

CITY COUNCIL OF THE CITY OF BALATON

RESOLUTION 2024-26

RESOLUTION DECLARING A NUISANCE VIOLATION AND ORDERING ABATEMENT

WHEREAS, David Crocker (“Owner”) is the owner of real property in the City of Balaton located at 100 Summit Avenue South (“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. **Nuisance Parking and Storage- Unlawful parking and storage, pursuant to Balaton City Ordinance 801.06(B):** A motor vehicle is parked or stored outside in the front yard area without being parked or stored on a paved or graveled parking surface or driveway area (a copy of Balaton City Ordinance 801.06 is attached to this Order).
2. **Inoperable Motor Vehicles, pursuant to Balaton City Ordinance 801.07(B):** A motor vehicle with an expired/invalid license plate is being kept, parked, or stored on the property (a copy of Balaton City Ordinance 801.07 is attached to this Order).
3. **Public Nuisance affecting Peace and Safety, pursuant to Balaton City Ordinance 801.04(N):** Accumulations in the open of household items, discarded machinery, and other materials that are conducive to the harboring of rats, mice, snakes, or vermin and that create a health and safety hazard are present in the front and side yard of the property (a copy of Balaton City Ordinance 801.04 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. **For the Nuisance Parking and Storage- Unlawful parking and storage Violation:**
 - a. Remove the motor vehicle from the property, or
 - b. Move the motor vehicle to a paved or graveled parking surface or driveway in the front yard area on the property, or
 - c. Erect an enclosed structure on the property and store the motor vehicle in the enclosed structure.
2. **For the Inoperable Motor Vehicles Violation:**
 - a. Remove the motor vehicle with the expired/invalid license plate from the property, or

- b. Erect fencing or screening on the property that encloses the motor vehicle from view of the public street, or
- c. Erect an enclosed structure on the property and store the motor vehicle in the enclosed structure.

3. For the Public Nuisance affecting Peace and Safety Violation:

- a. Remove the accumulated debris, household items, and discarded machinery in the front and side yard from the property, or
- b. Erect fencing or screening on the property that encloses the accumulated debris, household items, and discarded machinery in the front and side yard from view of the public street, or
- c. Erect an enclosed structure on the property and store the accumulated debris, household items, and discarded machinery in the front and side yard in the enclosed structure.

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 100 Summit Avenue South, owned by David Crocker, a nuisance as set forth above in this Resolution.
2. The City Council of the City of Balaton orders David Crocker to abate the above-noted nuisances as follows:
 - a. For the Nuisance Parking and Storage- Unlawful parking and storage Violation:**
 - i. Remove the motor vehicle from the property, or
 - ii. Move the motor vehicle to a paved or graveled parking surface or driveway in the front yard area on the property, or
 - iii. Erect an enclosed structure on the property and store the motor vehicle in the enclosed structure;
 - b. For the Inoperable Motor Vehicles Violation:**
 - i. Remove the motor vehicle with the expired/invalid license plate from the property, or
 - ii. Erect fencing or screening on the property that encloses the motor vehicle from view of the public street, or
 - iii. Erect an enclosed structure on the property and store the motor vehicle in the enclosed structure.
 - c. For the Public Nuisance affecting Peace and Safety Violation:**
 - i. Remove the accumulated debris, household items, and discarded machinery in the front and side yard from the property, or

- ii. Erect fencing or screening on the property that encloses the accumulated debris, household items, and discarded machinery in the front and side yard from view of the public street, or
 - iii. Erect an enclosed structure on the property and store the accumulated debris, household items, and discarded machinery in the front and side yard in the enclosed structure.
3. That the above-listed nuisances listed must be abated as set forth in this Resolution within thirty (30) days after this Resolution is personally served upon the Owner. Any abatements must be completed in compliance with all applicable codes, regulations, and permits.
4. That if the nuisances are 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 David Crocker.
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 12th day of August 2024.

SIGNED BY:



Lonnie Lambertus, Sr., Mayor



Kim Wall, Clerk

