

**ORDINANCE NO. 2020-02  
CITY OF MONTROSE  
COUNTY OF WRIGHT  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDMENT TO CHAPTER 1003-9 OF THE ZONING ORDINANCE  
OF THE CITY OF MONTROSE, RELATED TO ADMINISTRATIVE FINES AND  
ABATEMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE THAT THE  
FOLLOWING CHAPTER AND SECTIONS OF THE ZONING ORDINANCE ARE  
AMENDED TO READ AS FOLLOWS:**

**Section 1. Chapter 1003-9 Enforcement is amended as follows:**

1003-9: ENFORCEMENT: This Ordinance shall be administered and enforced by the Zoning Administrator. The Zoning Administrator may institute in the name of the City of Montrose any appropriate actions or proceedings against a violator. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. That person shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance and any other applicable sections of the City Code or City's Zoning Ordinance.

- A. Violation. Any person who violates any provisions of the Montrose Zoning Ordinance shall be found guilty of a misdemeanor and shall, upon conviction, be charged pursuant to Sections 10 or 25 of the City Code, or other section as applicable. Each day that a violation exists shall constitute a separate offense.
  
- B. Enforcement Procedure: For the enforcement of the provisions of the Zoning Ordinance, the first zoning violation notice shall be sent by regular mail, and the second notice will be sent by certified mail to the property owner of which the violation is taking place. If necessary, a third letter shall be sent by the City Attorney by Certified Mail. A copy of the zoning violation notice shall be sent to the City Council, Planning Commission, Police Chief, and City Attorney. The zoning violation notice shall contain the following information:
  - 1. A description of the violation which is taking place.
  - 2. A picture (if possible) of the violation which is taking place.
  - 3. Location and/or address of the property at which the violation is taking place. Montrose Zoning Ordinance 1003-8
  - 4. Identification of the section of the Zoning Ordinance which is being violated.

5. Date the violation was discovered.
  6. Steps necessary to correct the violation.
  7. Unless the deadline for compliance is specifically noted by ordinance, the deadline in which the violation must be corrected, will be at the discretion of the Zoning Administrator. In no case shall the deadline be longer than thirty (30) days from the date the first notice is mailed.
  8. If the subject site contains more than one violation, each violation shall be noted in each letter. In some cases, separate violations may be allotted a different amount of time for compliance. In no case, shall a violation be allotted more than thirty 30 days to comply.
- C. Correction of the Zoning Violation: Correction of the violation in the manner stipulated by the zoning notice violation, at any point during this enforcement process, shall deem the zoning violation notice null and void, and enforcement activity shall cease.
- D. Failure to Correct Zoning Violation – Enforcement Remedies: Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out the following enforcement remedies:
1. Withhold Permits: The City shall have the authority to withhold any permits or City approvals which are necessary until the violation is corrected to the City's satisfaction.
  2. Stop Work Order: The City shall have the authority to issue a stop work order on the subject violation.
  3. Administrative Fine. The City shall have to authority to impose an administrative fine to the owner of record where the violation exists. The fine shall be in accordance with Chapter 25 of the City Code.
  4. Abatement: The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice in accordance with Section 10.22 of the City Code.
  5. Injunctive Relief: The City shall have the authority to seek an injunction in court to stop any violation of this Ordinance.
  6. Civic Remedies: The City shall have the authority to institute appropriate civil action to enforce the provisions of this Ordinance, and shall recover reasonable court costs and attorney's fees which are incurred due to the enforcement of the subject violation, at the discretion of the court.

7. **Assessment:** The City shall have the authority to use the provisions of Minnesota State Statutes 429, assess any charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified. Montrose Zoning Ordinance 1003-9.
8. **Criminal Remedies:** The City shall have the authority to institute appropriate misdemeanor criminal action for a violation of this Ordinance. Upon conviction, a fine of not less than two hundred dollars (\$200.00) shall be imposed for each day or part of a day that the violation occurs, starting ten (10) days from the date the Zoning Administrator placed in the custody of the U.S. Postal Service, the zoning violation notice, certified or return receipt requested. It shall be unlawful to violate a provision of this Ordinance.
9. **Cumulative Remedies:** The powers and remedies of this section shall not be individually limited and are not exclusive. The powers and remedies of this section are cumulative and all power and remedies may apply, as well as any other remedies allowed under State law.

**Section 2. Chapter 1016 is amended as follows:**

1016-1: **PURPOSE:** The purpose of this Chapter is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

1016-9: **SMOKE:** The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017, as may be amended.

1016-10: **DUST AND OTHER PARTICULATE MATTER:** The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7011, as may be amended.

1016-11: **AIR POLLUTION:** The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by Minnesota Statutes 116, as may be amended.

1016-12: **NOISE:** Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010, as may be amended. In no case shall noise emanations constitute a nuisance as defined and regulated by this Code.

**Section 3.** This ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this 9<sup>th</sup> day of March, 2020 by the City Council of the City of Montrose.

Moved by: Council Member Moynagh  
Seconded by: Council Member Johnson

  
\_\_\_\_\_  
Michelle Otto, Mayor

ATTEST:

  
\_\_\_\_\_  
Deb Boelter, City Clerk

Published:  
Zoning Ordinance Updated: