

ORDINANCE NO. 674
2ND SERIES

AN ORDINANCE AMENDING CITY CODE CHAPTER 9.55 REGARDING NUISANCES

The City Council of the City of Alexandria does **ORDAIN**:

SECTION I. That Section 9.55, Subdivision 1. of the Alexandria City Code is hereby amended by adding the following language to Subdivision 1 and by renumbering the rest of the definitions accordingly:

Subd. 1. Definitions:

G. Responsible Party. Any one (1) or more of the following: agent; assignee or collector of rents; property manager; holder of contract for deed; mortgagee or vendor in possession; receiver, executor, personal representative, lessee; those known by the City as having an ownership interest; or, any other person or entity exercising apparent control over a property.

SECTION II. That Section 9.55, Subdivision 7, A., B., C., E., and F. of the Alexandria City Code is hereby amended by deleting the existing wording and replacing it with the following:

Subd. 7. Enforcement.

A. The City Council shall determine that conditions exist which may violate this section. Upon identification of a violation, notification shall be served upon the property owner or responsible party as provided herein. Said notice shall identify the nature of the nuisance, the violation of this section, and order that the nuisance be abated within ten (10) days of receiving notice or of posting of notice when service is accomplished via posting. Upon receipt or posting of said notification, the property owner shall proceed with alleviating the nuisances. For the purposes of this Ordinance, when service of a notice is required, any one (1) or more of the following methods of service upon the property owner or responsible party shall be adequate:

1. By personal service; or
2. By certified mail via the United States Postal Service; or
3. If the appropriate party or mailing address cannot be determined after reasonable effort, or

if the notice sent by certified mail is returned undelivered, by posting a copy of the notice in a conspicuous place on the property, in which case the notice shall also state the date on which it was posted.

B. The property owner or responsible party may appeal said order to the Alexandria City Council, provided that any appeal must be submitted in writing to the City Administrator for the City of Alexandria no later than ten (10) days following receipt of the notice or posting of the notice when service is accomplished via posting.

C. If the property owner or responsible party requests an appeal in compliance with the provisions established by this subdivision, a hearing before the City Council shall be scheduled at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal. Following said hearing, the City Council shall, by resolution, determine whether a violation is evident. Upon finding of a violation, the City Council shall order that the cited conditions be abated.

E. The City shall proceed with making the necessary arrangements to have the cited violation abated. Any and all costs that may be incurred by the City to alleviate the cited violation shall be the property owner's or responsible party's obligation.

F. Failure by a property owner or responsible party to reimburse the City of Alexandria for any reasonable costs incurred concerning the enforcement of this Ordinance shall be cause to certify said costs to the Douglas County Auditor as a special assessment against the property in question.

SECTION III. This Ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the City Council of the City of Alexandria, Minnesota, this 9th day of April, 2012, by the following vote:

YES: BATESOLE, CARLSON, BENSON, FRANK

NO: NONE

ABSENT: MILLER

/S/ H. Dan Ness, Mayor

ATTEST: _____
/S/ James P. Taddei, City Administrator