to correct the City Code violation, the City may do any of the following, or any combination thereof:

- a) Assess the administrative civil penalty against the property pursuant to Minnesota Statute Chapter 429, as it may be amended from time to time;
- b) Issue a subsequent administrative citation, thereby commencing a new administrative penalty process;
- c) Initiate criminal proceedings; and/or
- d) Initiate other enforcement action authorized by law.

5. Failure to pay an administrative citation for which the costs cannot be assessed shall be a misdemeanor.

D. *Contesting the administrative citation.* An offender receiving an administrative citation may contest the alleged City Code violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the offender must notify the City Clerk in writing within 10 calendar days after the citation is mailed or personally served, stating that the offender contests the alleged violation, the amount of the penalty or both and pay a non-refundable filing fee as established by the City's Fee Schedule.

1. *Administrative citation hearing.*

- a) *Scheduling the hearing.* After receipt of the written notice to contest the citation as provided in paragraph D above, the City Clerk shall schedule a hearing before an independent hearing officer, which will be held within 60 calendar days, unless otherwise agreed to in writing by the parties. The City Clerk shall notify the owner of the date, time and location of the hearing.
- b) *Independent hearing officer.* An independent hearing officer from the office of administrative law judges shall preside over the administrative citation hearing.
- c) *Conduct of the administrative citation hearing.*
 - i. At the hearing, both parties may be represented by counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply.
 - ii. The hearing officer shall receive and give weight to the evidence, including hearsay evidence.
 - iii. The hearing shall be recorded and a full record of the proceedings shall be maintained by the City according to its data retention schedule.
 - iv. Authority of hearing officer. The independent hearing officer has the authority to do any of the following, or a combination thereof:
 - (a) Make a finding that a violation has occurred;
 - (b) Reduce, stay or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions;
 - (c) Require compliance with the City Code within a specified time frame; and/or
 - (d) Make a finding that no violation has occurred and dismiss the administrative citation.
- d) *Decision and order.*
 - i. The hearing officer may announce a decision at the conclusion of the hearing or may take the matter under advisement.
 - ii. The hearing officer shall issue a decision in the form of an order and shall serve a written copy of the order upon the parties no later than 10 calendar days after the hearing.
 - iii. Any administrative civil penalty that the independent hearing officer

imposes must be paid to the City within the time frame established in the order. If no date is specified, it must be paid within 30 days of the hearing officer's order.

- iv. If the administrative civil penalty is not paid, the City may assess the civil penalty against the owner's property pursuant to Minnesota Statute Chapter 429, as it may be amended from time to time.
- v. If the hearing officer determines that no violation occurred, then the City may not proceed with criminal prosecution for the same act or conduct.

e) *Finding of violation.* If the violation is upheld, then the offender must reimburse the City for the cost of the hearing, not to exceed the amount established in the City's Fee Schedule.

f) *Failure to appear.* Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the offender fails to appear, the administrative citation shall be sustained and the fee for the cost of the hearing shall be imposed. If the City fails to appear, the administrative citation shall be dismissed and the City shall refund the filing fee.

2. *Appeal.* The hearing officer's decision is final and may only be appealed to the Minnesota Court of Appeals.

E. *Schedule of administrative civil penalties.*

- 1. The City shall adopt a fee schedule of administrative civil penalties for City Code violations by resolution.
- 2. The maximum amount of an administrative civil penalty may not exceed twice the maximum fine authorized by state law for misdemeanor offenses or the maximum fine authorized by state law for an administrative process.

SECTION 5. REPEAL AND REPLACE. Forest Lake City Code Title IX, Chapter 96 is hereby repealed and replaced as follows:

CHAPTER 96: NUISANCES; ABATEMENT AND ENFORCEMENT

§ 96.01 DEFINITIONS.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subdivision, except where the context clearly indicates a different meaning:

Abandoned, junk, or unauthorized motor vehicle. A motor vehicle as defined in Minn. Stat. § 168B.011, Subd. 2, Subd. 3, or § 168B.04, Subd. 2.

