AGENDA
EDEN VALLEY CITY COUNCIL
REGULAR MEETING
MAY 20, 2025
7:00 P.M.

Call to Order
Pledge of Allegiance

1. Approve Agenda

2. Old Business: Conditional Use for 281 State St for a car dealership

3. Workshop Agenda

   a) Noise Ordinance for bands at local bars

   b) Utility Bills – email billing

   c) Dress Code – City Apparel

   d) EV Charging Station

4. Council Action Items

5. Upcoming coming:
   a) City Wide Clean-up May 23 9-noon
   b) June 3 – Council Meeting

6. Adjourn.

Items highlighted in Yellow are additions to the Agenda

*** NOTE: Items listed in the Consent Agenda are acted upon without discussion, and all are approved with a single motion. When the Mayor calls for a motion on the Consent Agenda anyone present may ask to have an item removed from this list for discussion later in the agenda. Approximately**

APPLICATION FOR CONDITIONAL USE PERMIT

CITY OF EDEN VALLEY

171 Cossairt Avenue West
P. O. Box 25
Eden Valley, MN 55329
(320)453-5251 or Fax (320)453-5871

Fee $_____
Paid _____
Receipt # _____
Date _____

NAME: Reynaldo + Amber Saez-Cavitt PHONE: 612-432-0078

SITE ADDRESS: 281 State St N, Eded Valley, MN.

PARCEL NUMBER(S): _____

I/We, the undersigned, hereby make the following application to the City Council and Planning Commission of the City of Eden Valley, Minnesota. (Applicants have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements)

1. Application is hereby made for Conditional Use Permit to conduct the following: Dealer Office

2. Legal description of land to be affected by application, including acreage or square footage of land involved, and street address, if any (attach additional sheet if necessary): Mix use property, Commercial/ Residential, commercial unit is the 1 unit, unit is 850 sqft.

3. Present zoning of the above described property is: Commercial

4. Name and address of the present owner of the above described property is: Reynaldo & Amber Saez-Cavitt

5. Attached to this application and made a part thereof, are:

A. _____ Site Development Plan:
   (1). _____ Location of all buildings on lots including both existing and proposed structures.
   (2). _____ Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
   (3). _____ Location and number of existing and proposed parking spaces.
   (4). _____ Vehicular Circulation.
   (5). _____ Architectural elevations (type and materials used in all external surface).
   (6). _____ Location and type of all proposed lights.
   (7). _____ Curb cuts, driveways, number of parking spaces.

B. _____ Dimension Plan:
   (1). _____ Lot dimensions and area.
   (2). _____ Dimensions of proposed and existing structures.
   (3). _____ "Typical" floor plan and "typical" room plan.
   (4). _____ Setbacks of all buildings located on property in question.
   (5). _____ Proposed setbacks.
   (6). _____ Sanitary sewer and water plan with estimated use per day.

C. ____ Grading Plan:
(1). ____ Existing contour.
(2). ____ Proposed grading elevations.
(3). ____ Drainage configuration.
(4). ____ Storm sewer catch basins and invert elevations.
(5). ____ Spot elevations.
(6). ____ Proposed road elevations.

D. ____ Landscape Plan:
(1). ____ Location of all existing trees, type, diameter, and which trees will be removed.
(2). ____ Location, type and diameter of all proposed plantings.
(3). ____ Location and material used on all screening devices.

E. ____ Proof of ownership of the land for which a conditional use permit is requested.

2. Is the proposed use compatible with present and future land uses of the area? Please explain: Yes
Using Existing Structure / Parking.

3. Will the proposed use depreciate the area in which it is proposed? Please explain: NO
Having our Business will ADD value to property and Revive a Critical Need in the Community.

4. Can the proposed use be accommodated with existing City service without overburdening the system? Explain:
Yes. No Major Changes Needed/Plan on using Pre-existing Accommodations that the property already had in place.

5. Are local streets capable of handling traffic which is generated by the proposed use? Please explain: Yes
Business is located on a Main traffic Route within the city's Business district.

Applicant Signature: [signature] Date: 3-3-26

Owner Signature: [signature] Date: 3-3-26

FOR OFFICE USE ONLY

Planning Commission: ____ Recommend Approval ____ Recommend Disapproval DATE: _____

City Council: ____ Approved ____ Disapproved DATE: _____

§ 150.026 CBD CENTRAL BUSINESS DISTRICT.

