

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #19-228**

**A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 17030  
BAUGH STREET NW IN THE CITY OF RAMSEY, MINNESOTA**

**WHEREAS**, the property owners Allen and Joyce Bircherm (the “Property Owners”) have an open code enforcement case on the property generally known as 17030 Baugh Street NW and legally described as follows:

UNPLATTED RAMSEY TWP THE S 200 FT OF THE N 1633 FT OF THE E 416 FT OF THE E1/2 OF THENW1/4 OF SEC 7-32-25 IN ANOKA CNTY, MN AS MEAS ALONG THE E & N LINES OF SD E1/2 OF THE NW1/4(SUBJ TO AN EASE FOR RDPURP OVER THE E 66 FT THEREOF)(SUBJ TO EASE FOR RD & UTIL TO RAMSEY TWP)

(the “Subject Property”); and

**WHEREAS**, the Subject Property is zoned R-1 Residential (Rural Developing); and

**WHEREAS**, the Subject Property is approximately 1.6 acres; and

**WHEREAS**, there have been no documented City Code violations until this year, with a notice of violation regarding the operation of a home-based business without a permit, the accumulation of garbage, waste, or refuse, and off-street parking; and

**WHEREAS**, conversations with the Property Owners have confirmed that a garbage hauling business (the “Home Occupation”) is being operated on the Subject Property; and

**WHEREAS**, City Staff have in their possession photographs that find the property and business to be non-compliant with City Code; and

**WHEREAS**, the City sent a formal notice of violation on July 29, 2019 for the operation of the Home Occupation, the accumulation of garbage, waste, or refuse, and off-street parking; and

**WHEREAS**, the City of Ramsey City Code would allow the Subject Property to have six (6) total items to be stored outdoors, including one (1) unlicensed or inoperable vehicle so long as said items are on an approved parking surface; and

**WHEREAS**, the City of Ramsey City Code would allow the Property Owners to apply for a Home Occupation Permit to operate their business, but that approval of said Permit is at the discretion of the Ramsey City Council; and

**WHEREAS**, the Property Owners would need to obtain a license from Anoka County due to the nature of the business if not already obtained; and

**WHEREAS**, the Nuisance Regulations in the City Code prohibit the outdoor storage of junk, debris, items that are not being put to their intended use, construction debris, and other stockpiles of materials; and

**WHEREAS**, the City Staff have confirmed that the Subject Property has two garbage trucks, a multitude of garbage bins and garbage dumpsters (estimated at 50 garbage bins and 5 garbage dumpsters), inoperable or unlicensed vehicles, boats, trailers, and miscellaneous garbage, waste, or refuse; and

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

**WHEREAS**, City Staff sent notice of violation letter to the Property Owners on August 28, 2019; and

**WHEREAS**, City Staff and the Property Owners had agreed to meet on Tuesday, August 20, 2019 but the Property Owners cancelled the meeting; and

**WHEREAS**, City Staff and the Property Owners rescheduled the meeting for September 12, 2019 and met to discuss the outstanding code violations on the Subject Property; and

**WHEREAS**, City Staff feels that they have allotted more than a reasonable amount of time to the Property Owners to come into compliance with City Code; and

**WHEREAS**, the Property Owners stated that they were seeking legal counsel to file suit against the City of Ramsey.

**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, contingent upon verification of any violation(s) of City Code:

1. By Tuesday, October 8, 2019 the Property Owners should have applied for a Home Occupation Permit for the operation of their home-based garbage hauling business. If the Property Owners fail to apply for a Home Occupation Permit or refuse to apply for one, they have until Tuesday October 22, 2019 to remove any and all equipment and materials associated with the home-based garbage hauling business.

2. By Tuesday, November 26, 2019 the Property Owners will have removed any and all additional junk or garbage not associated with the home-based business but that is in violation of City Code.
3. That future violations within twelve (12) months of the same type will result in financial penalties and quicker escalation of violation notices.
4. That the City Council reserves the right to escalate future violations directly to District Court for Temporary Restraining Order.
5. That if the Property Owner misses one of the aforementioned deadlines, Staff has the approval to:
  - a. Reinspect the Subject Property and document all items out of compliance.
  - b. Issue an abatement notice for specific items outlined in step (a).
  - c. Abate the Subject Property of items and charge abatement back to the Property Owners.

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

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 24<sup>th</sup> day of September, 2019.

