

ORDINANCE NO. 153

**AN ORDINANCE REGULATING BLIGHT AND PUBLIC NUISANCES WITHIN THE CITY OF
FINLAYSON, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF FINLAYSON, MINNESOTA DOES ORDAIN:

An ordinance to prevent or eliminate blighting factors within the City of Finlayson (March 1996) is hereby repealed in its entirety and is replaced by this Ordinance No. 153 to read as follows:

**ARTICLE I.
BLIGHT AND NUISANCES**

Generally

Sec. 1.1. Additional remedies.

The penalties and remedies provided in this article for the elimination of blight and the abatement of nuisances and offensive conditions are in addition to any other penalty or remedy provided by ordinance, statute, or at common law. Any other penalty or remedy provided by ordinance, statute, or at common law shall not be construed as a limitation upon the penalties and remedies as provided in this article, nor shall the remedies and penalties provided in this article be construed as a limitation on any penalties or remedies available by other ordinance, statute, or at common law.

**ARTICLE II
PROHIBITED CONDITIONS**

Residential Areas

Sec. 2.2. Purpose.

It is hereby found and declared that:

- (1) Areas of the city are or may become blighted with the resulting impairment of taxable values upon which, in large part, city revenues depend;
- (2) Such blighted areas are detrimental or inimical to the health, safety, morals, and general welfare of the citizens and to the economic welfare of the city;
- (3) In order to improve and maintain the general character of the city, it is necessary to rehabilitate such blighted areas;
- (4) The conditions found in blighted areas cannot be remedied by the

ordinary operations of private enterprise with due regard to the general welfare of the public, without public participation;

- (5) The purposes of this division are to rehabilitate such areas by eliminating blight and blight factors within all areas of the city for the protection of the health, safety, morals and general welfare of the city; to preserve existing values of other properties within or adjacent to such areas and all other areas of the city; and to preserve the taxable value of the property within such areas and all other areas of the city; and
- (6) The necessity and the public interest for provisions set forth in this division are hereby declared as a matter of legislative determination to be a public purpose and for the protection of the health, safety and welfare of the residents of the city.

Sec. 2.21. Causes of blight, blighting factors, and public nuisance.

It is hereby determined that the following uses, structures, activities, and conditions are causes of blight, blighting factors, and public nuisance which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any causes of blight, blighting factors, or public nuisance upon any property in the city whether owned, leased, rented, or occupied by such person. Such blight, blighting factors, or public nuisances are as follows:

- (1) In any area zoned or used for residential purposes, the storage upon any property, street or alley of junk automobiles, except in a completely enclosed building. For the purpose of this division, the term "junk automobiles" shall include any motor vehicle which is unlicensed for a period in excess of 30 days for use upon the roads and highways in the state and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for any period in excess of 30 days.
- (2) In any area zoned or used for residential purposes, the open storage upon any property, street or alley of building materials unless there is in force a valid building permit issued by the city for construction upon such property and such materials are for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.
- (3) In any area zoned or used for residential purposes, the open storage or accumulation upon any property, street or alley of junk, trash, debris, rubbish or refuse of any kind, except domestic refuse stored in such a manner as

not to create a nuisance for a period not to exceed seven days.

- a. Domestic refuse shall be enclosed in sealed trash receptacles and located in such a manner that they shall not be visible from any public street or sidewalk whenever possible, except during normal collection schedules.
 - b. The term "junk" shall include but not be limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the material could be put to any immediate reasonable use.
 - c. The term "*open storage*," as used in this division, shall mean such storage or accumulation which is visible from any public street or sidewalk or from any adjoining property.
- (4) In any area zoned or used for residential purposes, the failure to maintain the exterior of any building in a condition such that there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and stained or painted and shall be free from chipping or peeling.
- Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti. Porches and stairs must be stable, free of cracked boards or block or not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances. No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture.
- (5) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
- (6) In any area zoned or used for residential purposes, the existence of any storage containers, vacant dwelling, garage or other outbuildings, unless such structure is kept securely locked, there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block or in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances, and are otherwise protected to prevent entry thereto by the elements or by unauthorized persons.

- (7) In any area zoned or used for residential purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless such construction is completed within a reasonable time defined as 12 months from date of issuance of building permit, along with any written extensions granted by the building inspector.
- (8) Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other code violations. Landscaping in a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all lawns are mowed regularly, not to exceed eight inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance, and that noxious weeds are eliminated.

Commercial Areas

Sec 2.3. Applicability.

In the interpretation of Sections 2.3 – 2-38 the provisions of Section 2.1 – 2.21 shall apply.

Sec 2.31. Definitions.

The following words, terms and phrases, when used in Sections 2.32 – 2.36, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial building means any building or structure used for business purposes, including but not limited to office, retail, service and/or industrial building or structures.

Parking lot means all areas set aside or designed for the parking of motor vehicles or the loading and unloading of motor vehicles on the premises or in conjunction with a shopping center and includes all driveways, aisle ways or other areas supplementary thereto.

Proprietor means every owner, lessee, tenant, or other person having the right to possession of all or a portion of a shopping center or commercial building. Where there is more than one such person, all shall be jointly and severally obligated by the terms of this division.

Shopping center means one or more commercial buildings, whether or not under common ownership, which are operated as an entity or in cooperation with one another

and which have common parking facilities.

Sec 2.32. Buildings.

