

ORDINANCE NO. _____

AN ORDINANCE DEALING WITH JUNK VEHICLES IN THE CITY OF CLINTON

Findings.

1. There have been several complaints regarding the storing of junk or unlicensed vehicles on some properties in the City of Clinton.
2. The existing Ordinance does not contain a provision which deals with the storage of junk or unlicensed vehicles with the city.
3. The Clinton City Council believes that it is in the best interests of the residents of the City of Clinton to prohibit the storage of junk or unlicensed vehicles within city limits.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLINTON ORDAINS AS FOLLOWS:

1. That Clinton City Ordinance ___ is hereby enacted to read as follows:

“ _____ JUNK VEHICLE NUISANCE

Section 1. Definitions: For the purpose of this Ordinance the following terms shall have the following meaning as defined below:

SUBSECTION A: “junk vehicle” means any motor vehicle which is in an inoperable condition, partially dismantled, serves as a source of repair or replacement parts, or is used for the sale of parts thereof.

SUBSECTION B: “unlicensed vehicle” means any motor vehicle including snow mobiles not having attached in the manner prescribed by law a currently valid license as issued by any State, province or nation.

SUBSECTION C: “public nuisance” means any act or omission which endangers the safety, health, morals, comfort or repose of persons within the City.

Section 2. Parking or storage of junk vehicles, unlicensed vehicles prohibited. No person shall park or store or allow to be parked or stored any junk vehicle, any unlicensed vehicle, or items of a similar nature at any place in the City unless the aforementioned items are (a) within the confines of a lawfully erected building, or (b) on the property of a business which operates primarily to repair motor vehicles, and said vehicle is being repaired or is being used in the repair of other vehicles by said business, for a period of time not exceeding six (6) months.

Section 3: Abatement.

(A) *General provisions.*

- (1) When the existence of a violation of this Section comes to the attention of the City Council, law enforcement officer, or the person appointed as the Building Official by the City Council, the law enforcement officer or Building Official shall make an inspection of such nuisance.
- (2) Following such inspection the Building Official or law enforcement officer shall make an appropriate order for the elimination of the nuisance. The order shall be in writing; recite the grounds upon which the Building Official or law enforcement officer concluded it was a nuisance; specify the actions required to be taken to eliminate the hazard and provide a reasonable time for compliance with the order (which shall be no more than thirty (30) days from the date of the order).
- (3) Such order shall be mailed to the owner of the property on which the hazardous building

is located by certified or registered mail at the owner's last known address on file with the City Clerk's Office or with the County Auditor's Office. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

- (4) Following the expiration of the time specified in the order for compliance the Building Official or law enforcement officer shall re-inspect the property to determine whether the nuisance has been eliminated.
 - (5) In the event it is determined by the Building Official or law enforcement officer that the order has not been complied with, the Building Official or law enforcement officer shall notify the mayor in writing and said writing shall also contain recommendations for the abatement of the nuisance.
 - (6) No extensions shall be allowed, unless an appeal provided for in paragraph (C) herein is taken, which the Building Official or law enforcement officer shall communicate such information to the City Council in writing.
- (B) *Failure to comply with order.* Should it be determined by the City Council or the Mayor, that the order of the Building Official or law enforcement officer has not been complied with, the City shall serve notice upon the owner and said notice shall state that a motion for summary enforcement of the order will be made to the District Court of the county in which the hazardous building or property is situated unless corrective action is taken or unless an answer is filed within then (10) days of the day of service. Summary enforcement may include demolition of any building or structure at issue, or the removal of items of personal property or vegetative material from the property at issue. Any expenses incurred by the City in acting pursuant to a Court Order shall be a lien upon such real estate at issue, if any. The City Clerk shall certify to the County Auditor of Traverse County a statement of the amount of the cost incurred by the City. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes. Additionally, the City may recover any expenses incurred in carrying out the abatement process pursuant to M.S.A. §463.22.
- (C) *Appeal by owner.* If an answer is filed and served as provided by paragraph (B), further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts. The answer must be received prior to the service of the motion for summary enforcement, otherwise any future court hearings shall be conducted solely to determine whether the nuisance has been corrected, and no evidence shall be allowed contesting the initial determination by the City that an actual nuisance exists.
- (D) *Limitation on liability.* The City of Clinton, the Building Official, a law enforcement officer and/or any employee charged with the enforcement of this Ordinance, shall not be liable for any damage that may occur to persons or property as a result of any act required of the Building Official, a law enforcement officer, or any employee of the City of Clinton or by reason of any act or omission of the Building Official, law enforcement officer, or any such employee
- (E) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A), (B), and (C) 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 Building Official or law enforcement officer shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The Building Official or law enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will

be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A), (B), and (C) of this section, 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.

- (F) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Section 4: Recovery of Cost.

- (A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city or a person who has caused a public nuisance on a 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 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.
- (B) *Assessment.* After notice and hearing as provided in M.S. §429.061, as it may be amended from time to time, if the nuisance 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 charges as well as other charges for current services to be assessed under M.S.A. §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 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, as the City Council may determine in each case.

Section 5: Penalty. Any person violating this Ordinance, or interfering with any City employee in the performance of his duties under this Ordinance, shall be guilty of a misdemeanor in accordance with M.S.A. §609.03(3). Each day a person allows a junk vehicle on his property shall constitute a separate violation of this Ordinance.”

PASSED AND ADOPTED this ___ day of April, 2019.

CLINTON CITY COUNCIL

Greg Basta, Mayor

ATTEST:

Karianna Wiegman, City Clerk