

**CITY OF KIMBALL**  
**MUNICIPAL POLICY NUMBER 03-2011**  
**NUISANCE VIOLATION POLICY**

**DATE COUNCIL APPROVED:** June 7, 2011

**I. Purpose**

This policy covers common nuisances within the City of Kimball (hereinafter “the City”), identification procedures and abatement.

**II. Definition**

Nuisance shall mean any substance, matter, emission, or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the City or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right of way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the City of Kimball.

Nuisance shall also include specifically, but not exclusively, the following: refuse, noxious substances, hazardous wastes, firewood, weeds, stagnant water, vermin harborage, vermin infestations, sanitary structures, manure vaults, unsecured unoccupied buildings, dangerous structures (as defined in City Ordinance Section 400.11), abandoned buildings (as defined in City Ordinance Section 400), safety hazards, fire hazards, health hazards, statutory and common law nuisances, obstructions, annoyances, illegal activities and inoperable motor vehicles.

**III. Identification of Common Nuisances**

*1. Length of grass and noxious weeds*

Weekly from April – October while picking up brush within the City, the Public Works Department shall inspect each property for compliance.

*2. Fire Hazards*

Bi-annually the Fire Chief shall inspect each property within the City for compliance.

*3. Annoyances, refuse, junk, etc.*

Bi-annually the City Clerk shall inspect each property within the City for compliance.

*4. Junk Vehicles*

Quarterly the Police Chief shall inspect each property within the City for compliance according to City Ordinance Section 425.

*5. Snow Removal*

24 hours after each snow fall the Public Works Department shall inspect each sidewalk and fire hydrant within the City for compliance.

**IV. Abatement Process**

Upon finding a property in non-compliance the following actions shall be taken:

*1. Length of grass and noxious weeds*

A notice shall be posted by the Public Works Department at the residence allowing the property owner 48 hours in which to comply (Appendix A). In the case of vacant/empty lots the Public Works Department shall mail notice to the property owner allowing them 1 week in which to comply (Appendix B).

*2. Fire Hazards*

A notice shall be mailed to the property owner by the Fire Chief allowing them 1 month in which to comply (Appendix C). The notice shall state the nature of the violation that creates a fire hazard and any applicable violation of the MN State Fire Code.

*3. Annoyances, refuse, junk, etc.*

A notice shall be mailed to the property owner by the City Clerk allowing them 1 month in which to comply (Appendix C). The notice shall state the nature of the violation that creates a nuisance and any applicable violation of MN State Statute and Kimball City Ordinance.

*4. Junk Vehicles*

A notice shall be mailed to the property owner and vehicle owner (if not the same) by the Police Chief allowing them 2 weeks in which to comply (Appendix C). The notice shall state the nature of the violation that has occurred and any applicable violation of MN State Statute and Kimball City Ordinance.

*5. Snow Removal*

A notice shall be posted by the Public Works Department at the residence of the property allowing the property owner 24 hours in which to comply (Appendix A). In the case of vacant/empty lots the Public Works Department shall mail notice to the property owner allowing them 1 week in which to comply (Appendix B).

**V. Emergency Abatement Process**

Upon finding that a property has not complied with the standard abatement procedure the following actions shall be taken:

*1. Length of grass and noxious weeds*

If the Public Works Department finds that a property owner has not complied with a deadline per section 4.1 of this policy, the Public Works Department is authorized to abate the violation and submit an abatement notice to the City Clerk (Appendix D).

*5. Snow Removal*

If the Public Works Department finds that a property owner has not complied with a deadline per section 4.5 of this policy, the Public Works Department is authorized to abate the violation and submit an abatement notice to the City Clerk (Appendix D).

Please refer to City Ordinance Section 400.12 for further information regarding the emergency abatement procedure. All emergency abatements must be authorized by the Mayor in writing prior to being abated (Appendix E).

## **VI. Substantial Abatement Process**

Upon finding that a property has not complied with the standard abatement procedure the following actions shall be taken:

### *2. Fire Hazards*

If the Fire Chief finds that a property owner has not complied with a deadline per section 4.2 of this policy, the Fire Chief is authorized to abate the violation and submit an abatement notice to the City Clerk (Appendix D).

### *3. Annoyances, refuse, junk, etc.*

If the City Clerk finds that a property owner has not complied with a deadline per section 4.3 of this policy, the City Clerk is authorized to abate the violation and complete an abatement notice (Appendix D).

### *4. Junk Vehicles*

If the Police Chief finds that a property owner has not complied with a deadline per section 4.4 of this policy, the Police Chief is authorized to abate the violation and submit an abatement notice to the City Clerk (Appendix D).

Please refer to City Ordinance Section 400.11 for further information regarding the substantial abatement procedure.

## **VII. Documentation**

All nuisances shall be documented with photographs and/or other evidence pertinent to the situation. All documents should list the Property Identification Number (PID), owner of record and occupants of the property (when applicable). All supporting documentation should be complete when turning in to the City Clerk.

## **VIII. Miscellaneous**

This policy is not meant to address all situations. Additional health and welfare nuisances may be addressed with an enforcement officer.

All appendixes contain sample documents that may be used to address nuisance situations, information may be added to these samples but not removed.

