

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

RESOLUTION #21-209

**A RESOLUTION APPROVING HIRING CONTRACTORS TO ABATE VEHICLES
AND PUBLIC NUISANCE ITEMS FROM 6336 HIGHWAY 10 NW**

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 zoned E-1 Employment District; and

WHEREAS, the Subject Property is approximately 0.95 acres in size; 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; 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 2019; and

WHEREAS, the City has most recently opened a case on the Subject Property for violations related to off-street parking and refuse; and

WHEREAS, the City sent a formal first notice of violation on June 25, 2021 for off-street parking and refuse violations; 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 Subject Property has outdoor storage of construction materials and the fence is in disrepair; and

WHEREAS, a second notice of violation and zoning citation were sent on July 13, 2021; and

WHEREAS, the Property Owner has not been making continued progress of the cleanup required onsite.

FINDINGS OF FACT

1. The City inspected the property from the road on:
 - a. June 25, 2021; and
 - b. July 13, 2021
2. The City sent formal notices via US Mail on:

- a. June 25, 2021 for a first notice of violation requesting the removal of all inoperable vehicles, noxious growth, and unused materials. The notice also requested a zoning permit for any new gravel installation.
- b. July 13, 2021 for a second notice of violation reiterating the request for the reduction in the number of inoperable motor vehicles, as well as the removal of the noxious growth and items being stored outside. A zoning citation of \$75 was included. The notice mentioned specific items in violation, and informed the property owners that their item would be on the regular City Council meeting agenda for July 27, 2021.

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. The City of Ramsey shall utilize Northstar Towing and Reshetar Systems Inc. for abatement services per City policy.
2. That the week of August 11, 2021, the City of Ramsey will work with abatement contractors listed above to tow all inoperable vehicles outside of the fence from the Subject Property.
3. That the week of August 25, 2021, the City of Ramsey will work with the abatement contractors listed above to mow the yard, remove the fence, and remove construction materials or other nuisance items stored outside that are not being put to their intended use.
4. That future violations within twelve (12) months of the same type will result in financial penalties and quicker escalation of violation notices.
5. That the City Council reserves the right to escalate future violations directly to District Court for Temporary Restraining Order.
6. 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 Property Owner.

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:

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 27th day of July, 2021.

