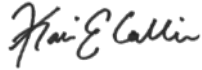


**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 5-22-2017  
Item No.: 7.g

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Department Approval



Kari Collins, Community Development Director

City Manager Approval



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Item Description: Consider Community Development Department Request for Approval of Proposed Text Ordinance Amendments of the Roseville City Code, Chapter 407 Nuisances.

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1 **BACKGROUND**

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

6  
7 The Code Enforcement Division seeks approval on the proposed text amendments. The proposed  
8 changes to Roseville City Code, Chapter 407 Nuisances were discussed at the March 27 and May  
9 15, 2017 City Council meetings. As of the writing of this staff report, draft minutes from May  
10 15, 2017 discussion were not yet available. The minutes from the March 27, 2017 discussion  
11 have been attached for reference. The text amendments include updates to text language,  
12 reordering of sections, adding sections for a variance/variance appeal and eliminating duplicative  
13 or contradictory language.

14 **POLICY OBJECTIVE**

15 Staff periodically updates City Code and Zoning Ordinance language to provide greater  
16 efficiency in use for residents, the general public and staff.

17 **FINANCIAL IMPACTS**

18 There are no financial impacts.

19  
20 **STAFF RECOMMENDATION**

21 Staff recommends approval of the proposed text amendments to Roseville City Code, Chapter  
22 407.

23  
24 **REQUESTED COUNCIL ACTION**

25 Adopt an Ordinance amending selected text of Roseville City Code, Chapter 407.

26  
27 Prepared by: Dave Englund, Codes Coordinator  
28 Attachments: A: Chapter 407 – Ordinance Amendments  
29 B: Ordinance Summary  
30 C: March 27, 2017 – Discussion minutes

City of Roseville

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE, TITLE 4, CHAPTER 407, NUISANCES

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to modify/clarify specific requirements within the Roseville City Code, Title 4, Chapter 407, NUISANCES.

SECTION 2. Sections 407.01, 407.02, 407.03, 407.04, 407.05, 407.06, 407.07, 407.08, 407.09, 407.10 and 407.11 are hereby amended as follows:

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
- 407.045: ~~Enforcement~~ Public Nuisance Unlawful
- 407.056: ~~City Abatement of Public Nuisances~~ Enforcement
- 407.067: ~~Recovery of Cost~~ City Abatement of Public Nuisances
- 407.078: ~~Accelerated Abatement Process for Certain Nuisances~~ Recovery of Cost
- 407.089: 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.

# ATTACHMENT A

41 FRONT YARD AREA: All that area between the front property line and a line drawn along the front face or faces  
42 of the principal structure on the property extended to the side property lines. The front side of the property shall  
43 be determined as specified in Title 11 of this code.

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

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

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

- 52 a. Has a missing or defective vital component part ~~that is necessary for the normal operation of the~~  
53 ~~vehiele;~~
- 54 b. Is stored on blocks, ~~or~~ jacks or other supports.

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

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

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

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

- 69 ~~A.~~ a. Maintain s ing or permit s ting a condition which unreasonably annoys, injures or  
70 endangers the safety, health, comfort or repose of members of the public; or
- 71 ~~B.~~ b. Interfer es ing with, obstruct s ing or render s ing dangerous for passage, any public road or  
72 right of way, street, alley or highway or waters used by the public; or
- 73 ~~C.~~ c. In any way rendering the public insecure in life or in use of property; or
- 74 ~~D.~~ d. Is guilty of Any other act or omission declared by law to be a public nuisance  
75 specifically provided.
- 76 ~~D.~~ Anything left or displayed for sale on public or private property without written permission by the  
77 owner or person in control of the property may be tagged and/or towed at the owner's expense.
- 78 ~~E.~~ In any way render the public insecure in life or in use of property.

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

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

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

86 VEHICLE ~~OR VEHICLES~~: Any "~~motor vehicle~~" vehicle as defined in Minnesota Statutes but excluding the  
 87 following:

- 88 ~~A. Trailers with weight classifications of A and B as provided in Minnesota Statutes~~
- 89 ~~B. b. Snowmobiles, and ; or~~
- 90 ~~C. c.~~ c. "All-terrain vehicles" as defined in Minnesota Statutes.