The exteriors of all commercial buildings, or industrial buildings, or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. There shall be no broken windows and all windows shall be fully glazed without inserts or patches, painted surfaces shall be kept properly painted, block, brick or other siding in good repair with no holes, loose or missing pieces. Exterior paint/stain shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the obligations of this section shall fall only upon those persons responsible for the maintenance of the particular buildings which are not being maintained in accordance with this section.

Sec. 2.33. Parking lots.

Pursuant to this division, all parking lots shall be well maintained. The proprietor shall provide for snow removal services, in order that the parking lot will be reasonably available for use by the public.

Sec. 2.34. Trash removal.

Pursuant to this division, the proprietor shall provide for the removal of all waste, trash, rubbish or refuse of all kinds from the shopping center at regular intervals. Such intervals shall not exceed one week, and trash collections shall be made more often if necessary to prevent the accumulation of refuse so as to create a nuisance. Between collections, the refuse shall be stored in covered containers constructed in such a way as to prevent escape of the refuse..

Sec. 2.35. Loose trash, rubbish or debris.

Pursuant to this division, the proprietor shall be responsible for seeing to it that the premises of the shopping center or commercial building, including the parking lot and specifically including that part of any highway right-of-way adjoining the premises and not actually used for the travel of motor vehicles, are kept free of junk, trash, rubbish, debris or refuse of any kind. The proprietor shall see to it that the premises are cleaned of such debris or refuse or any such refuse which has blown on adjoining property at least each day and shall take all reasonable steps to provide containers for discards and to order his employees and encourage the public to use them.

Sec. 2.36. Landscaping.

Pursuant to this division, the proprietor shall install and maintain landscaping on all areas of the shopping center or commercial building premises not occupied by buildings, sidewalks, parking lots, driveways and similar surfacing. The requirement of landscaping also is specifically applicable to those parts of highway rights-of-way adjoining the shopping center or commercial building premises and not actually used for travel purposes.. The

proprietor shall maintain the landscaping and shall see that all lawns are mowed regularly, shrubs are appropriately trimmed and noxious weeds are eliminated.

Noxious Weeds And Unlawful Growths

Sec. 2.4. Noxious weeds.

It shall be unlawful for the owner or occupant of any lot or parcel of land within the city to allow to exist or maintain on any portion of such lot or land any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health.

Sec. 2.41. Unlawful growths.

No owner or occupant of any lot or parcel of land within the city shall allow or maintain on any portion of such lot or land any growth of brush, grass, or weeds or similar vegetation so as to create any unsightly, unhealthy, or unsafe condition. It shall further be the responsibility of any owner or occupant of any lot or parcel of land to maintain that portion of land adjacent to the property between the city sidewalk and curb lines or edge of the roadway and the right-of-way areas, including lawn extensions. Brush, grass, or weeds or similar vegetation in excess of eight inches in height shall be presumed in violation of this section.

ARTICLE III. VEGETATION

Sec. 3.1. Prohibited vegetation.

(a) No owner of any lot or parcel of land or any person in possession or control of any lot or parcel of land within the city shall allow or maintain upon any portion of such lot or land any growth of prohibited vegetation defined as grasses, weeds, brush, underbrush, or similar type of vegetation to a height of more than eight inches or the accumulation of dead grasses, weeds, brush, underbrush, or other similar type vegetation to a height of more than eight inches, so as to create an unsightly, unhealthy or unsafe condition or fire hazard.

(b) Upon complaint of a violation of this section, it shall be the duty of the designated city official to investigate such complaint and the premises complained of. After such investigation, if the designated city official determines that the condition of the premises is such to be in violation of this section, he shall issue an order in accordance with the provisions of Section 5.1.

ARTICLE IV. DUTIES OF CITY OFFICIALS.

Sec 4.1

City officials may apply and enforce any provision of this ordinance relating to blight or nuisance within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight or public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

**ARTICLE V.
ABATEMENT PROCEDURE.**

Sec 5.1 Procedure.

Whenever the peace officer or other designated city official determines that blight or a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the blight and/or nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the blight and/or nuisance and the time within which the blight and/or nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after giving notice to the owner or occupant of such hearing and of the owner or occupant's right to be heard and present evidence at such hearing, conduct a hearing for the purpose of determining that the condition identified in the notice of violation is blight and/or a nuisance. If the City Council determines that the condition on the property constitutes blight and/or a nuisance it shall issue an order directing that such blight/nuisance be abated within the time prescribed by the City Council. The order shall direct that the City shall have the right to enter onto the premises and take all steps necessary to abate the blight, blighting factors, or nuisance occurring thereon if the owner or occupant fails to do so within the time proscribed in the order.

Sec 5.2 Notice.

Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

Sec 5.3 Emergency procedure; summary enforcement.

In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Sections 5.1 and 5.2 of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council

may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth Section 4.1 and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Sec 5.4 Immediate abatement.

Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Sec 5.5 Judicial remedy.

Nothing in this Article shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

**ARTICLE VI.
RECOVERY OF COST.**

Sec 6.1 Personal liability.

The owner of the premises on which a nuisance or blighted condition has been abated by the city, or a person who has caused a public nuisance or blighted condition on property not owned by that person, 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 city official 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.

Sec 6.2 Assessment.

After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance or blighted condition is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county

auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

**ARTICLE VII.
PENALTY.**

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**ARTICLE VII.
SEVERABILITY.**

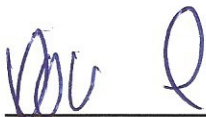
If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**ARTICLE VIII.
EFFECTIVE DATE.**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this 10th day of March, 2014.

Attested:



Mayor



City Clerk