

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #19-253

A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 6336 HIGHWAY 10 NW COMMONLY KNOWN AS JAC AUTO REPAIR AND SALES

WHEREAS, JAC Auto Repair and Sales (the “Business”) is operating on the property generally known as 6336 Highway 10 NW and legally described as follows:

LOT 2 AUDITOR SUBDIVISION NUMBER 096, EX ROAD SUBJECT TO EASEMENT OF RECORD

(the “Subject Property”); and

WHEREAS, the Subject Property is currently zoned E-1 Employment District; and

WHEREAS, the Subject Property is approximately 0.95 acres; and

WHEREAS, the Business, commonly known as JAC Auto Repair and Sales, has been in operation after the City’s incorporation and formal adoption of zoning authority; and

WHEREAS, the City acknowledges that certain lawful non-conforming rights related to motor vehicle repair and sales are applicable; however, the ‘footprint’ of the lawful non-conforming use appears to have expanded based on historic aerials; and

WHEREAS, there are documented City Code violations on the Subject Property extending back to the 1980’s, prior to JAC owning the Subject Property. JAC Auto acquired the property in April of 1986. Those City Code violations related to the open code enforcement case are outlined below:

- 1) On July 11, 2006, City Staff found the Subject Property to be in violation of City Code in regards to the display and storage of merchandise; and
- 2) On July 29, 2010, City Staff found the Subject Property to be in violation of City Code Section 30 (Nuisances) for the outdoor storage of abandoned or inoperable vehicles, the outdoor storage of deteriorating motor vehicle parts, and the storage and/or accumulation of waste; and
- 3) On August 19, 2011, City Staff found the Subject Property to be in violation of City Code in regards to the storage and display of junk vehicles and debris; and
- 4) On July 23, 2013, City Staff found the Subject Property to be in violation of City Code Section 30 (Nuisances) for the outdoors storage of abandoned or inoperable vehicles, the outdoor storage of deteriorating motor vehicle parts, the storage and/or accumulation of waste, and accessory structures (fences, garages) not being maintained; and

WHEREAS, an agreement was reached between the previous owner and the City Attorney on January 3, 1986 permitting the business to store no more than four (4) inoperable automobiles behind the fence that exists behind the garage; and

WHEREAS, that same agreement called for the removal of any and all other automobiles from the property by January 17, 1986; and

WHEREAS, that same agreement required the previous owner to provide three (3) parking spaces for the previous business that was located on the Subject Property; and

WHEREAS, the current property owner is not bound by this agreement; and

WHEREAS, City Staff have found the Subject Property owned by JAC Auto to be in violation of City Code Section 30 (Nuisances) for the same or similar reasons for the violations occurring between 2006 and 2013; and

WHEREAS, a code enforcement action plan is required to bring the Subject Property and Business into compliance with City Code; and

WHEREAS, the owner of the Business and Subject Property met with City Staff to discuss this issue on Thursday, October 3, 2019 to discuss agreeable terms and timeline for cleanup.

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the Ramsey City Council hereby grants approval of the proposed code enforcement action plan on the Subject Property as outlined below:

1. The Owner has 30 days from the date of approval of this resolution to come into compliance with City Code. This includes the removal of tarps, sheets, or any material covering vehicles and the removal of any and all accumulated junk, garbage, refuse, or materials not directly related to the business.
2. The Owner must reapply Class V gravel to the existing extent of the gravel driveway/parking area by the end of May 2020, as to maintain the driveway/parking area into the future and parking all operable vehicles on said Class V gravel.
3. The Owner must set up an inspection with City Staff near the end of the 30 days for reassessment of the Subject Property to ensure City Code compliance in regards to the accumulation of junk, waste, and refuse.
4. The Owner must set up an inspection with City Staff upon completion of the reapplication of Class V gravel to the existing driveway/parking area to ensure compliance with City Code.

5. If the Property Owner fails to come into compliance with City Code, they may be subjected to financial penalty.
6. That the Subject Property has lawful, non-conforming rights for a graveled parking surface for vehicle parking as seen in **Exhibit A**.
7. The Subject Property does not have legal non-conforming status to park on the grass.
8. The Subject Property cannot have outdoor storage of any motor vehicles under tarps, sheets, or similar coverings.
9. The Subject Property cannot store any items unrelated to the business on the Subject Property.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of October, 2019.

EXHIBIT A

