

ORDINANCE 16

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHTING FACTORS AND PUBLIC NUISANCES WITHIN THE CITY OF TOWER AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF TOWER ORDAINS:

SECTION I. BLIGHT

1. Causes of blight or blighting factors.
 - a. It is hereby determined that the uses, structures and activities and cause of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within the City of Tower and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.
2. Exterior property areas; vacant properties.
 - a. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.
 - b. All exterior property areas and vacant areas shall be kept free from species of weeds or plant growth, rodents, vermin, or other pests, which are noxious or detrimental to the public health. Any weeds or grasses growing upon any lot or parcel of land, or boulevard abutting such land; within an area of the City of Tower zoned as a residential or commercial in which the weeds or grasses grow to a height greater than twelve (12) inches, or which have gone or about to go to seed, are a nuisance. The owner or occupant shall abate or prevent such nuisance on such property, or on the boulevard abutting such property. (Excluded from grass height limits are all lake and river lots and any lots that are more than 50% forested throughout the entire lot.)
 - c. Junk automobiles and equipment. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is currently unlicensed, unregistered or inoperable. (one unlicensed registered, operable vehicle per household shall be acceptable). As long as above mentioned vehicles are covered that is accepted. The term "junk equipment" shall include equipment such as farm equipment and other machinery, all-terrain vehicles, snowmobiles, motorcycles, lawnmowers, snow blowers, and all other

machinery or equipment powered by a motor, shall include any part of machinery or equipment, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be licensed and is either; 1) unusable or inoperable because of lack of or defects in component parts; or 2) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or 3) beyond repair and therefore not intended for future use as a motor vehicle; or 4) being retained on the property for possible use of salvageable parts. These regulations are in addition to any zoning regulations.

3. Exterior of structures.

- a. The exterior of all structures and accessory structures including detached garages shall be maintained in a workmanlike state of maintenance and repair.
- b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco.
- c. All doors and windows shall be maintained in good repair, fit reasonable well within their frames, and be free of open breaks or holes.

4. Interior areas of structures, including residential dwellings.

- a. The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.
- b. The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.
- c. All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects.
- d. The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

SECTION II NUISANCES

1. Public nuisances affecting health. The following are hereby declared to be nuisances affecting health where an unreasonable, unwarrantable or unlawful use by a person's of his or her personal property causes another individual or the general public to be consequently damaged:

- a. Exposed accumulation of decayed or unwholesome food or vegetable matter.
- b. All diseased animals running at large.
- c. All ponds or pools of stagnant water having noxious odors or determined to harbor disease or pose a danger of infection.

- d. Carcasses of animals not buried or destroyed within 24 hours after death.
 - e. Accumulation of manure, refuse, or other debris.
 - f. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
 - g. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
 - h. All noxious weeds and other rank growths of vegetation upon public or private property.
 - i. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
2. Public nuisances affecting peace and safety. The following are declared to be nuisances affecting public peace and safety where an unreasonable, unwarrantable or unlawful use by a person of his or her personal property or where a person's conduct causes another individual or the general public to be consequently damaged.
- a. Licensed motorized vehicles are prohibited from driving on city sidewalks.
 - b. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.
 - c. All wires and limbs or trees which are so close to the surface of a sidewalk or streets as to constitute a danger to pedestrians or vehicles.
 - d. All obnoxious noises in violation of Minnesota Statute 116.07 Subd. 2-4 or Minnesota Pollution Control Rules Section 7010.0010-7010.0080.
 - e. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law.
 - f. Radio aerials or television antenna erected or maintained in a dangerous manner.
 - g. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety.
 - h. All dangerous, unguarded machinery in any public place.
 - i. Waste water cast upon or permitted to flow upon streets or other public property. This does not include water that is used to wash vehicles.
 - j. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation.
 - k. Any well, cistern, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
 - l. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

- m. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.
 - n. The depositing of garbage or refuse on a public right-of-way or on adjacent private property, except for collection of garbage on collection day.
3. Public nuisances affect adjacent property. The following are declared to be nuisances affecting adjacent property.
- a. All unsafe accumulations of lumber, wood, scrap metal, cans, refuse, debris, tires, fencing materials, mechanical parts, rocks, gravel, or any other items or materials which serve to diminish the value or quality of any adjacent property, regardless of where said adjacent property is privately or publicly owned.
 - b. All trees, shrubs, weeds, fences or any part thereof, exterior storage, or any other materials or vegetation which extend into an adjacent property, including snow removed onto an adjacent property, to an extent where access is impeded or the quality, usability, safety, or visibility of the adjacent property is negatively affected.
 - c. All excessive collections of water on an adjacent property caused by irregular grades, structures, hard-surfaced areas, or any other feature causing such excessive and frequent run-off to an adjacent property.
 - d. The city council may interpret the categories of nuisances intended herein to include other specific nuisances and may identify additional public nuisances which threaten or diminish the health, safety, and welfare of the general public.

SECTION III ENFORCEMENT OFFICER

- 1. Any persons designated by City Council resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance. The police department shall assist the enforcement officer when requested in the enforcement of provisions related to blight and nuisances. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.
- 2. Inspection of Structures.
 - a. The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer or the enforcement officer's designated representatives shall, with the permission of the

owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, or not be located after reasonable effort to do so, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

3. Compliance order (citation).

- a. Whenever the enforcement officer determines that any structure or the premises fail to meet the provision of this ordinance, the enforcement officer may issue a compliance order (citation) setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations.
- b. The compliance order (citation) shall: 1) be in writing; 2) describe the location and nature of the violations of this ordinance; 3) establish a time for the correction of such violation, which shall be ten (10) days; 4) notify of ability to appeal to the City Council; and 5) be service upon the violation; either the owner, occupant, operator, or agent.
- c. Such notice shall be deemed to be properly served upon the violator if a copy thereof is: 1) served upon him personally, or 2) sent by registered or certified mail to that person's address or to the property address.

4. Variance and appeals.

- a. Appeals of interpretation or requests for a variance shall be made in writing to the City Clerk within ten (10) days after receipt of the compliance order (citation). The City Clerk will turn over the appeal to the three member Blight Committee. The Blight Committee shall be made up of three members appointed by the council. Upon recommendation of the Blight Committee the City Council may grant variances in instances when the strict enforcement of this ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

5. Enforcement and penalties.

- a. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance.
- b. Any person violating any provision of this ordinance is guilty of a petty misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00).

- c. The city shall proceed with making the necessary arrangements to have the city violation abated. The owner of the premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be due within 15 days payable at the office of the city clerk. When payment causes a hardship, a payment schedule may be worked out with the city clerk. If not paid, the charge for such work shall be a special assessment against the property concerned under Minn. State. 429.101.
6. This Ordinance replaced Ordinance 59 in its entirety and if any part, section, clause or paragraph of this ordinance shall be declared invalid or unconstitutional, the validity of any of the other parts of this ordinance not invalid shall not be affect.
7. This ordinance shall be in effect on its passage, adoption and publication.

Introduced and given first reading by Alderman Majerle on July 21, 1993.

Given second reading by Alderman Majerle on September 15, 1993.

Moved by Majerle supported by Hiltunen that the Ordinance be adopted.

Adopted the 15th day of September, 1993 by the following vote:

Ayes: Burgess, Majerle, Hiltunen, Hendrickson, Mickle

Nayes: None

Absent: None

Published in the Tower News on the 23rd Day of September, 1993.

Gary Burgess, Mayor

Attest: Timothy Kotzian
Clerk/Treasurer