Property Identification Numbers are available at:

[http://maps.co.stearns.mn.us/stearns\\_mygov/StearnsFlexApp.html](http://maps.co.stearns.mn.us/stearns_mygov/StearnsFlexApp.html)

## **IX. Approval of Policy**

This policy shall be formally approved and adopted by the City Council.

## Appendix A



Date: \_\_\_\_\_

### **NOTICE TO MOW YOUR PROPERTY**

City Ordinance 400.02 Subd. 3 – Weeds. Grass or weeds which have grown upon any property to a height of eight or more inches or which have gone to seed, including specifically but not exclusively, any weeds declared by law to be “noxious weeds.”

In accordance with the above City Ordinance, you are being notified that you must have your property mowed by \_\_\_\_\_. If not completed by this date, the City will have the property mowed and bill you for any applicable charges. If charges are not paid, they will be certified to Stearns County for collection with your property taxes according to the emergency abatement procedure in the City Ordinance.

Kimball Public Works



Date: \_\_\_\_\_

### **NOTICE TO SHOVEL YOUR SIDEWALK**

City Ordinance 400.02 Subd. 16(a) – Obstructions. Snow and ice not removed from public sidewalks within 24 hours after the precipitation has ceased to fall.

In accordance with the above City Ordinance, you are being notified that you must have the snow/ice removed from your sidewalk by \_\_\_\_\_. If not completed by this date, the City will have the snow/ice removed from your sidewalk and bill you for any applicable charges. If charges are not paid, they will be certified to Stearns County for collection with your property taxes according to the emergency abatement procedure in the City Ordinance.

Kimball Public Works

## Appendix B



Date

Name of Property Owner  
Address of Property Owner

### **Notice to Mow Your Property/Clear Your Sidewalk**

**City Ordinance 400.02 Subd. 3 – Weeds. Grass or weeds which have grown upon any property to a height of eight or more inches or which have gone to seed, including specifically but not exclusively, any weeds declared by law to be “noxious weeds.”**

**City Ordinance 400.02 Subd. 16(a) – Obstructions. Snow and ice not removed from public sidewalks within 24 hours after the precipitation has ceased to fall.**

In accordance with the above City Ordinance, you are being notified that you must have your **property mowed/sidewalk cleared by DATE at ADDRESS PID#**. If not completed by this date, the City will have the **property mowed/clear your sidewalk** and bill you for all charges. If charges are not paid, they will be certified to Stearns County for collection with your property taxes according to the emergency abatement procedure in the City Ordinance.

Kimball Public Works



Appendix C

1 Main St N  
P.O. Box 238  
Kimball, MN 55353  
Phone  
(320)398-2720 Fax  
@meltel.net

Date

Name of Property Owner  
Address of Property Owner

On **DATE** I drove around for nuisance violations. Prior to enforcement of City Ordinance Chapter Four, Public Health and Welfare, Sections 400-425, the City is bringing to your attention existing nuisances on your property and requesting clean-up. If clean-up is not done, the City will then start the abatement process outlined in the City Ordinance.

**PID#**

**Property Address:**

**Nuisance:**

**Abatement Deadline:**

This order may be appealed and a hearing before the Kimball City Council obtained by filing a written request with the City Clerk before the above abatement deadline. Unless the nuisance is remedied before the abatement deadline or you have requested a hearing before the City Council within the specified time, the City may abate the nuisance and charge all costs incurred against the property as an assessment certified to Stearns County to be collected in the same manner as taxes.

At the hearing, the City Council shall hear from the enforcement officer and any other persons who wish to be heard. After the hearing, the City Council shall adopt a resolution confirming or modifying the order of the enforcement officer. If the Council’s resolution requires abatement, the Council shall fix a time within which the nuisance must be abated.

Unless the remedial action is taken or an appeal to the District Court is filed within the time specified in the resolution, the City may abate the nuisance and charge all costs incurred against the property as a special assessment certified to Stearns County to be collected in the same manner as taxes.

Thank you for your cooperation in this matter.

**Name of Employee**

**Title of Employee**

**Appendix D**

**City of Kimball Abatement Notice**

\_\_\_\_\_ has observed the following health/safety violation:

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I notified the property owner at:

Property Owner \_\_\_\_\_

PID# \_\_\_\_\_

Posted Notice/U.S. Mail  
(attach documentation to support violation claim where applicable)

As of \_\_\_\_\_ the property owner has not responded to the notice.

The following actions have now taken place \_\_\_\_\_

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Date work was completed: \_\_\_\_\_

The above corrective action was completed by (name of person completing the work): \_\_\_\_\_

If no action has yet been taken, state why (administrative warrant process, etc.) \_\_\_\_\_

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Time and Equipment Used to Abate the Nuisance (if using a contractor they must submit their own invoice for payment) \_\_\_\_\_

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Charge for Time and Equipment \_\_\_\_\_

Was this an emergency abatement? \_\_\_\_\_

(All emergency abatements must be authorized by the Mayor in writing prior to being abated.)

\_\_\_\_\_  
Signature of Person Completing Form



**Appendix E**

**City of Kimball Authorization to Follow the Emergency Abatement Process**

I \_\_\_\_\_ the Mayor of Kimball authorize \_\_\_\_\_

to abate the following nuisance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Mayor, City of Kimball

\_\_\_\_\_  
Date