(A) *Purpose*. The CBD Central Business District has been established to encourage the continuation of a viable downtown by allowing prime retail sales and service uses, office, entertainment facilities, and public and semi-public uses. The purpose of this district is to provide specifically for regulation of the high intensity commercial uses located within the core of the city.

(Prior Code, § 510.010)

(B) *Permitted uses*.

(1) The following are permitted uses in the CBD Central Business District:

(a) Barber shops and beauty parlors;

(b) Convenience grocery stores\with motor fuel facilities;

(c) Essential services;

(d) Funeral homes and mortuaries;

(e) Governmental and public related utility buildings and structures;

(f) Laundromat/dry cleaning;

(g) Municipal buildings/offices, libraries, postal service offices;

(h) Professional and commercial leased offices;

(i) Cannabis retail sales;

(j) Cannabis delivery service;

(k) Cannabis testing facility;

(l) Cannabis transport; and

(m) Lower-potency hemp edible retailer.

(2) Other retail and service uses, like the following examples:

(a) Antique shops;

(b) Apparel or clothing stores, tailor shops;

(c) Appliance stores;

(d) Art gallery or arts supply store;

(e) Auto accessory stores;

(f) Bakeries;

(g) Bank or saving institutions;

(h) Bars;

(i) Bicycle sales and repair;

(j) Book stores and newsstands;

(k) Bus terminal;

(l) Candy shop;

(m) Dance hall, nightclub, or tavern;

(n) Department store;

(o) Drug stores;

(p) Florists;

(q) Furniture stores;

(r) Gift stores, novelty, or souvenir shops;

(s) Grocery stores;

(t) Hardware stores;

(u) Health club and gymnasium;

(v) Interior decorating stores;

(w) Jewelry stores;

(x) Luggage and leather goods;

(y) Motels and hotels;

(z) Music studio;

(aa) Newspaper and magazine sales;

(bb) Novelty stores;

(cc) Optical stores;

(dd) Off-site advertising sign;

(ee) Pet stores;

(ff) Photography studios;

(gg) Pottery stores;

(hh) Printing shops;

(ii) Private clubs or lodges serving food and beverages;

(jj) Repair shops;

(kk) Restaurants, not of the drive-in, convenience, or drive-through type;

(ll) Shoe and footwear sales and repair;

(mm) Specialty stores;

(nn) Sporting goods stores;

(oo) Theatres;

(pp) Travel bureau;

(qq) Variety stores; and

(rr) Uses determined by Planning Commission to be similar to those listed in this division (B).

(Prior Code, § 510.020)

(C) *Accessory uses.* The following are permitted accessory uses in the CBD Central Business District:

(1) Commercial or business buildings and structures for a use accessory to the principal use; and

(2) Off-street parking facilities (not including semi-trucks) and off-street loading facilities as regulated by §§150.115 through 150.117.

(Prior Code, § 510.030)

(D) *Conditional uses*. The following are conditional uses in the CBD Central Business District (requires a conditional use permit based upon procedures set forth in and regulated by § 150.169(A)):

(a) Commercial planned unit developments as regulated by §§ 150.060 through 150.063;

(b) Buildings combining residential and nonresidential uses allowed in this district; provided, that:

1. Residential uses shall be confined to the second or third floor of the building, or the rear portion of the main level if confined to less than 60% of the floor area; or

2. The residential and nonresidential uses shall not conflict in any manner.

(c) Automotive repair shops;

(d) Restaurants with drive-through (convenience variety);

(e) Cannabis wholesale;

(f) Cannabis medical combination business; and

(g) Lower-potency hemp edible manufacturer.

(Prior Code, § 510.040)

(E) *Interim uses.* The following is an interim use in the CBD Central Business District and requires an interim use permit based upon procedures set forth in and regulated by § 150.169(A): cannabis event.

(F) *Performance standards.*

(1) *Minimum lot size*. No minimum lot size for permitted or accessory uses. Lot size may be established by Planning Commission for conditional use;

(2) *Minimum lot width.* None;

(3) *Setbacks (measured from lot lines).*

(a) *Front yard.* None;

(b) *Side yard.* None, 20 feet if abutting a residential district; and

(c) *Rear yard*. None, 20 feet if abutting a residential district.

(4) *Maximum building height*. Forty-five feet or three stories;

(5) *Maximum site coverage*. No maximum; and

(6) *Additional requirements.* Additional requirements, including, but not limited to, parking, surface water drainage, signs, planned unit developments, and sewage disposal as regulated by appropriate sections of this chapter, as may be amended.

