ORDINANCE NO. 2025-07

AN ORDINANCE AMENDING FAIRMONT CITY CODE CHAPTER 17 – NUISANCES

THE CITY OF FAIRMONT DOES ORDAIN:

SECTION 1. Fairmont City Code, Chapter 17 – Nuisances, is hereby repealed and replaced in its entirety to read as follows:

ARTICLE I. - NUISANCES DEFINED

Sec. 17-1. - Prohibition on public nuisances.

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purposes of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(a) Maintains or permits a condition that unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

(b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(c) Does any other act or omission declared by law or this ordinance to be a public nuisance.

Sec. 17-2. - Enforcement.

(a) Upon the reasonable belief that a nuisance violation has occurred, the following city employees and agents are authorized to act as the enforcing officer to issue notices and orders to correct for violations under this chapter:

(1) Licensed peace officers and community service officers of the Fairmont police department;

(2) Fire chief or fire inspector;

(3) Water resources coordinator;

(4) Planning and zoning code enforcement coordinator;

(5) Community development director; and

(6) City building official.

Any enforcing officer may inspect or otherwise enter any property to enforce compliance with this code, with the permission of a licensee of a business, owner of any property, resident of a dwelling, or any other person in control of any premises.

(b) No licensed police officer or designated city official or agent shall enter the interior of a private building for the purpose of inspecting, investigating, enforcing, abating, or preventing violations of this code without the permission of the owner, resident, or other person in control of the building unless the officer or person designated has obtained an administrative search warrant and/or such other search warrant or order from a court of competent jurisdiction authorizing entry, as applicable.

(c) No person shall resist, oppose, or obstruct such city officers in the lawful enforcement of this code. Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by any authorized city officer or employee to inspect, investigate, enforce, abate, or prevent violations of this code. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses, or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the community development director to object to the termination before it occurs, subject to appeal of the community development director's decision to the city council at a regularly scheduled or special meeting.

(d) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety, and welfare.

Sec. 17-3. - Public nuisances affecting health.

The following are hereby declared to be nuisances affecting public health:

(a) The exposed accumulation of decayed or unwholesome food or vegetable matter;

(b) All diseased animals running at large;

(c) All ponds or pools of stagnant water;

(d) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

(e) Accumulation of refuse or other debris;

(f) Any manure discarded by any means on property within a residential or business district or within two-hundred (200) feet of the property line of any residential or business district, and any discarded manure containing liquid material not immediately integrated into the soil;

(g) Privy vaults and garbage cans that do not comply with City Code, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(h) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(i) All noxious weeds, other rank growths of vegetation, and grass or vegetation over six (6) inches in height except for managed natural landscapes as defined in M.S. § 412.925, or as may be amended from time to time, upon public or private property;

(j) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

(k) All public exposure of people having a contagious disease;

(l) Any offensive trade or business as defined by statute not operating under local license;

(m) For any person to urinate or defecate on public or private property other than in facilities provided for such functions; and

(n) Any other land use or condition found unreasonably to injure or endanger the health of any members of the public.

Sec. 17-4. - Public nuisances affecting peace and safety.

The following are declared to be nuisances affecting public peace and safety:

(a) All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased.

(b) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.

(c) All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

(d) Any person participating in any party or other gathering that causes the unreasonable disturbance of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of one hundred (100) feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.

(e) All unnecessary and annoying vibrations.

(f) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.

(g) Radio aerials or television antennae erected or maintained in a dangerous manner.

(h) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

(i) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.

(j) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(k) Any barbed wire fence unless being utilized for agricultural purposes on properties in agricultural Zoning Districts.

(l) Wastewater cast upon or permitted to flow upon streets or other public properties.

