

**LIVONIA TOWNSHIP
COUNTY OF SHERBURNE
STATE OF MINNESOTA**

ORDINANCE NO. 800

**ORDINANCE PROVIDING FOR THE COLLECTION OF UNPAID SPECIAL CHARGES AND
ABATEMENT OF NUISANCES**

LIVONIA TOWNSHIP ORDAINS as follows:

Section 1. Procedure. Whenever a peace officer or designated person determines that a public nuisance or any problem condition identified in Minn. Stat. 429.101, subdivision 1 is being maintained or exists on a premises within the Township, the officer or designated person shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance or problem condition be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance or problem condition and the time within which the nuisance or condition is to be abated. If the notice or violation is not complied with within the time specified, the officer or designated person shall report that fact to the Town Board of Supervisors. Thereafter, the Town Board may, after notice to the owner or occupant and opportunity to be heard, determine that the condition identified in the notice of violation constitutes a nuisance or is an item listed in Minn. Stat 429.101, subdivision 1 and is subject to abatement, and further order that that if the identified problem(s) are not abated within the time prescribed by the Town Board, the Township may seek injunctive or other relief by serving a copy of the order on the property owner. The Town Board may then take whatever action it deems necessary to abate or terminate the identified problem conditions.

Section 2. Emergency Procedure. In cases of emergency, where delay in abatement of the problem conditions will permit a continuing nuisance or problem condition to unreasonably endanger public health safety or welfare, the Town Board may order immediate abatement of the nuisance or problem condition. To proceed with emergency enforcement the officer or designated shall determine that a public nuisance or problem condition is being maintained on premises within the Township and that delay in abatement of the nuisance or problem condition will unreasonably endanger public health safety or welfare. The officer or designated person shall notify in writing the occupant or owner of the property of the nature of the nuisance or problem condition and of the Township's intention to take action to abate the nuisance or problem condition and the time and place of the Town Board meeting to consider abatement or other action. The Town Board shall determine whether or not the problem condition identified in the notice to the owner or occupant is a nuisance or problem to be remedied under this ordinance or state statute, whether public health, safety, or welfare will be endangered by delay in abatement or termination and may order that the nuisance or problem be immediately terminated or abated. If the nuisance or problem is not immediately terminated or abated, the Town Board may order enforcement and immediately abate the nuisance or problem condition.

Section 3. Immediate Abatement. Nothing in this section shall prevent the Township, without notice or other process, from immediately abating or terminating any nuisances or problem conditions which pose an imminent and serious hazard to human life, public health or public safety.

Section 4. Recovery of Cost.

- (A) **Personal liability.** The owner of the premises where any nuisance or problem condition has been abated by the Township shall be personally liable for the cost to the Township of the abatement, including administrative costs and legal and other fees incurred. As soon as the work has been completed and the cost determined, the Town Clerk or other official shall prepare a bill for the cost and mail it to the owner and/or occupant. Thereupon the amount shall be immediately due and payable at the office of the Town Clerk.
- (B) **Assessment.** After notice and hearing as provided in Minnesota Statute 429.101, as it may be amended from time to time, if the nuisance or problem condition 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 portions of streets or roads, or unsound or insect affected trees, the Town Clerk shall on or before September 1 next following abatement of the nuisance or problem condition, list the total unpaid charges along with all other charges as well as other charges for current service services to be assessed under Minnesota statute 429.101 or any other ordinance or statute against each separate lot or parcel to which charges are attributable. The Town Board may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along current taxes the following year or in annual installments, not exceeding ten, as the Town Board may determine in each case.

Section 5. Penalty. Violation of any provision of this ordinance, including maintaining a nuisance or problem condition after being notified writing of the violation of this or any other Township ordinance, shall be a misdemeanor pursuant to State statute, and as amended from time to time. The Township reserves the right to proceed on the violation or violations utilizing any civil, injunctive or equitable remedy available. The Township may also choose to utilize Administrative enforcement provisions, if adopted in the future, to enforce the terms and conditions of this Ordinance.

ADOPTED this 24th day of September, 2007 by the Town Board of Supervisors of Livonia Township, Sherburne County, Minnesota.

IN FAVOR: Berg, Doepler, Hewitt, Sherper, Wallin

OPPOSED: None

LIVONIA TOWNSHIP

Don Sherper
Don Sherper, Chair

Lila Spencer
Lila Spencer, Clerk/Treasurer