(Prior Code, § 510.050)

(Ord. passed 10-8-2003; Ord. 05-2024, passed 8-7-2024; Ord. 2024-09, passed 12-4-2024) Penalty, see § 10.99

FINDING OF FACTS

PROPERTY: 281 STATE ST

REQUEST: Allow Dealer Office in Front and Display Vehicles on slab behind bldg.

Findings of Facts:

A. Current Zoning:
Subject Property: **Central Business District**
Surrounding Property: Central Business District

B. Current Land Use: **Residential Rental** – no recorded conditional use could be found.
150.026 (D) Conditional Uses:

(b) Buildings combining residential and nonresidential uses allowed in this district; provided, that:

1. *Residential uses shall be confined to the second or third floor of the building, or the rear portion of the main level if confined to less than 60% of the floor area; or*
2. *The residential and nonresidential uses shall not conflict in any manner.*

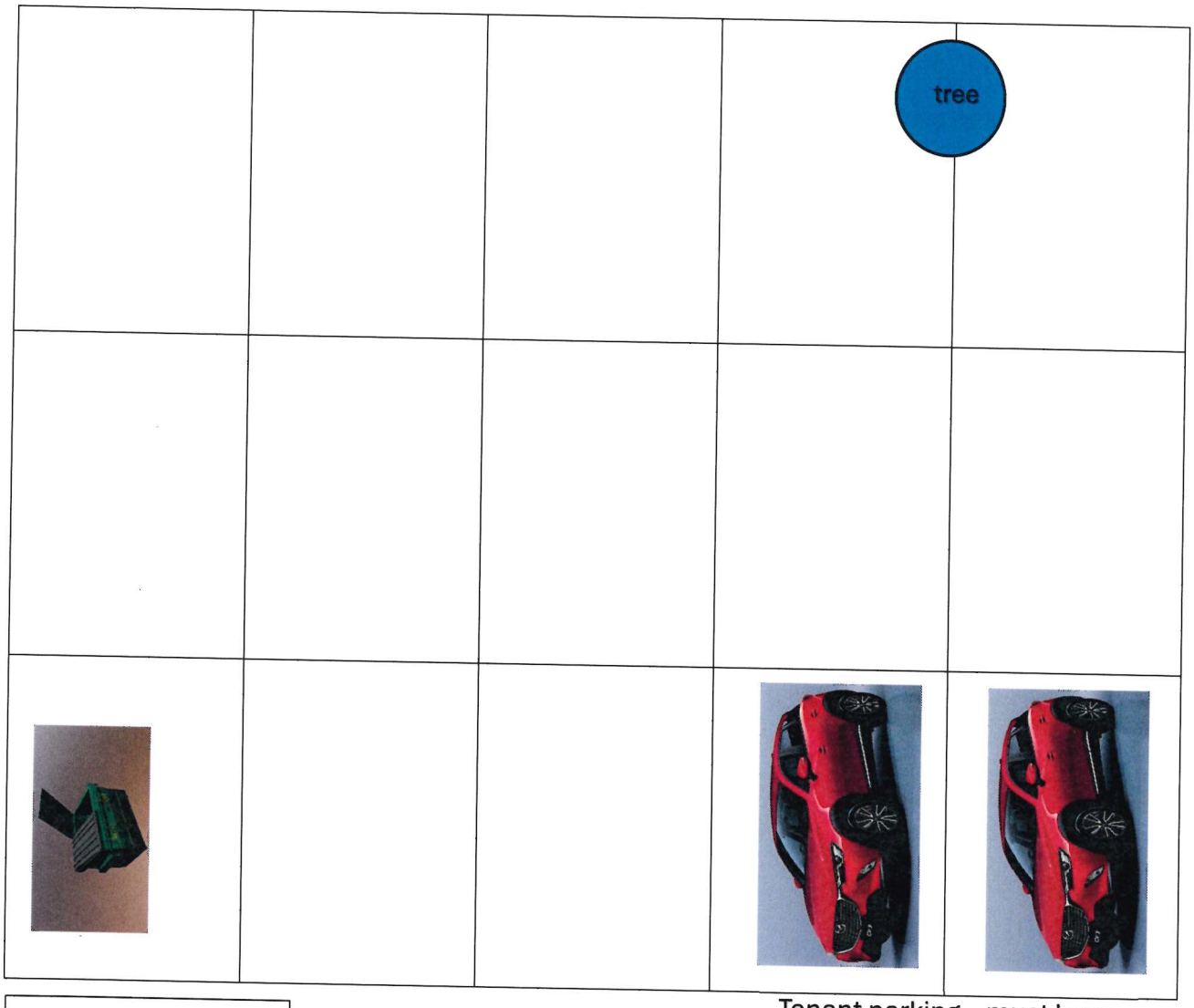
C. This business is NOT a permitted or conditional use in the Central Business District