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

93 **407.02: NUISANCES AFFECTING ~~PUBLIC HEALTH, SAFETY,~~ COMFORT OR**  
 94 **REPOSE:**

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

- 96 ~~A. Diseased Animals: All diseased animals running at large.~~
- 97 ~~B. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.~~
- 98 ~~F. A.~~ A. Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have  
 99 been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly,  
 100 or do not meet the requirements of ~~Section~~ Chapter 409. (Ord. 1092, 6-10-91, amended (Ord. 1384,  
 101 7-13-2009)
- 102 ~~J. B.~~ B. Building Maintenance and Appearance: Buildings, fences, and other structures, which have been  
 103 so poorly maintained that their physical condition and appearance detract from the surrounding  
 104 neighborhood. ~~are declared to be public nuisances because they: 1) are unsightly, 2) decrease~~  
 105 ~~adjoining landowners' and occupants enjoyment of their property and neighborhood, and 3)~~  
 106 ~~adversely affect property values and neighborhood pattern. Any building, fence or other structure~~  
 107 ~~not complying with Chapter 906 of this Code or the following:~~
- 108 ~~K. Standards: Any building, fence or other structure is a public nuisance if it does not comply with the~~  
 109 ~~following requirements:~~
  - 110 ~~1. All wires which are strung less than 15 feet above the surface of any public street or alley.~~
  - 111 ~~2~~ 1. All exterior doors and shutters shall be hung properly and have an operable  
 112 mechanism to keep them securely shut or in place.
  - 113 ~~3~~ 2. All cornices, moldings, lintels, bay or dormer windows and similar projections shall  
 114 be kept in good repair and free from cracks and defects which make them hazardous or  
 115 unsightly.
  - 116 ~~4~~ 3. Roof surfaces shall be tight and have no defects which admit water. All roof  
 117 drainage systems shall be secured and hung properly.
  - 118 ~~5~~ 4. Chimneys, antennae, air vents and other similar projections shall be structurally  
 119 sound and in good repair. Such projections shall be secured properly where applicable to  
 120 an exterior wall or exterior roof.
  - 121 ~~6~~ 5. All foundations shall be structurally sound and in good repair.
- 122 ~~C.~~ C. Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, ~~and~~  
 123 ~~other~~ cut vegetative debris, or other debris of any nature or description and the throwing,  
 124 dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground,  
 125 sand, stones, ashes, rubbish, tin cans or other material of any kind onto public or private  
 126 property. (Ord. 1337, 5-22-2006)
- 127 ~~Q. D.~~ D. Graffiti: ~~Graffiti shall mean any unauthorized writing, printing, marks, signs, symbols, figures,~~  
 128 ~~designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise~~  
 129 ~~placed on any exterior surface of a building, wall, fence, sidewalk, curb, dumpsters or other~~  
 130 ~~permanent structures on public or private property and which has the effect of defacing the~~  
 131 ~~property.~~ (Ord. 1337, 5-22-2006)

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

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

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

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

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

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

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

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

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

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

174 b. ~~All v~~ Vehicles, watercraft and other articles stored outside on residential  
 175 property must be owned by a person who is a legal resident of that property and  
 176 continuously maintain current registration and licensure. (Ord. 1466, 04-21-2014)

177 4 5. Large/Commercial Vehicles: No person, owning, driving or in charge of any vehicle  
 178 with a manufacturers rated capacity of more than one ton, as specified in Minnesota

# ATTACHMENT A

179 Statutes, may cause or permit that vehicle to be parked outside or stand continuous for  
180 more than two hours on a property or public street within a residential zone in the City,  
181 with the exception of the following:

- 182 a. Any motor truck, pickup truck, or similar vehicle being used by a public  
183 utility, moving company, or similar company, which is actually being used  
184 to service a residence not belonging to or occupied by the operator of the  
185 vehicle; or
- 186 b. Any vehicle which is actually making a pickup or delivery at the location  
187 where it is parked. Parking for any period of time beyond the period of  
188 time reasonably necessary to provide such excepted service or to make  
189 such a pickup or delivery and in excess of the two hour limit shall be  
190 unlawful.

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

195 a. Parking in one location for ~~over~~ over 2 hours (in a 24 hour period)  
196 qualifies as a 'day' for purposes of this section.

197 ~~b. Posting for a public hearing, before City Council, shall be a minimum of 10~~  
198 ~~days for violations of item #5.~~

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

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

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

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

208 1. The ~~use of service station premises for the~~ sale, or ~~for~~ display in aid of sale, of any  
209 motor vehicle.

210 2. The use of service station premises for storage of damaged or abandoned motor  
211 vehicles for in excess of seven days without a directive of the Chief of Police.

212 3. The storing of or ~~the allowing of~~ accumulation of any of the following items on service  
213 station the premises in view of adjacent land properties:

214 a. Used oil cans; or

215 b. Discarded auto parts; or

216 c. Discarded tires; or

217 d. Any other items of similar debris nature.