Abatement. Includes, but is not limited to the removal, stoppage, extermination, eradication, cleaning, cutting, mowing, grading, repairing, draining, securing, barricading, fencing, demolishing or destroying that which causes or constitutes a nuisance.

Annoyances. Any condition that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public.

Compliance deadline. Either 48 hours after the notice is received or posted or such other date by which the nuisance must be removed, as specified in the notice.

Emergency abatement. The abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair or other acts without notice to the owner, agent or occupant of the property except for the notice required by this Code.

Enforcement officer. Any employee or agent enumerated in City Code § 10.20 or any duly authorized representative thereof.

Garbage. Junk, trash, refuse, rubbish, litter, rubble, paper discarded articles, debris or matter of any kind or form not cared for, discarded, abandoned or not concealed within an enclosure.

Obstructions. Objects or conditions that interfere with, endanger or prevent the ordinary or safe use of any property including public right-of-way.

Owner. Any person shown to be the property owner of record.

Property. Any real property, premises, structure or location on which a public nuisance is alleged to exist.

Public nuisance or nuisance. Whoever by act or failure to perform a legal duty maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

Responsible party. Any one or more of the following:

1. Agent;
2. Contract for deed holder;
3. Mortgagee or vendee in possession;
4. Lessee; or
5. Other person, firm or corporation exercising apparent control over a property.

Unsheltered storage. Includes but is not limited to: machinery, implements, equipment, or personal property, worn out or discarded material, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public.

§ 96.02 PUBLIC NUISANCES, GENERALLY.

A. *Public nuisances.* Public nuisance includes, but not limited to, the following:

1. Violations of City Code Chapter 99 and 153.096 (relating to animals);
2. Violations of City Code § 153.256 (public health);
3. Violations of City Code § 153.147 (fences);
4. Violations of City Code § 153.205 – 153.211 (sign regulations);
5. Violations of City Code § 130.10 (graffiti);
6. Violations of City Code Chapter 151 (stormwater management);
7. Violations of City Code § 153.257 (refuse);
8. Violations of City Code § 153.259 (hazardous waste);
9. Violations of City Code § 153.260 (vehicles);
10. Violations of City Code § 153.261 (outdoor wood boiler systems);
11. Grass or weeds that have grown to a height of eight or more inches or that have, or are about to go to seed, except fields of prairie grasses, lots under construction or otherwise excepted by the City or State laws;
12. Direct sky-reflected glare directed into any adjoining property where the bare lightbulb is in view of public property or street; and
13. Any fence, wall, shed, deck, house, garage, building, structure, tree, pole, smokestack, excavation, hole, pit, basement, cellar, sidewalk, dock, lot, land, yard, premises or location which by reason of the condition in which it is found or permitted to be or remain, does or may endanger the health, safety, or property of the general public.
14. Failure to stop work after receiving a stop work order from the City Building Official.

§ 96.03 PUBLIC NUISANCES: OBSTRUCTIONS.

A. *Public nuisances: Obstructions.* Including, but not limited to:

1. Snow and ice not removed from public sidewalks within 24 hours after its accumulation.
2. Rain, ice or snow or wastewater falling or flowing from buildings or private property, including but not limited to sump pump discharge, onto public property, except gutters, drainage ways and storm sewers.
3. Signs, awnings, vegetation or other objects located on private property that are not constructed and maintained as required by law that prevent persons from having a clear view of all traffic approaching an intersection, or that overhang and obstruct public property.

4. Digging, excavating, adding fill, or doing any act that alters or effects the drainage of property or alters or effects flows of the public storm sewer and drainage ditch system, except in accordance with the regulations of the City.
5. Depositing snow into or across the right-of-way.
6. Excessive or unreasonable amounts of otherwise lawful parking that causes the unsafe narrowing of traffic lanes.

