

**AMENDMENT TO ORDINANCE NO. 92.23**

**AN ORDINANCE DEALING WITH ABATEMENT PROCEDURES  
IN THE CITY OF BROWNS VALLEY**

Findings.

1. There have been several complaints regarding activities by residents of the City of Browns Valley which constitute a nuisance to the public.
2. The existing Ordinance does not contain adequate provisions to deal with public nuisances and junk vehicles that would allow the needed abatements to occur in a more timely manner.
3. The Browns Valley City Council believes that it is in the best interests of the residents of the City of Browns Valley to amend the existing Ordinance dealing with public nuisances and junk vehicles in order to allow better abatement procedures.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF Browns Valley ORDAINS AS FOLLOWS:**

1. **That Section 92.23(B)(3) and (C)(1) of Browns Valley City Ordinance is hereby amended to read as follows:**

“(3) Hearing, findings and decision.

- (a) The hearing shall be held before the Council at a regular or special meeting and conducted in the same manner as an administrative appeal. All persons desiring to be heard shall be afforded an opportunity to present evidence.
- (b) The Council shall decide whether or not the item or items constitute a nuisance in violation of this section and state the estimated amount of special assessments and direct the drawing and serving of a resolution with the findings of fact and decision by certified mail on all addressees.
- (c) A home owner receiving an adverse decision from the Council shall have twenty-one (21) days from the date of the meeting to file an appeal with the Traverse County District Court. Notice of appeal shall be served upon the City Administrator in person within that period of time. Failure to timely serve the City Administrator and file the appeal with the District Court within that time period shall remove jurisdiction from the District Court to consider the appeal. Review by the District Court shall be to determine whether the Council’s decision was arbitrary and capricious.

(C) *Abatement By City.*

- (1) If abatement of the items described herein is not completed by the date stated in the resolution of Council, and the time for appeal to District Court has passed, the city may enter upon the premises, remove the offending item or items, and clean up the nuisance.

PASSED AND ADOPTED this 11th day of October, 2021.

BROWNS VALLEY CITY COUNCIL

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Mike Heck, Mayor

ATTEST:

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Jodi Hook-Hansen, City Administrator

Motion:

Seconded:

Published:

Passed: