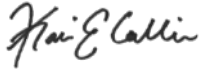


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 5-15-2017
Item No.: 7.f

Department Approval



Kari Collins, Community Development Director

City Manager Approval



Item Description: Discuss Proposed Text Amendments to Roseville's City Code,
Chapter 407 Nuisances.

BACKGROUND

During the 2016 Neighborhood Enhancement Program inspections, several instances were brought to City Council attention contesting areas within Chapter 407. Per Council request, the Community Development Department has reviewed the Chapter and has recommended changes for consideration.

The Code Enforcement Division seeks direction on the proposed text amendments and has compiled suggested changes to Roseville's City Code, Chapter 407 Nuisances. The text amendments include updates to text language, reordering of sections, adding sections for a variance / variance appeal and eliminating duplicative or contradictory language.

Staff previously brought this item forward at the March 27, 2017 Council meeting for discussion. Attachments to this RCA include the suggested amendments and revisions from the previous discussion as requested by Council.

POLICY OBJECTIVE

Staff periodically updates City Code and Zoning Ordinance language to eliminate duplicate and contradictory language.

FINANCIAL IMPACTS

There are no financial impacts.

STAFF RECOMMENDATION

Based on the comments provided in this report, staff requests direction in regards to the proposed text amendments to Roseville's City Code, Chapter 407.

REQUESTED COUNCIL ACTION

Direct Staff to amend selected text of Roseville's City Code, Chapter 407, as discussed and to bring back to Council, amendments to the Ordinance for adoption.

Prepared by: Dave Englund, Codes Coordinator
Attachments: A: Suggested revisions to 407.02.G (Mayor Roe).
B: Chapter 407 - with revisions.
C: Resident feedback to proposed changes.

5/15/17 - Farm Animal regulations (Roe suggestions to start the conversation):

CURRENT:

407.02: NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE:

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

G. Keeping of Farm Animals: The keeping of cows, horses, sheep, goats or any four legged animal commonly known as farm animals, other than those commonly called poultry, in any pasture, stable or any enclosure within 300 feet or less of any other lot in any residence district. (Ord. 629, 9-28-70)

501.21: RIDING HORSES:

A. Definition: As used in this Section, "riding horse" means any horse which is used primarily for riding. (Ord. 349, 12-1-1961)

B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured.

C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:

1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.

2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.

D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)

E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres, but no more than three horses can be kept in such three acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord. 734, 9-9-1974)

F. License Fee: The license fee for each riding horse is as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)

G. Term of License: The license granted by the City Council under this Section shall be for the life of each horse and need not be renewed annually.

H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the City Manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

SUGGESTED POSSIBLE CHANGES:

407.02: NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE:

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

G. Keeping of Farm Animals: The keeping of cows, horses, sheep, goats, pigs, poultry, or any ~~four legged~~ animal commonly known as a farm animals, ~~other than those commonly called poultry~~, in any pasture, stable or any enclosure within 300 feet or less of any other lot in any ~~residence~~ district. (Ord. 629, 9-28-70)

1. Exceptions: This prohibition shall not apply to:

- a. The keeping of up to X chicken hens and Y roosters on Low Density Residential properties to provide eggs for non-commercial purposes, provided that any coops or other related structures meet Accessory Building requirements in Title 10 of this Code;
- b. The keeping of no more than 2 of what are known as "pygmy" goats or "pot-bellied" pigs, weighing less than 100 pounds each, as pets on Low Density or Medium Density Residential properties;
- c. The keeping of bees on Low Density Residential properties, provided that any hives or other related structures meet Accessory Building requirements in Title 10 of this Code;
- d. The use of sheep or goats for turf, plant, or weed control during daylight hours, so long as such animals are not otherwise kept on a premises in violation of this Code;
- e. Riding Horses licensed under Chapter 501 of this Code.

501.21: RIDING HORSES:

A. Definition: As used in this Section, "riding horse" means any horse which is used ~~exclusively primarily~~ for riding. (Ord. 349, 12-1-1961) Keeping of horses for any other purpose is not permitted.

B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured. An unlicensed riding horse shall not be kept in the City for any length of time.

C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:

1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.

2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.

D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)

E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres, but

93 no more than three horses can be kept in such three acre pasture at any one time. For each
94 horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord.
95 734, 9-9-1974)

96 F. License Fee: The license fee for each riding horse is as established by the City Fee
97 Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)

98 G. Term of License: The license granted by the City Council under this Section shall be
99 for the life of each horse and need not be renewed annually.

100 H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the
101 City Manager shall issue to the licensee a tag indicating that a license has been issued and
102 said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

103
104 **(or repeal this entire section?)**

CHAPTER 407 NUISANCES

SECTION:

- 407.01: Definitions
 407.02: Nuisances Affecting ~~Health, Safety, Public~~ Comfort or Repose
 407.03: Nuisances Affecting ~~Peace~~ Public Health and Safety
 407.04: ~~Public Nuisance Unlawful Vehicles Constituting a Public Nuisance~~
 407.05: ~~Enforcement~~ Public Nuisance Unlawful
 407.06: ~~City Abatement of Public Nuisances~~ Enforcement
 407.07: ~~Recovery of Cost~~ City Abatement of Public Nuisances
 407.08: ~~Accelerated Abatement Process for Certain Nuisances~~ Recovery of Cost
 407.09: Accelerated Abatement Process for Certain Nuisances
 407.10: Public Nuisance Variance
 407.11: Variance Appeal

407.01: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABANDONED VEHICLE: A motor vehicle that:

- a. Has been illegally parked on public property for a period of more than 48 hours;
- b. Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours;
- c. Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

ANIMALS, Domestic: Animals kept within the home as pets such as; fish, dogs, cats, household birds and similar animals.

ANIMALS, Non-Domestic: Animals, which are kept outside the home for purposes of food or pleasure such as; cattle, hogs, horses, sheep, llamas, goats or other similar animals.

FRONT YARD AREA: 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 extended to the side property lines. The front side of the property shall be determined as specified in Title 11 of this code.

GROUND COVER: Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion. (Ord. 1384, 7-13-2009)

GRAFFITI: Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public and private property and which has the effect of defacing the property.

INOPERABLE CONDITION: ~~The~~ A vehicle which has no substantial potential use consistent with its usual function, and ~~shall~~ may include a vehicle that:

41 a. Has a missing or defective vital component part ~~that is necessary for the normal~~
42 ~~operation of the vehicle;~~

43 b. Is stored on blocks, ~~or~~ jacks or other supports.

44 JUNK VEHICLE: An inoperable motor vehicle which is; in inoperable condition, partially
45 dismantled, ~~which is~~ used for sale of parts, ~~or as~~ a source of repair or replacement parts for other
46 vehicles, ~~or which is~~ kept for scrapping, dismantling or salvage of any kind. ~~Un~~less such
47 vehicle is kept in an enclosed garage. An abandoned vehicle shall also be considered a junk
48 vehicle for the purpose of this chapter.

49 NATURAL AREAS: Natural, restored, or recreated woodlands, savannahs, prairies, meadows,
50 bogs, marshes, and lake shores. (Ord. 1384, 7-13-2009)

51 NATURAL LANDSCAPING: Planned landscaping designed to replicate a locally native plant
52 community by using a mix of plants, shrubs, and trees native to the area. (Ord. 1384, 7-13-2009)

53 NUISANCE: Any act, substance, matter emission or thing which creates a dangerous or
54 unhealthy condition or which threatens the public peace, health, safety or sanitary condition of
55 the city or which is offensive or has a blighting influence on the community and which is found
56 upon, in, being discharged or flowing from any street, alley, highway, railroad right of way,
57 vehicle, railroad car, waterway, excavation, building, structure, lot, grounds, or other property
58 located within the city of Roseville. Nuisances shall include, but not be limited to, those
59 enumerated below:

60 ~~A.~~ a. Maintain s ing or permit s ting a condition which unreasonably annoys, injures or
61 endangers the safety, health, comfort or repose of members of the public; or

62 ~~B.~~ b. Interfer es ing with, obstruct s ing or render s ing dangerous for passage, any public
63 road or right of way, street, alley or highway or waters used by the public; or

64 ~~C.~~ c. In any way rendering the public insecure in life or in use of property; or

65 ~~D.~~ d. Is guilty of Any other act or omission declared by law to be a public nuisance
66 specifically provided.

67 ~~D.~~ Anything left or displayed for sale on public or private property without written permission
68 by the owner or person in control of the property may be tagged and/or towed at the owner's
69 expense.

70 ~~E.~~ In any way render the public insecure in life or in use of property.

71 OCCUPANT: Includes any person living in or in control of any dwelling unit upon property
72 wherein a ~~motor vehicle is parked~~ nuisance is determined to be present.

73 PEDDLING AND SOLICITING: The practice of going house-to-house, door-to-door, business
74 to-business, street-to-street, or any other type of place-to-place, for the purposes of offering for
75 sale or obtaining, or attempting to obtain, orders for goods, wares, products, merchandise, other
76 personal property or services.

77 SERVICE STATION: A business involving the sale of motor fuel and/or the repair of motor
78 vehicles.

79 VEHICLE OR VEHICLES: Any "motor vehicle" vehicle as defined in Minnesota Statutes but
80 excluding the following:

81 ~~A. Trailers with weight classifications of A and B as provided in Minnesota Statutes~~

82 ~~B. b.~~ b. Snowmobiles, and ; or

83 ~~C. c.~~ c. "All-terrain vehicles" as defined in Minnesota Statutes.

84 VITAL COMPONENT PARTS: Those parts of the motor vehicle that are essential to the
85 mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and
86 wheels. (Ord. 1162, 7-10-1995)

**407.02: NUISANCES AFFECTING ~~PUBLIC HEALTH, SAFETY,~~
COMFORT OR REPOSE:**

The following are hereby declared to be public nuisances affecting public health, safety, comfort or repose:

~~A. Diseased Animals: All diseased animals running at large.~~

~~B. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.~~

~~F. A.~~ Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements of Section Chapter 409. (Ord. 1092, 6-10-91, amended (Ord. 1384, 7-13-2009))

~~J. B.~~ Building Maintenance and Appearance: 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: 1) are unsightly, 2) decrease adjoining landowners' and occupants enjoyment of their property and neighborhood, and 3) adversely affect property values and neighborhood pattern. Any building, fence or other structure not complying with Chapter 906 of this Code or the following:~~

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

~~1. All wires which are strung less than 15 feet above the surface of any public street or alley.~~

~~2~~ 1. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

~~3~~ 2. All cornices, moldings, lintels, 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.

~~4~~ 3. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

~~5~~ 4. 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.

~~6~~ 5. All foundations shall be structurally sound and in good repair.

~~C.~~ Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, ~~and other~~ cut vegetative debris, or other debris of any nature or description and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans or other material of any kind onto public or private property. (Ord. 1337, 5-22-2006)

~~Q. D.~~ Graffiti: ~~Graffiti shall mean any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, dumpsters or other permanent structures on public or private property and which has the effect of defacing the property.~~ (Ord. 1337, 5-22-2006)

~~G. E.~~ Keeping of ~~Farm~~ Animals, Non-Domestic: The keeping of ~~cows, horses, sheep, goats or any four-legged animals commonly known as farm animals,~~ other than those commonly called poultry or bees, in any pasture, stable or any enclosure within 300 feet or less of any other lot in any residence district. (Ord. 629, 9-28-70)

132 F. Noises: All noises in violation of Chapter 405 of this Code.

133 ~~L. G. Declaration of Nuisance Parking and Storage:~~ The outside parking ~~and or~~ storage on
134 residentially-zoned property of vehicles, materials, supplies or equipment ~~not customarily~~
135 ~~used for residential purposes~~ in violation of the ~~requirements provisions~~ set forth below: ~~is~~
136 ~~declared to be a public nuisance because it: 1) obstructs views on streets and private~~
137 ~~property, 2) creates cluttered and otherwise unsightly areas, 3) introduces commercial~~
138 ~~advertising signs into areas where commercial advertising signs are otherwise prohibited, 4)~~
139 ~~decreases adjoining landowners and occupants' enjoyment of their property and~~
140 ~~neighborhood, and 5) otherwise adversely affects property values and neighborhood~~
141 ~~patterns. Service vehicles with a manufacturer's rated capacity of 2,000 pounds or less are~~
142 ~~exempt from this provision.~~

143 ~~M. Unlawful Parking and Storage:—~~

144 1. Non-Permanent Structures: No person may place, store, or allow the placement
145 or storage of ice fish houses, skateboard ramps, play houses, or other similar
146 nonpermanent structures outside continuously for longer than 24 hours in the
147 front-yard area of residentially-zoned property.

148 2. Storage on Property in Front Yards: No person may place, store or allow the
149 placement or storage of the following, for a period longer than 4 days in the front
150 yard or unscreened street facing side yard of a corner lot of any residential zoned
151 area:

- 152 a. Trailers of any type, unless ~~supporting a boat of 20 foot length or~~
153 ~~less and~~ completely placed on an improved surface as defined in
154 this Code and stored no closer than five (5) feet of a property line;
155 or
156 b. Boats or watercraft of any type in excess of 20 foot length; or
157 c. Vehicles of any type in inoperable condition; or
158 d. Vehicles of any type that are posted as “for sale”; or
159 e. Recreational vehicles as defined by State Statute, unless stored
160 completely on an improved surface, as defined in this Code and
161 meeting a five (5) foot setback requirement to a property line and
162 no portion of the vehicle may be stored on or over the Public Right
163 of Way.

164 3. Storage of Materials: No person may place, store or allow the placement or
165 storage of pipe, lumber, steel, machinery or similar materials including
166 all vehicles, equipment or materials used in connection with a business, outside on
167 residentially-zoned property, except for temporary storage of such materials for
168 use in the construction or remodeling of a structure on the property when a valid
169 City issued building permit exists.

170 4. Vehicle Parking, General: No person shall cause, undertake, permit or allow the
171 outside parking and storage of vehicles in residentially-zoned property for more
172 than ~~14~~ days unless it complies with the following requirements: (Ord. 1288, 8-4-
173 2003)

174 a. Vehicles ~~which are parked or stored outside~~ shall be on an improved
175 surface as defined in this Code.

176 b. ~~All v~~ Vehicles, watercraft and other articles stored outside on
177 residential- property must be owned by a person who is a legal resident

of that property and continuously maintain current registration and licensure. (Ord. 1466, 04-21-2014)

4 5. Large/Commercial Vehicles: No person, owning, driving or in charge of any vehicle with a manufacturers rated capacity of more than one ton, as specified in Minnesota Statutes, may cause or permit that vehicle to be parked outside or stand continuous for more than two hours on a property or public street within a residential zone in the City, with the exception of 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; or
- 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 provide such excepted service or to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

56. Street Parking, Trailers and Recreational Vehicle: No trailer (of any size), boat supported on a trailer, or recreational vehicle (with dual rear tires or dual rear axle) may be parked on a public street or right-of-way within the City for: 1) more than 4 consecutive days, or, 2) more than 4 total days in any calendar month.

- a. Parking in one location for ~~over~~ over 2 hours (in a 24 hour period) qualifies as a 'day' for purposes of this section.
- b. Posting for a public hearing, before City Council, shall be a minimum of 10 days for violations of item #5.

~~N. Exceptions: The prohibitions of this Section shall not apply to the following:~~

~~1. 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.~~

~~2. 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 a pickup or delivery and in excess of the two hour limit shall be unlawful.~~

I.H. Service Stations: Operation of a business service station ~~involving the sale of motor fuel and/or the repair of motor vehicles if conducted~~ in a manner that includes any of the following ~~manner:~~

1. The ~~use of service station premises for the~~ sale, or ~~for~~ display in aid of sale, of any motor vehicle.
2. The use of service station premises for storage of damaged or abandoned motor vehicles for in excess of seven days without a directive of the Chief of Police.
3. The storing of or ~~the allowing of~~ accumulation of any of the following items on ~~service station~~ the premises in view of adjacent ~~land~~ properties:
 - a. Used oil cans; or
 - b. Discarded auto parts; or
 - c. Discarded tires; or
 - d. Any other items of similar ~~debris~~ nature.

~~4. Operating a service station with premises that does not have its entire area covered by the following: building, concrete or bituminous paving and grass, well~~

maintained or other well-maintained shrubbery.

5 4. Allowing tires to be sold or displayed for sale within view of the adjacent ~~land~~ properties, unless the same are displayed in a rack and only during business hours. (Ord. 499, 8-8-66; amd. 1995 Code)

~~E. I.~~ Smoke and Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (Ord. 207, 11-9-55)

J. Vibrations: All unnecessary and annoying vibrations.

~~C. K.~~ Weeds and Vegetation: All noxious weeds ~~are prohibited in all locations.~~ Also, Tall turf grasses, nuisance weeds and rank vegetative growth ~~shall be not~~ maintained at a height of eight inches or less in locations closer than 40 feet ~~to~~ from:

1. An occupied principal structure;
2. Any property line with an occupied structure on abutting property; and
3. A public road pavement edge.

This ~~section~~ shall not apply to:

1. Natural areas, public open space or park lands, as determined by the city forester or naturalist designated by the city manager. (Ord. 1136, 2-28-1994); Amd. (Ord. 1384, 7-13-2009)
2. Yard areas with natural landscaping that follow the City Park Department policy for natural landscaping (Ord. 1384, 7-13-2009)

~~R. L.~~ Yard Cover: ~~The y~~Yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be maintained as set forward in Section 407.02(~~C A~~). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-21-2014)

~~H.~~ Peddling and Soliciting:

- ~~1. The practice of going house to house, door to door, business to business, street to street, or any other type of place to place, for the purposes of offering for sale or obtaining, or attempting to obtain, orders for goods, wares, products, merchandise, other personal property or services if conducted in the following manner:~~
 - ~~a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way;~~
 - ~~b. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;~~
 - ~~c. Conducting business before 7:00 a.m. or after 9:00 p.m.~~
 - ~~d. Making any false or misleading statements about the product or service being offered, including untrue statements of endorsement;~~
 - ~~e. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.~~
- ~~2. Entering the property of another, unless invited to do so by the property owner or tenant, for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard at least 4 inches long and 4 inches wide with print at least 48 point in size stating "No Trespassing" or "No Peddlers or Solicitors," or "Peddlers and Solicitors Prohibited" or other comparable statement. Removing, defacing or otherwise tampering with any sign or placard under this section by a person other than the property owner or tenant.~~

~~(Ord. 1293, 8-11-2003)~~

~~O.~~ Vehicles Constituting a Public Nuisance:

~~1. Abandoned and Junk Vehicles Create Hazard: Abandoned and junk vehicles are declared to be a public nuisance creating 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. It shall be unlawful for a person to pile, store or keep wrecked, junked or abandoned motor vehicles on private or public property.~~
~~2. Vehicles Impeding Traffic Flow: 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 firefighting, snow removal or plowing or the orderly flow of traffic is declared to be a public nuisance.~~
~~3. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.~~
~~4. Vehicles Without License Plates: Except where expressly permitted by state law, any vehicle shall be deemed to be junked or abandoned if said vehicle does not have attached thereto a valid and current license plate issued by the proper State agency. (Ord. 1288, 8-4-2003)~~

~~P.~~ **Abatement of Vehicles:**

~~1. 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.~~
~~2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles. (Ord. 1162, 7-10-95)~~

407.03: NUISANCES AFFECTING PUBLIC HEALTH PEACE AND SAFETY:

The following are declared to be nuisances affecting public health ~~peace~~ and safety:

~~A.~~ Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.

~~C.B.~~ Dangerous Buildings: All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their ~~original~~ replacement value or which are so situated as to endanger the safety of the public, or by order of the Building Official.

~~J.C.~~ Dangers Attractive to Children: All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.

~~D.~~ Diseased Animals: All diseased animals running at large.

~~D.E.~~ Explosives: All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law.

~~F.~~ Holes and Excavations: Any well, hole or similar excavation that is left uncovered, unprotected or in such other condition as to constitute a hazard to a person on the premises where it is located.

~~Q.G.~~ Interference With Radio Or TV: All unnecessary interference and disturbance of radios or

TV sets caused by defective electrical appliances and equipment or improper operation of any defective electrical appliances and equipment.

L.H. Interfering With Drainage: Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit.

H.I. Junk: The outside piling, storing or keeping of old machinery, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property. (Ord. 1162, 7-10-1995)

B.J. Low Wires, Tree Limbs, Other Vegetation : All wires, tree limbs and other vegetation which are strung less than 15 feet above the surface of any public street or alley located close enough to the surface of a public non-motorized pathway, street or alley as to constitute an impediment to the safe passage of pedestrians, bicyclists or permitted vehicles.

K. Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such material to fall or land in the City.

I.L. Obstruction of Streets, Crowds: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic and the free use of public streets or sidewalks, except where permitted by the City.

M. Peddling and Soliciting:

1. Engaging in Peddling or Soliciting, if conducted in the following manner:

a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way; or

b. Creating a threat to the health, safety and welfare of any individual or the general public; or

c. Doing so before 8:00 a.m. or after 8:00 p.m.; or

d. Making any false or misleading statements about the product or service being offered, including untrue statements of endorsement; or

e. Remaining on the property of another when requested to leave; or

f. Otherwise act in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

2. Entering the property of another, unless invited to do so by the property owner or tenant prior to entrance onto the property, for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard meeting the following criteria:

a. Sized at least 4 inches long and 4 inches wide; and

b. Having print at least 48 point in size or one half inch tall; and

c. Stating "No Trespassing" or "No Peddlers or Solicitors," or "Peddlers and Solicitors Prohibited" or other comparable statement.

3. Removing, defacing or otherwise tampering with any sign or placard displayed in accordance with paragraph 2 above by a person other than the property owner or tenant. (Ord. 1293, 8-11-2003)

F.N. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law. (~~Ord. 207, 11-9-55~~)

M.O. Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when ~~it~~ such repairs will not unduly

impede or interfere with traffic.

~~A.P.~~ Snow On Non-motorized Pathways: On all properties with off-the-road, non-motorized pathways, except nontax exempt ~~R-1 or R-2 Low Density Residential~~ properties, ice and snow ~~shall be that is not~~ removed from the non-motorized pathway within 12 hours after snow and ice have ceased to be deposited thereon. (Ord. 925, 5-9-83)

~~E. Noises: All unnecessary noises and annoying vibrations.~~

~~G.Q.~~ Storage of Wood: The storage of any wood or wood product used or intended to be used as fire wood on residential properties within the City unless wood piles are erected, located and maintained in a safe and orderly fashion:

1. In neat and secure stacks elevated 6 inches off the ground;

2. A maximum height allowed for a wood pile is 6 feet; and

3. Fire wood shall only be stored in a side or rear yard.

~~The City Council may issue permits for the storage of wood in situations where unique circumstances preclude the ability to meet the standards of the Code. (Ord. 522, 1-9-67; amd. 1995 Code)~~

~~R. Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section 1011.06 of this Code (Visibility Triangles in All Districts).~~

~~N.S.~~ Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, non-motorized pathways, alleys or gutters.

~~O.T.~~ Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.

~~Q. Storing of Boats, Trailers and Inoperative Motor Vehicles In Front Yards:~~

~~1. The storing of the following things for a period longer than 72 hours in the front yard of any residential zoned area:~~

~~a. Trailers of any kind, unless supporting a boat of 20 feet or less;~~

~~b. Boats or watercraft of any kind in excess of 20 feet;~~

~~c. Inoperative motor vehicles of any type;~~

~~d. Campers and camper buses;~~

~~2. For the purpose of this Section, "front yard" means any area between any public street and a line parallel to the public street at the building line. (Ord. 522, 1-9-1967; 1995 Code)~~

407.04: PUBLIC NUISANCE UNLAWFUL VEHICLES CONSTITUTING A PUBLIC NUISANCE:

~~A. Abandoned, Junk and Inoperable Vehicles Create Hazard: Abandoned, junk and inoperable vehicles are declared to be a public nuisance creating 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. It shall be unlawful for a person to pile, store or keep wrecked, junked, inoperable or abandoned vehicles on private or public property.~~

~~B. Vehicles Impeding Traffic Flow: 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 firefighting, snow removal or plowing or the orderly flow of traffic is declared to be a public nuisance.~~

~~C. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or~~

utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.

D. ~~Vehicles Without Current Registration License Plates:~~ Except where expressly permitted by state law, any vehicle or other equipment, which requires registration for operation in the State of Minnesota, shall be deemed to be junked, inoperable or abandoned if said vehicle does not have attached thereto a valid registration and ~~current license plate~~ issued by the proper State agency. (Ord. 1288, 8-4-2003)

E. Abatement of Vehicles:

1. 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 only upon payment of the required impound, towing and storage fees.

2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles. (Ord. 1162, 7-10-95)

407.05: PUBLIC NUISANCE UNLAWFUL:

It shall be unlawful for any person, firm, corporation or association to maintain any public "nuisance" as defined in this Chapter and it shall further be unlawful to do any act which act is defined as a public "nuisance" in this Chapter. (Ord. 320, 6-9-1961)

407.056: ENFORCEMENT:

The City Council authorizes the Community Development Director (or designee) to administer and enforce this Chapter. The Community Development Director may institute, in the name of the City, any appropriate actions or proceedings against a violator as provided by law. (Ord.1354, 10-22-2007)

407.067: CITY ABATEMENT OF PUBLIC NUISANCES:

A. Notice: Whenever an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, and determines that the City abatement process is appropriate, the officer shall notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated or abated. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. (Ord.1354, 10-22-2007)

B. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall immediately report that fact to the City Council. The enforcing officer shall also provide notice to the owner or occupant of the premises that the City Council will consider the matter and may provide for abating the nuisance by the City. The notice shall state the date on which the City Council will consider the matter. Notice by the enforcing officer shall be given at least ten days before the date stated in the notice when the City Council will consider the matter. ~~If notice of the fact that the City Council will consider the matter is given by posting, at least 30 days shall elapse between the day of posting and the date of consideration by the City Council.~~ (Ord. 1337, 5-22-2006)

C. Action of City Council: Upon notice from the enforcing officer of noncompliance, the City

Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City.

D. Service of Notice: Notices ~~shall~~ may be served by any or all of the following methods:

1. In person; or

2. By certified or registered mail; or

3. By posting on site or premises.

~~If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.~~

~~The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated.~~

E. Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the City may abate the nuisance immediately with no hearing. (Ord. 1016, 6-8-1987) (Ord. 1337, 5-22-2006)

407.078: RECOVERY OF COST:

- A. Personal Liability: The owner of 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 Manager, or other official designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.
- B. Assessment: 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 manager 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 Minnesota Statutes section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such 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 10, as the City Council may determine in each case. (Ord. 1016, 6-8-1987)

407.089: ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES:

- A. Notwithstanding the provisions of section 407.06 of this chapter, city officers charged with enforcement of this chapter shall follow the accelerated procedure described below for abating accumulations of snow and ice under subsection 407.03A of this chapter, tall grasses, nuisance weeds and other vegetative growth under subsection 407.02C of this chapter; cut vegetative debris under subsection 407.02D of this chapter; and graffiti under subsection 407.02Q of this chapter. (Ord. 1337, 5-22-2006)
1. Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance proscribed under subsection 407.03A or 407.02C of this chapter is being

maintained or exists on premises in the city, written notice shall be served in person;
or by posting on premises; or by regular or certified first-class mail ~~shall be provided~~ to the
property owner or occupant. ~~If the premises are not occupied and the owner is not known,~~
~~the notice may be served by posting it on the premises.~~ The ~~certified~~ notice shall specify the
nuisance to be abated, that the nuisance must be abated within 5 working days, and that if
the nuisance is not abated within 5 working days, that the city will have the nuisance abated
and the cost of abatement certified against the property for collection with taxes.

2. Abatement by City: If the owner or occupant fails to comply with the ~~certified-mail~~ notice
within 5 days, the city shall provide for abatement of the nuisance. The officer charged with
enforcement shall keep records of the cost of abatement and shall provide this information to
the city manager for assessment against the property pursuant to section 407.07 of this
chapter. (Ord. 1228, 7-12-1999)

407.10: PUBLIC NUISANCE VARIANCE:

A. A variance request pertaining to an initial notice, prior to consideration by City Council, of
nuisances occurring on public or private property as addressed in Section 407.02.G may be filed
by a property owner or occupant with the following requirements:

1. Shall be submitted on forms supplied by the City; and
2. Shall include a specific description detailing the reason for the variance request; and
2. Shall be delivered to the Community Development Director within the timeframe
given in the initial notice; and
3. Shall be accompanied by the fee set forth in Chapter 314.B; and
4. Submission of evidence including written approval of the otherwise prohibited activity,
by 75% of the adjacent property owners within 100 feet of the subject property or
prohibited activity.
5. Submission of evidence including written approval of the otherwise prohibited activity,
by 100% of the abutting property owners of the subject property or prohibited activity.

B. Variance requests will be considered, approved or denied by the Community Development
Director or his/her designee(s). The Community Development Director or his/her designee(s)
shall:

1. Notify the applicant and all property owners, identified under 407.10.A.4,5, within five
(5) business days the decision to approve or deny the request and the process available
for appeal.

C. Variance approvals may be granted with or without conditions, including but not limited to a
time limited duration at the discretion of the City. Violations to any approved public nuisance
variance shall be grounds for immediate revocation of the variance. Additional nuisance activity
or violation to City Code may be grounds for the revocation of an approved variance.

D. Variance denials or revocations may be appealed to City Council by the applicant. If an
appeal is filed it must:

1. Be submitted on forms supplied by the City; and
2. Be delivered to the City Manager within 10 days of the denial or revocation.

407.11: VARIANCE APPEAL:

533 When an appeal is filed, a public meeting regarding the matter shall be held before the City
534 Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty
535 (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may
536 consider any of the evidence that had previously been considered as part of the formal action that
537 is the subject of the appeal. New or additional information from the appealing applicant(s) may
538 be considered by the Board of Adjustments and Appeals at its sole discretion if that information
539 serves to clarify information previously considered by the Community Development Director or
540 his/her designee(s).



Community Development Department

Memo

To: Kari Collins, Community Development Director
From: Dave Englund, Codes Coordinator
Date: 05/11/2017
Re: Resident feedback in regards to proposed nuisance code changes

Kari,

I received 9 emails and approximately 44 phone calls and messages regarding the proposed nuisance code changes. I will redact personal information and attach to the RCA for discussion.

The phone calls and messages I will paraphrase below.

The majority of the calls referenced the hours allowed for peddling and soliciting, this seemed to follow that which I received via email. The overall consensus was to reduce the allowed hours for the activity (most actually wanted it eliminated altogether, but understood it was not a possibility).

Another reoccurring concern for residents was the placement of large recreational vehicles parked in rear or side yards. The requested change allowing the parking of these non-motorized vehicles with a five foot setback (similar to sheds, compost bins and driveways) has the potential for lessening the concerns of residents.

The remainder were equal in opposition and proponents of the keeping of chickens and bees. I received no feedback either for or against the possibility of removing the restriction on pigs and goats.

Dave

David Englund

From: RV Info
Sent: Monday, April 03, 2017 4:11 PM
To: David Englund
Cc: Pat Trudgeon; Kari Collins
Subject: FW: Online Form Submittal: General Inquiry Form

FYI

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Monday, April 03, 2017 3:54 PM
To: RV Info <info@cityofroseville.com>
Subject: Online Form Submittal: General Inquiry Form

General Inquiry Form

Please complete this online form and submit.

Contact Information

First Name

Last Name

Field not completed.

Address 1

Field not completed.

Address 2

Roseville

City

MN

State

Zip Code

55113

**Home or Cell Phone
Number**

Email Address

Email

**Select how would you
prefer to be contacted**

**Please share your
comment, question or
concern (no character
limit)**

We were pleased to see some clarification regarding the nuisance code. One item that we wondered about is solicitation. Does this also include flyers stuck on peoples doors? When we leave for a vacation we don't feel as though

ATTACHMENT C

someone should have to come by and take things off our door.
There doesn't seem to be a way to keep the flyers from being
placed on our doors (we have two front doors). If the code is
being changed we would love to see a "no flyer" addition.
Thanks for keeping Roseville a great place to live!

Email not displaying correctly? [View it in your browser.](#)

David Englund

From:
Sent: Sunday, April 02, 2017 6:44 PM
To: David Englund
Subject: Chapter 407 of the City Code

Dear Mr. Englund, I have some feedback about the proposed changes to Chapter 407 of the City Code.

1. We like the addition of current registration for motor vehicles stored in the yard.
2. We could not locate the description of a "driveway" in the online document, but we would like to have this more clearly identified. received a variance to build a large garage, but according to a previous discussion with the city - it is OK for him to have his cars in the back yard because they are on a gravel driveway. However this gravel driveway led to the old garage which was demolished. Thus, the "driveway" takes up a large portion of the backyard.
3. Can there be a limit to the number of vehicles per yard or acre that can be parked in the yard that cannot fit into the garage?
4. Can there be more robust enforcement please?

David Englund

From:
Sent: Thursday, March 30, 2017 12:00 PM
To: David Englund
Subject: Soliciting Hours Roseville

Hi David,

I see that the City of Roseville is going to be making some changes to the code and provided your email for feedback. I am writing to ask for consideration of limiting the soliciting hours until 7 pm. In addition to it being very inconvenient to get a knock on the door after dark, I think it is a safety issue.

Thank you for your time.

David Englund

From:
Sent: Wednesday, March 29, 2017 3:07 PM
To: David Englund
Subject: Updates to Code for nuisance

Why would temporary play houses not be allowed in front yards?

pollinating garden has tall grasses and lots of native plants. I assume this is allowed. I think the phrase "tall grass" is too vague.

Thank you.

David Englund

From:
Sent: Wednesday, March 29, 2017 1:50 PM
To: David Englund
Subject: city code changes

may I ask you to consider changing the time peddlers//solicitors need to stop to be 8pm instead of 9pm?
most of summer is darker at 9pm and hard to see who is out there
also some of us get up mighty early in the morning for work

thanks

David Englund

From:
Sent: Wednesday, March 29, 2017 2:07
To: PM David Englund
Subject: code change feedback chickens.....

Hi David,

I'm writing to add my feedback to code changes. I was happy to see the changes as they are proposed. I do have a concern that I feel is being over looked. It is about chickens, they seem to be exempt. I am not against chickens,

people kept them in their front yard with a weird netting structure over them. chickens were fun to watch, but they stunk, and they also made noise all day and in the early morning hours. I emailed some code person then a couple of years ago and that person told me there really weren't any codes being broken, maybe perhaps the structure they had over it was not allowed.

They keep theirs in the back but each day they let them roam free. Imagine cars driving slamming on their brakes for fear of hitting them. I was told if the chickens go into the street I must call the police when they are in the way of traffic. Otherwise the chickens were fine to roam about.

To me, calling the police on chickens is not something I want to bother them with and yes I have talked to the people, they just wrangle them back to their yard. Other people driving by have also knocked on their door about the chickens. but feel when the city has no guidelines on things such as this, it makes to put up with these things and police things themselves.

Unless you have had to deal with these issues you are not aware of the problem they can become To me this is a city not a farm anymore. Farm animals should not be allowed in a city. These are my concerns. Thank you for taking the time to read them.

David Englund

From:
Sent: Friday, March 31, 2017 5:33 PM
To: David Englund
Subject: Nuisance Ordinance

Mr. Englund,

My initial response is that I'd like to see the solicitation hours (currently from 7 AM to 9 PM) shortened. I think that's too early and too late in the day. I'd actually like it eliminated, but I know that's an unrealistic expectation.

Thank you for the opportunity to provide feedback.

David Englund

From:
Sent: Friday, April 21, 2017 3:37 PM
To: David Englund
Subject: Feedback on Nuisance code changes

Hello Mr. Englund,
The Roseville City website asked for resident feedback on the proposed code changes. So here you go:

407.01 Definition of Graffiti

"Any unauthorized..." -> from the definition it is unclear whether unauthorized by the homeowner or another entity. I assume the homeowner?

407.02 Comfort or Repose

C "Tall Grass" -> This would even affect 'little bluestem' when not part of native landscaping.

M.1. Non permanent structures

Why are we telling people they cannot have a skateboard ramp or playhouse in their front yard? Why is this the cities' business?