

**ORDINANCE NO. 2021-1,
AMENDING SECTION 2, ZONING PROVISIONS
CITY OF MANHATTAN BEACH
COUNTY OF CROW WING
STATE OF MINNESOTA**

The City Council of the City of Manhattan Beach does ordain as follows:

SECTION 1. Purpose and Intent: The purpose of this ordinance amendment is to update the city ordinance with provisions for “Costs and Expenses of Enforcement” of the zoning ordinance.

SECTION 2. Amendments. The following text will be added to the current zoning ordinance as Section 2.03.01.

Section 2.03.01

Costs and Expenses of Enforcement.

- A. **Civil and criminal enforcement.** Any violations of the provisions of this Ordinance or any other City ordinance, rule, or regulation in effect in the City of Manhattan Beach, or failure to comply with any of the City’s requirements by a landowner or authorized agent, including but not limited to violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes § 609.03. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

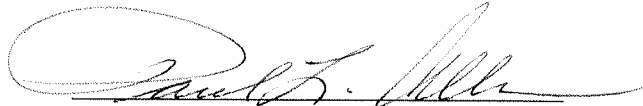
- B. **City’s costs and expenses of enforcement.** In all cases where the City incurs any costs reviewing, investigating, enforcing, or administering any of its ordinances, rules, regulations, land or use application, or permit, then any party(ies), contractor(s), real estate owner(s), and/or permit holder(s) who is or are found to be in violation of any such ordinance, rule, regulation, land or use application, or permit shall be required, jointly and severally, to reimburse the City for all of the reasonable fees and costs the City incurs in enforcing compliance with its ordinances, rules, regulations, land or use applications, or permits. Fees and costs include, but are not limited to, attorney’s fees, engineering fees and costs, consultant fees, survey costs, and other professional services deemed necessary by the City.

- C. **Permit does not protect permit holder.** Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

- D. **Separate offenses.** Each day, after notification to the property owner, that a violation of this Ordinance continues shall constitute a separate offense.
- E. **Citations.** The City shall have the power to enforce this Ordinance by issuing citations for criminal violations of this Ordinance upon the owner of a property and/or their authorized agent or by commencing appropriate civil actions against appropriate persons.
- F. **Cease and desist order.** The City Council, or duly authorized representative, may issue cease and desist orders to halt the progress of any property use or modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted. The City may require payment of any fees and costs it has incurred as of that date before work may be resumed.
- G. **Injunctive relief allowed.** The Manhattan Beach City Attorney, in cooperation with the City Council, may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
- H. **After the fact applications and fees.** Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee, which shall be double the cost of the permit fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning Commission/Board of Adjustment or the Administrator may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
- I. **Certificate of Survey.** The City Council or duly authorized representative may require a certificate of survey when it is determined that said survey will or may assist with the resolution of a violation.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law. This ordinance shall be placed on file at the City of Manhattan Beach City Hall for public review.

Adopted this 4 day of MAY, 2021 by the City Council of Manhattan Beach.

A handwritten signature in black ink, appearing to read "Paul Allen", written over a horizontal line.

Paul Allen, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Marlene Yurek", written over a horizontal line.
Marlene Yurek, City Clerk