(m) Accumulations or storage in the open (i.e., not fully contained within a building or structure upon property zoned for such use) including but not limited to, any of the following items or any parts or accessories thereto:

(1) All dangerous unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;

(2) Household appliances or furnishings;

(3) Any motor vehicle which is inoperable, not currently licensed or registered, or generally is not being driven;

(4) Items which are not generally or normally used on the particular premises;

(5) Firewood which is not neatly stacked in a compact manner;

(6) Any other materials or items of any kind or nature, which tend to harbor wild animals, including but not limited to, rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or otherwise are a potential fire, health or safety hazard from such accumulations;

(7) Pipe, lumber, forms, machinery or other occupational materials kept upon any property for more than ninety (90) days except when in current use in construction or repair work; or

(8) Accumulations of any items that tend to cause an unsightly appearance of the premises and which cause discomfort for any other members of the public who may be using their own or public property as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

(n) Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

(o) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

(p) The throwing or depositing of any glass, metal, garbage, or other refuse upon any public way, or the throwing or depositing of the same upon any private property adjacent to a public way, or upon any public property not classified as a public way.

(q) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.

(r) All buildings or structures, including refuse and debris remaining as a result of fire, decay or otherwise, which endangers the safety of the public and the repair, erection, or demolition of any buildings, not removed by the property owner or other person in control within thirty (30) days from the completion of the aforesaid work.

(s) All other conditions or things that are likely to cause injury to the person or property of another.

Sec. 17-5. - Noise violations.

(a) *Declaration of nuisance*. Except as otherwise provided in this section, the following are declared to be nuisances affecting public health, safety, peace, or welfare:

(1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person of normal sensibilities in the vicinity, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of one hundred (100) feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules Chapter 7030, as may be amended from time to time. Minnesota Rules Chapter 7030 as amended from time to time by the is hereby incorporated by reference into this section and made a part hereof.

(3) The discharging of the exhaust or permitting the discharge of the exhaust of any internal combustion engine, motorboat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

(4) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or

reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any persons of normal sensibilities in the vicinity.

(5) This section shall not apply to public notification horns or sirens.

(b) *Hourly restrictions on certain operations.*

(1) *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m.. Snow removal equipment is exempt from this provision when operated at any time within twenty-four (24) hours following a snowfall of one (1) inch or greater.

(2) *Refuse hauling.* No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m.

(4) *Radios, music devices, and other amplified sound.* The operation of any device referred to in subdivision (a)(4) between the hours of 11:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of fifty (50) feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(c) *Noise impact statements.* The city council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the city council. The city council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

Sec. 17-6. - Parking and storage.

(a) *Declaration of nuisance.* The outside parking and storage on residentially zoned property of large numbers of motor vehicles and motor vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(b) *Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of ice fishing houses that are not subject to a valid DMV license for over the road travel, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line; and shipping containers and semi-trailers used for temporary storage for periods longer than sixty (60) days, regardless of where placed on the property.

(2) A person must not place, store, or allow, placement or storage of construction, landscaping, industrial, or freight material (including piles of dirt, rock or debris, sod, pipe, lumber, forms, steel, scaffolding, dumpsters, portable toilets, shipping containers, construction trailers, machinery, or

similar materials), including all materials used in conjunction with a business, except when in current use in construction or repair work, or shielded from public view by an opaque cover or fence, but in any event for not more than sixty (60) days.

(3) A person must not place, store, or allow placement or storage of firewood that is not neatly stacked in a compact manner, brush, or yard waste.

(4) A person must not cause, undertake, permit, or allow the outside parking and storage of motor vehicles on residential property unless it complies with the following requirements:

(1) No more than four (4) motor vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of non-residential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(2) Motor vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.

(3) Motor vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Sec. 17-7. - Abandoned, junk, unauthorized, and inoperable vehicles.

(a) *Declaration of nuisance.* Abandoned, junk, unauthorized, and inoperable motor vehicles are a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, present physical danger to the safety and well-being of children and citizens, and may contain various fluids which, if released into the environment, can and do cause significant health risks to the community. Such vehicles are declared nuisances and blight and are prohibited from being stored in the open on private land, public streets, or rights-of-way.

(b) *Definitions.* The terms "abandoned vehicle," "junk vehicle," "motor vehicle", and "unauthorized vehicle" have the same meanings given in M.S. § 168B.011, as it may be amended from time to time. "Inoperable vehicle" means any vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed for more than ninety (90) days, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

(c) *Screening.* This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

(d) *Impounding.* A police officer or other authorized enforcing officer may order a vehicle constituting a public nuisance to be removed and impounded. The removed and impounded vehicle shall be handled and disposed of in the manner provided in M.S. §§ 168B.01 through 168B.101.

(e) *Reclamation.* Upon notification by the police department, the owner of an impounded motor vehicle may, upon furnishing satisfactory evidence of their identity and of their ownership of the vehicle, obtain a release from the police department, and upon payment of towing and storing charges, and any fines or penalties, remove such motor vehicle from the impounding area.

Secs. 17-8 through 17-14. – Reserved.

ARTICLE II. – ABATEMENT OF NUISANCES

Sec. 17-15. – Standard abatement procedure.

(a) *Standard abatement.* Unless a different procedure is specifically authorized by this code or other applicable law, and except as otherwise provided under this article, the following abatement procedure applies to all public nuisances in the city.

(b) *Notice and order to correct.* Whenever an enforcing officer under section 17-2 of this chapter determines that a public nuisance is being maintained or exists on property in violation of this chapter, the city must give written notification to the property owner and occupant or other responsible party of that fact and order that the nuisance be terminated and abated. Notice must be served in person or by U.S. mail. Failure of the party to receive the notice does not invalidate the service of the notice. Notice to the owner will be satisfied by notice to the person listed as the taxpayer on the county's tax records. If the property is not occupied, the owner is unknown, or no other responsible party can be reasonably identified, notice may be served by posting it on the property for a period of at least seventy-two (72) hours. The notice must include the following:

(1) Date, time, location, and nature of the public nuisance;

(2) Citation of the relevant portion of the City Code allegedly violated;

(3) The corrective actions that must be taken to abate the nuisance and a reasonable amount of time within which the nuisance is to be abated;

(4) That if the owner, occupant, or other responsible party does not comply with the notice within the time specified in the notice, the city may provide for abating the nuisance itself by entering upon the property and taking the corrective actions identified in the notice following the appeal period;

(5) That the owner, occupant, or other responsible party has the right to appeal the designation as a public nuisance by submitting a request in writing to the city administrator before the earlier of (i) the date by which abatement of the identified nuisance must be completed, or (ii) ten (10) calendar days after service of the notice; and

(6) That the city may assess its costs incurred in abating the nuisance against the property in accordance with this section and applicable law.

(c) *Appeal and request for hearing.* The owner, occupant, or other responsible party served with a notice under paragraph (b) above may appeal the nuisance designation to the city administrator and must appeal within the time provided in the notice. The city administrator shall review the appeal and determine whether a violation did or did not occur. If the city administrator determines that a violation did not occur, then the citation shall be dismissed. The city administrator shall issue a decision in writing to the appealing party within ten (10) business days of receiving the appeal. The appealing party may appeal the city administrator's determination and request a hearing before the city council within ten (10) days of the date of the city administrator's determination. When a request for a hearing before the city council is received, the matter shall be set for a hearing in front of the city council within thirty (30) days. A notice of the hearing must state the date, time, and location of the city council hearing, must be served in the same manner as the abatement notice, and must be given at least ten (10) days before the hearing. After holding the hearing, the city council may issue an order requiring abatement of the nuisance consistent with paragraph (d) below. Failure to timely appeal constitutes a waiver of such right to appeal and hearing upon the nuisance designation.

(d) *Abatement.* If an order to abate the nuisance is issued, or no timely appeal is submitted and the nuisance is not abated within the deadline given, the city may enter onto the property on which the nuisance exists and cause the same to be abated or removed by the city in any other manner it deems appropriate. Abatement may include, but shall not be limited to, removal, cleaning, painting of exterior surfaces, extermination, cutting, mowing, grading, sewer repairs, draining, securing, boarding unoccupied structures, barricading or fencing, removing dangerous portions of structures and demolition of dangerous structures or abandoned buildings. If deemed necessary by the enforcing officer, the city may seek summary enforcement of the city council's abatement order in the district court by causing a copy of the abatement order and notice of motion for summary enforcement to be served on the owner and occupant in the manner provided for service of a summons in a civil action, or alternatively obtain an administrative search and seizure warrant and abate the nuisance.

Sec. 17-16. - Emergency abatement procedure; summary abatement.

(a) In cases of emergency, the city council or enforcing officer may order summary enforcement and abate the nuisance pursuant to section 17-15(d) of this chapter without following the standard abatement procedure required when:

(1) There is an immediate threat to the public health or safety;

(2) There is an immediate threat of serious property damage;

(3) A public nuisance has been caused by private parties on public property; or

(4) There is a violation of section 23-3. - Ice and snow or chapter 17, article III, Vegetation.

(b) To proceed with a summary abatement, the city council or enforcing officer shall determine that a public nuisance exists or is being maintained on premises/property in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. If the City summarily abates the nuisance under this subsection (b), the enforcing officer must reasonably attempt to notify the owner, occupant, or other responsible party of the intended summary abatement action in advance of such action, and thereafter must serve written notice of the owner's right to appeal the cost recovery for such emergency abatement within seven (7) calendar days in the manner required for service of the abatement notice required in section 17-15(b) of this chapter. An appeal of an emergency abatement under this section shall be limited to the issue of cost recovery by the city.

(c) Cost recovery shall occur pursuant to section 17-18 after thirty (30) calendar days, unless the invoiced party appeals within seven (7) calendar days to the city administrator.

(d) Within seven (7) calendar days of the receipt of an invoice from the city for the cost of the abatement, the invoiced party shall have the right to request a meeting with the city administrator to dispute the invoiced cost. Within ten (10) business days following such a meeting, the city administrator may issue a decision on the matter in writing, by email and/or U.S. mail, to the disputing party, and may, in his or her judgment, cancel all or part of the invoice cost, or leave the cost unchanged. Failure by the city administrator to timely issue a written decision shall constitute a decision to leave the invoice cost unchanged. Any invoice cost, in whole or in part, not paid within thirty (30) days of the date of the city's invoice, and not otherwise canceled by the city administrator, shall be assessed pursuant to section 17-18(b). Failure to timely request a meeting with the city administrator pursuant to this subsection (d) shall constitute waiver of such right. An appeal of a summary abatement under this paragraph shall be limited to the issue of cost recovery by the city.

(e) Nothing in this section shall prevent the city, without notice or other process, from immediately abating a condition which poses an imminent and serious hazard to human life or safety.

Sec. 17-17. - Major abatement.

Whenever an enforcing officer under section 17-2 of this chapter determines that the cost of abating a nuisance will exceed $5,000 based on a reasonable, good faith estimate determined by the city, the standard abatement procedure provided in section 17-15 shall apply as altered in the following manner:

(a) The abatement notice must provide that if the noticed party does not abate the nuisance as provided in the notice within the time specified in the notice, the matter will be referred to the city council for a hearing.

(b) The abatement notice must specify the date, time, and location of the hearing before the city council.

(c) The city must cause notice of the date, time, and location of the hearing before the city council to be published at least ten (10) days before the hearing and allow any parties who wish to be heard an opportunity to address the city council during the hearing.

Sec. 17-18. - Abatement costs.

(a) *Cost recovery.* The owner of the property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of the abatement, including, without limitation, administrative costs, court fees and costs, consultant and/or contractor services fees and expenses, and attorneys' fees, if applicable. Unpaid charges constitute a lien against the premises/property where the abatement occurred on and after the date they were incurred by the city. As soon as the abatement work has been completed and the cost is determined, an appropriate city official will prepare a bill for the cost and mail it to the owner or other responsible party for payment thereby. The amount is immediately due and payable to the city within thirty (30) days of the date of the city's invoice.

(b) *Assessment.* If the cost of abatement, or any portion of it, has not been paid under this section within thirty (30) days after the date of the city's invoice, the city council may, at any time, certify the unpaid cost against the property to which the cost is attributable. Before certification against the property, reasonable notice of the impending certification must be given to the taxpayer of record. Failure of the taxpayer of record to receive the assessment notice will not invalidate the certification. The city council may certify the unpaid costs so assessed to the county auditor for collection along with current property taxes in the following year or in annual installments, not exceeding ten (10), as the city council may determine in each case.

Sec. 17-19. - Remedy not exclusive.

Abatement action under this article does not preclude any other criminal or civil enforcement procedure, including seeking injunctive relief. Following the service of the notice and order to correct under subsection 17-15(a), the city may also elect to seek compliance through the use of administrative citations and civil penalties under the process contained in chapter 2 of the city code, and the use of such administrative citations shall not preclude abatement action authorized under this article.

Sec. 17-20. - Penalty.

Any person who fails to comply with the notice and order to correct a violation under this chapter is guilty of a misdemeanor and may be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Sec. 17-21. - Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Secs. 17-22 through 17-30. – Reserved.

ARTICLE III. – Vegetation

Sec. 17-31. - Weeds and Lawn Maintenance.

(a) *Prohibition*. No owner, occupant, or agent of any lot or parcel of land in the city shall permit or maintain the following on any land, including the land located in the boulevard area between the paved portion of the street or road right of way and the property line or sidewalk abutting the premises:

(1) Noxious weeds, which means those noxious weeds as enumerated in M.S. § 18.77, subd. 8 and applicable state rules, which are incorporated herein by reference as the same may be amended from time to time;

(2) The growth of weeds or accumulation of brush which have become public health or safety hazards on the above-described land; or

(3) The growth of grass to exceed six (6) inches in all areas excepting in rows of garden areas where cultivation is taking place.

(b) *Exceptions*. The prohibitions in this section shall not apply to managed natural landscapes as defined in M.S. § 412.925, or as may be amended from time to time.

(c) *Notice*. When an enforcing officer under section 17-2 of this chapter determines that a violation of this section exists on property in the city, the enforcing officer shall serve written notice upon the owner, occupant, or agent of the property to comply with the provisions of this section in the form described under section 17-15 of this chapter.

(d) *Failure to comply with notice*. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed, the weeds, grass or other plants within five (5) days after receipt of the notice, the city shall cause the weeds, grass or plants on the property to be cut and removed.

(e) *Cost recovery*. The expenses incurred by the city shall be recoverable under section 17-18 of this chapter.

(f) *Penalty*. Any person violating this section shall be subject to the penalties set forth in section 17-20.

Secs. 17-32 through 17-40. – Reserved.

SECTION 2. This ordinance shall take effect following its passage and publication.

Passed by the City Council of the City of Fairmont, Minnesota, this 8th day of September, 2025.

Lee Baarts, Mayor

ATTEST:

Betsy Steuber, City Clerk

1st Reading: August 25, 2025
Motion by: *Councilmember Kawecki*
Seconded by: *Councilmember Maynard*
All in Favor: *Councilmembers Hasek, Kawecki, Kotewa, Lubenow and Maynard*
Opposed: *None*
Abstained: *None*
Absent: *None*

2nd Reading: September 8, 2025
Motion by: *Councilmember Kotewa*
Seconded by: *Councilmember Lubenow*
All in Favor: *Councilmembers Hasek, Kawecki, Kotewa, Lubenow and Maynard*
Opposed: *None*
Abstained: *None*
Absent: *None*