CITY OF DANUBE

ORDINANCE #84

An ordinance amending Danube City Ordinance #72

The City Council of the City of Danube, Minnesota, does ordain that Danube Ordinance #72 is amended to read as follows:

An amended ordinance to prevent, reduce or eliminate blight and nuisances; to regulate the parking/storage of vehicles, and to protect the public health and safety.

SECTION 1. The council will take appropriate action upon complaint of residents of a 300 feet radius of blighted property.

The following are declared to be nuisances affecting public peace, and safety, and general welfare:

1. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.

2. The piling, storing or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof, or other debris within the City.

3. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over same.

4. The depositing of, maintaining, permitting, or failing to remove garbage, trash, rubbish, bottles, cans, and other refuse on any property within the City, including large quantities or organic debris and materials, which accumulated by other than natural means, except neatly maintained compost piles.

5. The growth of vegetation to a height greater than ten (10) inches, measured from its base at ground level to the tip of each stalk, stem, blade, or leaf, in areas established and groomed as lawn by the owners or occupants within the previous twenty-four (24) months, except:

   a. maintained and weeded garden, trees and shrub plantings.

   b. wet lands and flood plains designated on the official zoning map.

c. property where there has only been periodic mowing in control vegetation and weeds, and

d. property adjacent to property on which vegetation has been allowed to grow naturally and unimpeded by human means for at least the prior 24 months.

6. Property in a residential district not seeded, sodded, or otherwise planted with a ground cover more than 240 days after any disturbance to the property caused by construction, grading, or other activity; or at any time prior to the 240 days if the property is causing erosion or drainage problems on the same or nearby properties, including public streets.

7. The accumulation of any piles of wood which are not:

   a. neatly stacked, or
   b. stacked or secured in a stable manner to avoid collapse.

8. Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with City approved construction plans as stated in the building permit that the City Council approved and issued.

9. Any construction materials, including piles of dirt, sand, and sod, left in the open on property more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.

10. Reflected glare or light from private exterior lighting exceeding five-tenths foot-candles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one foot-candle when abutting any commercial or industrial parcel.

SECTION 2. Special provisions - Building Maintenance & Appearance

1. Declaration of Nuisance: Buildings, fences, and other structures which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowner's and occupants enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.

2. Standards. Any building, fence, or other structure is a public nuisance if it does not comply with the following requirements:

   a. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

b. Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface shall have peeling, cracked, chipped or otherwise deteriorated surface finish on more than twenty (20%) per cent of:

1. any one wall or other flat surface, or 2. all door and window moldings, eaves, gutters, and similar projections on any one side or surface

c. No glass, including windows and exterior light fixtures shall be broken or cracked, and no screens shall be torn or separated from moldings.

d. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

e. All cornices, moldings, lintels, sills, bay or dormer windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

f. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

g. Chimneys, antennae, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

h. All foundations shall be structurally sound and in good repair.

SECTION 3: Special Provisions - Outside Parking and Storage

1. Definitions. For purposes of this section the following words shall have the meanings specified below.

a. "Vehicle" or "vehicles" shall mean any motor vehicle as defined in Minn. Stat. 169.01. including pioneer, classic, collector, and street rod vehicles, but excluding the following:

(i) Trailers with weight classifications of A and B as provided in Minn. Stat. 168.013, Subd. 1e.
(ii) Snowmobiles, and
(iii) All terrain vehicles as defined in Minn. Stat. 84.92, Subd. 8.

b. "Racing car" means any motor vehicle designed or intended for operation on a speedway, racetrack, or other facility used or designed for high speed contests between two (2) or more vehicles or for timing of speed.

c. "Stock car" means any motor vehicle of standard design and construction which is modified, adapted or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used or designed for high speed contests between two (2) or more vehicles or for timing of speed.

d. "Street rod" means any motor vehicle licensed as a street rod car pursuant to Minnesota Statutes 168.10.

e. "Front yard area" shall mean all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines. The front side of the property shall be determined as specified in the Zoning Ordinance.

f. "Outside" means to be outside of an enclosed storage facility and visible from any other property.

g. "Completely Covered" means covered by an opaque fabric or structure professionally designed to cover the vehicle that it is covering or, if not covered by such fabric or structure, it shall be covered to the extent that no area of the vehicle, recreational vehicle or mobile recreational structure shall be visible.

2. Declaration of a Nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners and occupants enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

3. Unlawful Parking and Storage.

a. No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside

continuously for longer than 24 hours in the front yard area of residentially zoned property, unless more than 100 feet back from the front property line.

b. No person may place, store, or allow the placement or storage of pipe, lumber, forms, steel machinery, or similar materials, including all materials used in connection with a business, outside on residentially zoned property, unless shielded from public view by an opaque cover or fence.

c. No person shall park, keep, place or store, nor permit the parking or storage of a street rod, racing car or stock car on public or private property between October 1 and the following May 1, nor shall any person service, repair, replace parts or do maintenance work on any such vehicle unless it is within a building or unless the vehicle is screened from ordinary view by means of an appropriate fence, or unless it is completely covered. The adequacy of the fence shall be determined by the Danube Zoning Administrator. Outside storage will be limited to two (2) such vehicles.

d. No person shall cause, undertake, permit or allow the outside parking and storage of more than four (4) vehicles per lawful dwelling unit on residentially-zoned property, excluding vehicles of occasional guests who do not reside on the property.

e. No person owning, driving or in charge of any vehicle with a weight classification G through T inclusive, as specified in Minn. Stat. 168.013, Subd. 1e, may cause or permit that vehicle to be parked outside or to stand continuously for more than two hours on any property or public street within a residential zone in the city.

4. Exception: The prohibitions of this Section shall not apply to the following:

a. Any motor truck, pickup truck or similar vehicle being used by a public utility, moving company or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

b. Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pickup or delivery and in excess of the two hour limit shall be unlawful.

c. Lawful nonconforming and permitted uses.

SECTION 4. Special Provisions - Abandoned or Junk Vehicles

1. Definitions - For purposes of this section the following words shall have the meanings specified below:

   a. "Abandoned vehicle" means a motor vehicle that has remained for a period of more than seven (7) days on public property illegally, or that has remained for a period of more than seven (7) days on private property with or without consent of the person in control of the property, in an inoperable condition, unless it is kept in an enclosed garage, storage building or completely covered as defined in Section 3. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or to a towing contractor hired by the City for its removal.

   b. "Junk Vehicle" means a motor vehicle which is in an inoperable condition, which is partially dismantled, which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind, except vehicles in compliance with Section 3.3c. A junk vehicle shall also be considered an abandoned vehicle for the purpose of this ordinance.

   c. "Inoperable condition" means that the vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that (i) has a missing or defective part that is necessary for the normal operation of the vehicle, (ii) is stored on blocks, jacks, or other supports, or (iii) has not had a current vehicle license for at least six months.

   d. "Motor vehicle" or "vehicle" shall have the meaning contained in Minn. Stat. 169.01.

2. Vehicles Constituting a Public Nuisance

   a. Abandoned and junk vehicles are declared to be a public nuisance creating a hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter, and unsightly debris and is a blight on the landscape and a detriment to the environment.

   b. Any vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of any ordinance or state statute; or that is reported stolen;

or that is found impeding firefighters, snow removal or plowing or the orderly flow of traffic, is declared to be a public nuisance.

c. Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the proposed activities has been given to the vehicle owner or user at least twelve (12) hours in advance, is declared to be a public nuisance.

3. Abatement

a. Impounding. Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner by the towing contractor only upon payment of the required impound, towing, and storage fees.

b. Sale. Notice and sale of any vehicle impounded under this ordinance shall be conducted in accordance with Minn. Stat. Chapter 168B governing the sale of abandoned motor vehicles.

SECTION 5. Abatement Procedure

1. Abatement. Except for the abatement of public nuisance vehicles as governed by Section 4, the following abatement procedure shall apply to all public nuisances. Whenever the officer who is charged with enforcement determines that a public nuisance is being maintained or exists on property in the City, the officer shall notify in writing the property owner and occupant of that fact and order that the nuisance be terminated and abated. Notice shall be served in person or by mail. If the property is not occupied and the owner is unknown, notice may be served by posting it on the property. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated. If the owner or occupant does not comply with the notice within the time specified, the City Council, may after notice to the owner and occupant and an opportunity to be heard, provide for abating and nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer and shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of posting and hearing. In emergency circumstances where there is an immediate threat to the public health or safety or an immediate threat of serious property damage, the enforcing officer may provide for abating the nuisance without actions

by the City Council. In such case, the enforcing officer shall reasonably attempt to notify the owner or occupant of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

2. Cost recovery. The owner of the property on which a nuisance has been abated by the City shall be personally liable to the City for the cost 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 immediately due and payable at the office of the City Clerk.

3. Assessment. If the cost has not been paid under Subdivision 2, the City Clerk shall on or before September 1 following the nuisance abatement, list the total unpaid charges against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against the property under Minn. Stat. Chapter 423 and other pertinent statutes, for certification to the County Auditor and collection along with current taxes in the following year or in such annual installments, not exceeding ten (10), as the Council may determine in each case.

SECTION 6. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $700.00 or shall be imprisoned for a period of time not to exceed ninety (90) days, or both, plus the costs of prosecution in either case.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Adopted by the City Council of Danube this 13th day of APRIL, 1994.

Don Lothert

Don Lothert, Mayor

Veva Mittelstadt

Attest: Veva Mittelstadt
City Clerk