§ 96.04 PUBLIC NUISANCES AFFECTING PUBLIC HEALTH.

A. The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food matter;
2. Diseased animals running at large;
3. Pools or other water features of stagnant water;
4. Accumulations of manure, refuse or other debris;
5. Garbage cans, containers or dumpsters that are not rodent-free or fly-tight or are maintained as to constitute a health hazard or emit foul and disagreeable odors;
6. All noxious weeds upon public or private property;
7. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
8. Create odors or smells which are offensive or obnoxious, create a detrimental effect on the property of another or unreasonably interfere with the enjoyment of health, safety, peace, comfort or property of the public.
9. Unnecessary and annoying vibrations;
10. Any use that discharges through evaporation into the atmosphere, on the soil surface or in the subsoil, within or beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business and
11. Permitting, suffering, maintaining or failing to remove any offensive, nauseous, hurtful, dangerous or unhealthy condition resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid, or thing upon one's premises, or dropping, discharging, passing, depositing or otherwise delivering the same upon the premises of another or public property.

§ 96.05 UNSHELTERED STORAGE.

A. *Unsheltered storage and clutter.* No person may place, permit, store, allow, maintain or leave machinery, implements, equipment, clutter, debris or personal property or unsheltered storage upon an open space area of any premises located anywhere in the City.

1. *Exceptions.*

- i. Agricultural areas
- ii. Rezoned areas (MXR-1)
- iii. During construction activities when there is an active building permit on file with the City.

B. *Firewood storage.* No person shall keep or store wood or allow wood to be kept or stored outside on property owned or controlled by that person on a residential property, unless said wood is kept or stored as follows:

1. In neat and secure stacks which shall not exceed a maximum of four stacks with a total combined volume not exceeding 5 feet high by 10 feet wide by 25 feet long.
2. Unless screened by a solid fence or wall, stacks shall not be closer than 5 feet from the property line.
3. The wood stacks shall not be infested or inhabited with rats, rodents, vermin, or insects noxious or dangerous to persons or property.
4. The wood shall not be stored or kept in the front yard or yard that is commonly considered the front yard of any lot.
5. Temporary storage of logs for up to 30 days outside of the required areas of setback from the property lines and street is allowed for the purpose of cutting and splitting logs to a size usable in the residence's wood burning device.

§ 96.06 ABANDONED, JUNK OR UNAUTHORIZED MOTOR VEHICLES.

No person shall place, park, permit to remain, store or leave upon an open area of any premises located anywhere in the City any abandoned, junk or unauthorized vehicle for more than 7 days.

A. *Exceptions.*

1. In the business, mixed use, and industrial zoned districts, abandoned, junk or unauthorized vehicles may remain for more than 7 days provided they are adequately screened. Adequate screening will require the keeping of the vehicles within a building, tight fence at least 5 feet in height, or within an earth-toned or neutral colored opaque cover that was specifically designed and manufactured for that purpose and which completely encloses such vehicle and stored at least 100 feet from a public highway or residential building.
2. In the agricultural zoned district:

- B. *Removal and disposal.* If a vehicle fails to meet any of the above requirements, the owner or possessor of the vehicle will be responsible to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within 10 business days of receipt of a written demand by the City. In the event the owner or possessor of the vehicle cannot be located, then it will be the responsibility of the owner of the premises to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within 10 business days of receipt of the written demand by the City.
- C. *Impoundment of vehicles.* The City may take into custody and impound any vehicle or vehicles in violation of this section, following the expiration of the notice.
- D. *Disposition of impounded vehicles.* In all cases of impoundment described above, the City shall serve notice on the owner of the property pursuant to Minn. Stat. § 168B.06. The owner or lienholder may reclaim the vehicle pursuant to Minn. Stat. § 168B.07. If the vehicle is not reclaimed, it may be disposed of at auction or sale pursuant to Minn. Stat. § 168B.08.