D. Residential Rental Properties are required to have parking for their renters- Having the business vehicles in the back would not allow for the residents to park in those spots. Concern that the tenants would then park in the spaces by the watertower park.

E. Applicant indicated parking in neighboring lot. Parking lot on an empty lot is not a permitted use

F. The City allows for this type of business as a permitted use in 150.024 (B) (23) Highway Commercial Business District

Recommendation: Deny request for conditional use, as it is not a permitted or conditional use for this zone and does not fit with the comprehensive plan.



Each parking spot
10 feet wide X
16-18 feet long

Tenant parking – must have at least 2 spots, more if they have more vehicles

Lot sizes 25 feet wide

from garage to alley @ 53 feet

NUISANCES

§ 92.01 PUBLIC NUISANCE.

A person must not act, or fail to act in a manner that is or causes a public nuisance. For purpose of this chapter, a person who does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(A) 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;

(B) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or

(C) Does any other act or omission declared by law or §§92.02, 92.03 or 92.04, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see § 10.99

§ 92.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(J) All public exposure of people having a contagious disease; and

(K) Any offensive trade or business as defined by statute not operating under local license.

(L) All unnecessary and annoying vibrations.

Penalty, see § 10.99

§ 92.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All gambling devices, slot machines and punch boards, except as otherwise authorized and permitted by federal, state or local law;

(B) Betting, bookmaking and all apparatus used in those occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place. For the purposes of this section ***INTOXICATING LIQUOR*** shall mean any ethyl alcohol, distilled, fermented, spirituous, vinous or malt beverage containing more than ½% alcohol by volume;

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Penalty, see § 10.99

§ 92.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of violation of this section;

(G) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped;

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under conditions as are permitted by this code or other applicable law;

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

(K) All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(L) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(M) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

(N) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(O) Waste water cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

(Q) Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(R) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash of other materials;

(S) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(T) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(U) All other conditions or things which are likely to cause injury to the person or property of anyone.

(V) (1) *Noises prohibited.*

(a) *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of this section.

(b) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and

unnecessary grating, grinding, rattling, or other noise.

(c) *Loading, unloading, unpacking.* No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

(d) *Radios, phonographs, paging systems, and the like.* No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(e) *Schools, churches, hospitals, and the like.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

(2) *Hourly restriction of certain operations.*

(a) *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(b) *Refuse hauling.* No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(c) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *Noise impact statements.* The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel.

Penalty, see § 10.99

§ 92.05 NUISANCE PARKING AND STORAGE.

(A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) *Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(Am. Ord. 2019-04, passed 6-5-2019) Penalty, see § 10.99

§ 92.06 INOPERABLE MOTOR VEHICLES.

(A) *Declaration of a nuisance.* Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168.13, as it may be amended from time to time.

(C) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley, and which does not foster complaint from a resident of the city. A privacy fence is permissible.

Penalty, see § 10.99

§ 92.07 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* 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 (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (c) 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% 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, 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) Foundations must be structurally sound and in good repair.

Penalty, see § 10.99

§ 92.08 DUTIES OF CITY OFFICERS.

For purposes of §§ 92.08 and 92.09, the Police Department, or Sheriff or person designated by the City Council under § 10.20, if the city has at the time no Police Department, may enforce the provisions relating to nuisances. Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in § 10.20.

§ 92.09 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer or designated person on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated may notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section 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 officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, 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 and abate the nuisance.

(D) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Penalty, see § 10.99

§ 92.10 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city or a person who has caused a public nuisance on a property not owned by that person 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) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute 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 ten, as the City Council may determine in each case.

Penalty, see § 10.99

UTILITY BILLING COSTS

POSTCARDS

total number of postcards we stamp and mail	221	
total cost today for each stamp	0.61	134.81
total cost to print the postcards	24.1	24.1
total cost of copier	0.46	0.46
		159.37