

**CITY COUNCIL OF THE CITY OF BALATON**

**RESOLUTION 2024-24**

**RESOLUTION DECLARING A NUISANCE VIOLATION AND ORDERING ABATEMENT**

**WHEREAS**, Richard Baack (“Owner”) is the owner of real property in the City of Balaton located at 130 Maple Street North (“property”);

**WHEREAS**, the City of Balaton (“City”) periodically performs inspections of properties from the public right-of-way to enforce its public nuisance ordinances;

**WHEREAS**, the City has determined the following nuisances are present on the property:

1. **Inoperable Motor Vehicles, pursuant to Balaton City Ordinance 801.07(B): Three (3) motor vehicles with expired/invalid license plates are being kept, parked, or stored on the property** (a copy of Balaton City Ordinance 801.07 is attached to this Order).

**WHEREAS**, pursuant to Balaton City Ordinance 801.09 the City has declared a nuisance on the property;

**WHEREAS**, the City of Balaton previously sent a nuisance violation letter to the Owner listing the nuisance violations present on the property;

**WHEREAS**, the nuisances on the property have not been abated;

**WHEREAS**, the City orders the Owner to abate the above-noted nuisances as follows:

1. Remove the three (3) motor vehicles with expired/invalid license plates from the property, or
2. Erect fencing or screening on the property that encloses the three (3) motor vehicles with expired/invalid license plates from view of the public street, or
3. Erect an enclosed structure on the property and store the three (3) motor vehicles with expired/invalid license plates in the enclosed structure, or
4. Park and store the three (3) motor vehicles with expired/invalid license plates in an enclosed structure on the property.

**WHEREAS**, the nuisances on the property shall be abated as set forth in this Resolution within thirty (30) days after Owner is personally served with this Resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BALATON, AS FOLLOWS:**

1. Pursuant to Balaton City Ordinance 801.09 and 801.06, the City Council of the City of Balaton declares the property located at 130 Maple Street North, owned by Richard Baack, a nuisance as set forth above in this Resolution.

2. The City Council of the City of Balaton orders Richard Baack to abate the above-noted nuisance as follows:
  - a. Remove the three (3) motor vehicles with expired/invalid license plates from the property, or
  - b. Erect fencing or screening on the property that encloses the three (3) motor vehicles with expired/invalid license plates from view of the public street, or
  - c. Erect an enclosed structure on the property and store the three (3) motor vehicles with expired/invalid license plates in the enclosed structure, or
  - d. Park and store the three (3) motor vehicles with expired/invalid license plates in an enclosed structure on the property.
3. That the above-listed nuisance listed must be abated as set forth in this Resolution within thirty (30) days after this Resolution is personally served upon Richard Baack. Any abatements must be completed in compliance with all applicable codes, regulations, and permits.
4. That if the nuisance is not abated within the time provided in paragraph 3, the City may file a motion for summary enforcement of this Resolution to the District Court of Lyon County and obtain an order allowing the City to enter the property and abate the nuisance.
5. That if the city must take action to enforce this Resolution, all enforcement costs will be specially assessed against the property and collected in accordance with Balaton City Ordinance 801.10.
6. That the city clerk or city attorney is authorized to direct this order to be personally served upon Richard Baack.
7. That the city attorney is authorized to proceed with the enforcement of this order as provided in Balaton City Ordinance 801.09

Dated this 12<sup>th</sup> day of August 2024.

SIGNED BY:



Lonnie Lambertus, Sr., Mayor



Kim Wall, Clerk