§ 96.08 BUILDING MAINTENANCE AND APPEARANCE.

- A. *General Rule.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they: are unsightly; decrease adjoining landowners and occupants' enjoyment of their property and neighborhood; and adversely affect property values and neighborhood patterns.
- B. *Standards.* A building, fence or other structure is a public nuisance if it does not comply with the following requirements:
 - 1. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.
 - 2. Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20 percent of:
 - a. Any one wall or other flat surface; or
 - b. All door and window moldings, eaves, gutters and similar projections on any one side or surface.
 - 3. No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.
 - 4. Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.
 - 5. Cornices, moldings, decorative trim, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.

6. Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.
7. Chimneys, antennae, air vents and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.
8. Decks, landings, platforms, porches, and other similar architectural elements must be structurally sound and in good repair.

§ 96.09 VIOLATIONS.

- A. No person shall, directly or indirectly or by omission, create a nuisance. Violations of this chapter shall be deemed to be a public nuisance subject to abatement pursuant to City Code § _____, or an administrative citation pursuant to City Code § _____, or a criminal prosecution pursuant to City Code § _____, or by any other remedy available at law.
- B. No responsible party shall allow a nuisance to remain upon or in any property, structure or vehicle under that person's control.

§ 96.07 ABATEMENT.

- A. *Emergency abatement.* Whenever the City is made aware of the existence of a public nuisance, the City will inspect the property on which it is alleged that such a public nuisance exists. Should the enforcement officer determine that a public nuisance exists and that the public health, safety or welfare may be in immediate danger, then emergency abatement procedures will be implemented and the City may cause the nuisance to be removed or abated. When an Enforcement Officer authorizes emergency abatement, notice to the owner, agent or occupant of the property is not required. Following emergency abatement, the City will post a notice on the property describing the action taken to abate the nuisance.
 - a. *Special requirements for snow and ice removal.* The City recognizes that the accumulation of snow and ice on public sidewalks presents a public nuisance that is an immediate danger to public health, safety and welfare. Therefore, no prior notice will be provided in the event the City needs to abate snow or ice removal. In addition, notice will not be posted on the property, but rather mailed to the property owner along with the abatement invoice.
- B. *Abatement notice.* If, after inspecting and documenting the property, the enforcement officer declares the existence of a public nuisance, but the nature of the nuisance is not such as to require emergency abatement of the nuisance, then the general abatement procedures will be followed.
- C. *General Abatement Procedures.*
 1. In cases where emergency abatement of a public nuisance is not required, the enforcement officer will serve a notice on the owner or responsible party, by regular mail, or by personal service, ordering the owner or responsible party to remove the public nuisance. The notice will contain the following information:

- a. Address of the property where the nuisance is located;
 - b. The nature of the nuisance to be abated;
 - c. A statement that in the event the owner or responsible party does not comply with the notice, the necessary work may be performed by the City;
 - d. A statement that if the owner or responsible party does not pay for the expense, the cost of the work will be assessed against the property; and
 - e. A compliance deadline.
2. The notice will require that the public nuisance must be removed within 48 hours after the date of receipt of the notice, unless another compliance deadline is stated.
 3. If the owner of the property or responsible party cannot be found, the notice will be posted on the property for a period of 48 hours, after which period the City may perform any necessary work. Notice by regular mail and notice by posting may be done simultaneously.

C. Disclosure of responsible party.

1. Upon the request of the enforcement officer, an owner or responsible party shall disclose the name of any other owner or responsible party known. This shall include the person for whom he or she is acting, from whom he or she is leasing the property, to whom he or she is leasing the property, or with whom he or she has any conveyancing contract.
2. An owner or responsible party shall, upon the request of the enforcement officer, provide the officer with access to all interior portions of any occupied or unoccupied building in order to permit the officer to make a complete inspection.

