

ORDINANCE NO. 1377

AN ORDINANCE AMENDING CHAPTER 9, NUISANCES, ARTICLE I, IN GENERAL, SECTION 9-3, ABATEMENT, ARTICLE III, WEEDS, SECTION 9-43, REMOVAL BY CITY, ARTICLE IV, TREE DISEASES AND PESTS, SECTION 9-66, ABATEMENT OF NUISANCE ON PRIVATE PROPERTY, CHAPTER 13, STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY, ARTICLE I, IN GENERAL, SECTION 13-2, PAYMENT OF COSTS OF CURRENT SERVICE, AND CHAPTER 16, UTILITIES, ARTICLE IV, RATES AND CHARGES, DIVISION 1, GENERALLY, SECTION 16-127, COLLECTION OF UNPAID CHARGES

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 9-3. Chapter 9, Article I, Section 9-3 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Sec. 9-3.—Abatement.**

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(c) *Removal of conditions by city.* The city engineer and chief of police shall also have the right, when an order has not been complied with, to cause the public nuisance to be removed and to remove such conditions or remedy such defect on the premises as may constitute a public nuisance, through the ~~employment~~ use of city labor or outside contractor. The owner of the property shall be personally liable for the cost of such abatement and shall be invoiced therefore. Any unpaid charges, together with a nuisance abatement administrative fee in an amount not to exceed the actual administrative costs incurred by the city in addressing the noncompliance in a standard amount to be set by the city council by resolution, shall be certified as a special assessment against the property as provided in Minn. Stat. Ch. 429. ~~The cost of such removal or remedial measures, shall be assessed by action of the city council against the property, under such terms and conditions as the city council may require.~~

Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 9-43. Chapter 9, Article III, Section 9-43 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Sec. 9-43.—Removal by city.**

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- (b) The assessment and collection of charges for such service, including a nuisance abatement administrative fee in an amount not to exceed the actual administrative costs incurred by the city in addressing the noncompliance in a standard amount to be set by the city council by resolution, shall be pursuant to section 13-2.
- ~~(c) In addition to the actual charge incurred for removal of such weeds or grass, an administrative fee of thirty five dollars (\$35.00) shall be added to the cost to be billed to the property owner.~~

Section 3. AMENDMENT OF MUNICIPAL CODE SECTION 9-66. Chapter 9, Article VI, Section 9-66 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Sec. 9-66.—Abatement of nuisance on private property.**

Whenever the tree inspector finds with reasonable certainty that infection, or danger of infection exists, the owner will be notified by certified mail, return receipt, or a hand delivered note, of the existence of the nuisance and directed to remove or effectively treat in an approved manner within thirty (30) days of receipt of notification. In the event the owner fails to comply with the notification, the city will abate the nuisance and ~~assess the property~~ the owner of the property shall be personally liable for the cost of such abatement and shall be invoiced therefore. Any unpaid charges, together with a nuisance abatement administrative fee in an amount not to exceed the actual administrative costs incurred by the city in addressing the noncompliance in a standard amount to be set by the city council by resolution, shall be certified as a special assessment against the property as provided in Minn. Stat. Ch. 429. Any expenses incurred by the city or its approved agent will be assessed to said property as provided in M.S.A. Ch. 429.

Section 4. AMENDMENT OF MUNICIPAL CODE SECTION 13-2. Chapter 13, Article I, Section 13-2 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Sec. 13-2.—Payment of costs of current service.**

- (c) *Special assessment.* On or before September 1 of each year, the clerk-treasurer shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. The council may then ~~spread-certify~~ certify the charges against the property benefitted receiving the service, together with a nuisance abatement administrative fee in

an amount not to exceed the actual administrative costs incurred by the city in addressing the noncompliance in a standard amount to be set by the city council by resolution, as a special assessment under ~~M.S.A.~~ Minn. Stat. § 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

Section 5. AMENDMENT OF MUNICIPAL CODE SECTION 16-127. Chapter 16, Article IV, Division 1, Section 16-127 is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

**Sec. 16-127.—Collection of unpaid charges.**

(a) Charges to be lien on property served; exception.

(1) All utility charges are hereby made a lien upon the real property receiving services for which utility charges are incurred. All utility charges shall be billed directly to the owner of the real property receiving the services. Where utility charges remain unpaid thirty (30) days after the date payment is due, written notice shall be forwarded by mail to the owner of the real property served, stating that if the utility charges are not paid within ten (10) days from the date of the notice, the amount thereof shall be certified to the county auditor for collection with the taxes on the real property, together with an administrative fee in an amount not to exceed the actual administrative costs incurred by the city and the municipal utilities commission in collecting the delinquent charges. If the utility services are to be discontinued because of delinquent utility charges, the notice shall so state. The notice shall also state that, during the ten-day period, the owner or his representative may request an appearance at the next regularly scheduled meeting of the municipal utilities commission to make objections to payment. Any objections shall be heard and passed upon by the commission. If the utilities charges have not been paid and the commission has not relieved the owner from liability therefor, the amount of the utilities charges and administrative fee shall be certified by the city clerk-treasurer to the county auditor, prior to October 10 of each year, to be extended on the tax rolls against such real property in the same manner as other taxes and collected by the county treasurer, and paid to the city clerk-treasurer along with other taxes. Until so collected, the charges shall be a lien upon the real estate so served. The city clerk-treasurer, in certifying such charges to the county auditor, shall specify the amount thereof, the description of the premises served, and the name of the owner of the premises.

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Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Anderson

This Ordinance introduced on: December 21, 2015

This Ordinance published on: December 26, 2015

This Ordinance given a hearing on: January 4, 2016

This Ordinance adopted on: January 4, 2016

This Ordinance published on: January 9, 2016