D. Authority to abate.

1. The enforcement officer is authorized to enter in or upon the premises or structure for the purpose of enforcing and ensuring compliance with the provisions of this section.
2. If the public nuisance has not been removed or resolved by the compliance deadline, the City has the authority to enter upon the property and abate the public nuisance. In abating the nuisance, the City may go to whatever extent necessary to complete the abatement of the public nuisance, including obtaining a court order. The City may call upon any of the City departments or divisions for whatever assistance is deemed necessary or may by private contract cause the abatement of the public nuisance.
3. If any material derived from the abatement is salvageable, and no notice of appeal is received by the City pursuant to subdivision ___ below, the City may sell or otherwise dispose of the salvaged material with the proceeds from the sale going to the City's general fund.

- E. *Abatement invoice.* If the City performs the abatement work pursuant to subdivision ___ above, the City will maintain a record showing the cost of the work attributable to each separate lot and parcel. Abatement costs shall include, but are not limited to, the cost of the abatement, the cost of investigation, such as title searches, inspection and testing, the cost of notification, filing costs and administrative costs, including an overhead charge of 25% for administrative costs.
- F. *Appeals.* An owner or responsible party may appeal a compliance letter for an abatement action by following the procedures to appeal an administrative citation set forth in City Code § 36.02, Subd. D. Any personal property of value or salvageable property coming into possession of the City during the course of the abatement pursuant to subdivision ___ above will be stored by the City pending the outcome of the appeal.
- G. *Assessment.* In the event a property owner fails to pay the abatement invoice as described in paragraph F above, the City Council reserve the right to assess the outstanding charges against the property in accordance with applicable state laws.

SECTION 6. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Passed by the City Council on the _____ day of _____, 2023.

CITY OF FOREST LAKE

By: _____
Mara Bain
Its Mayor

Attest: _____

Patrick G. Casey
Its City Clerk

(Published in the *Forest Lake Times* on _____, 2023)

DRAFT



Staff Memo

Date: October 16, 2023

To: Honorable Mayor and Councilmembers

From: Patrick Casey, City Administrator
Kevin Knopik, Finance Director

Re: Refuse Hauler Contract Renewal

The City's current five-year contract runs through 2024. If the City was to renew the current contract, negotiations need to start or if the City does not want to renew, the City needs to go out for RFP.

Price increases related to the service is due to increases in the negotiated contract as well as other charges the City and Republic Services cannot control. The main increase that residents see in their quarterly invoice is from tipping/disposal fees, which Republic Services does not have control over. Tipping fees pay for the operation of the Recycling and Energy Center. All trash in Washington County is required to be delivered to the Recycling and Energy Center in Newport. The tipping fee per ton was \$69.00 in 2019, compared to \$121.00 in 2024, which is about a 75% increase.

Below is a summary of the quarterly invoice charge related to the refuse collection, excluding any taxes and other fees. The first line is based on the negotiated contract. The second line is based on the charge from the Recycling and Energy Center.

	2019	2020	2021	2022	2023	2024	Total Dollar Increase
35 gallon	\$ 24.00	\$ 24.42	\$ 25.26	\$ 26.13	\$ 27.03	\$ 27.99	\$ 3.99
Tipping/Disposal Fee	\$ 12.00	\$ 14.25	\$ 14.58	\$ 15.12	\$ 17.85	\$ 20.97	\$ 8.97
Per Quarter	\$ 36.00	\$ 38.67	\$ 39.84	\$ 41.25	\$ 44.88	\$ 48.96	\$ 12.96

Below is a summary of the quarterly invoice charge related to the recycling collection as part of the negotiated contract.

	2019	2020	2021	2022	2023	2024	Total Dollar Increase
Recycling/Quarter	\$ 15.51	\$ 15.78	\$ 16.32	\$ 16.89	\$ 17.46	\$ 18.09	\$ 2.58

Council Considerations: Staff would like direction from City Council on how to proceed in regards to the contract for refuse and recycling services.