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

221 5 4. Allowing tires to be sold or displayed for sale within view of the  
222 adjacent land properties, unless the same are displayed in a rack and only during business  
223 hours. (Ord. 499, 8-8-66; amd. 1995 Code)

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

226 J. Vibrations: All unnecessary and annoying vibrations.

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

- 230 1. An occupied principal structure;
- 231 2. Any property line with an occupied structure on abutting property; ~~and or~~
- 232 3. A public road pavement edge.

233 This ~~section~~ shall not apply to:

- 234 1. Natural areas, public open space or park lands, as determined by the city forester or  
 235 naturalist designated by the city manager. (Ord. 1136, 2-28-1994); Amd. (Ord. 1384, 7-  
 236 13-2009)
- 237 2. Yard areas with natural landscaping that follow the City ~~Park Department~~ policy for  
 238 natural landscaping (Ord. 1384, 7-13-2009)

239 ~~R. L.~~ Yard Cover: ~~The y~~Yard area of a lot shall not be bare soil, shall be covered by a groundcover and  
 240 shall be maintained as set forward in Section 407.02(~~C K~~). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-  
 241 21-2014)

242 ~~H. Peddling and Soliciting:~~

243 ~~1. The practice of going house to house, door to door, business to business, street to street, or any~~  
 244 ~~other type of place to place, for the purposes of offering for sale or obtaining, or attempting to~~  
 245 ~~obtain, orders for goods, wares, products, merchandise, other personal property or services if~~  
 246 ~~conducted in the following manner:~~

- 247 ~~a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk~~  
 248 ~~or other public right of way;~~
- 249 ~~b. Conducting business in a way as to create a threat to the health, safety and welfare of any~~  
 250 ~~individual or the general public;~~
- 251 ~~c. Conducting business before 7:00 a.m. or after 9:00 p.m.~~
- 252 ~~d. Making any false or misleading statements about the product or service being offered,~~  
 253 ~~including untrue statements of endorsement;~~
- 254 ~~e. Remaining on the property of another when requested to leave, or to otherwise conduct~~  
 255 ~~business in a manner a reasonable person would find obscene, threatening, intimidating or~~  
 256 ~~abusive.~~

257 ~~2. Entering the property of another, unless invited to do so by the property owner or tenant, for the~~  
 258 ~~purpose of conducting business as a peddler or solicitor when the property is marked with a sign or~~  
 259 ~~placard at least 4 inches long and 4 inches wide with print at least 48 point in size stating “No~~  
 260 ~~Trespassing” or “No Peddlers or Solicitors,” or “Peddlers and Solicitors Prohibited” or other~~  
 261 ~~comparable statement. Removing, defacing or otherwise tampering with any sign or placard under~~  
 262 ~~this section by a person other than the property owner or tenant.~~

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

264 ~~Θ. Vehicles Constituting a Public Nuisance:~~

265 ~~1. Abandoned and Junk Vehicles Create Hazard: Abandoned and junk vehicles are declared to be a~~  
 266 ~~public nuisance creating hazard to the health and safety of the public because they invite~~  
 267 ~~plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well~~  
 268 ~~being of children and other citizens. The accumulation and outside storage of such vehicles is in the~~  
 269 ~~nature of rubbish, litter and unsightly debris and is a blight on the landscape and a detriment to the~~  
 270 ~~environment. It shall be unlawful for a person to pile, store or keep wrecked, junked or abandoned~~  
 271 ~~motor vehicles on private or public property.~~

272 ~~2. Vehicles Impeding Traffic Flow: Any vehicle, whether occupied or not that is found stopped,~~

273 ~~standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is~~  
 274 ~~found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to~~  
 275 ~~be a public nuisance.~~  
 276 ~~3. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility~~  
 277 ~~repair, construction or maintenance activities after reasonable notice of the improper activities has~~  
 278 ~~been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public~~  
 279 ~~nuisance.~~  
 280 ~~4. Vehicles Without License Plates: Except where expressly permitted by state law, any vehicle~~  
 281 ~~shall be deemed to be junked or abandoned if said vehicle does not have attached thereto a valid and~~  
 282 ~~current license plate issued by the proper State agency. (Ord. 1288, 8-4-2003)~~  
 283 ~~P. Abatement of Vehicles:~~  
 284 ~~1. Impounding: Any police officer or other duly authorized person may order any vehicle~~  
 285 ~~constituting a public nuisance to be immediately removed and/or impounded. The impounded~~  
 286 ~~vehicle shall be surrendered to the duly identified owner by the towing contractor only upon~~  
 287 ~~payment of the required impound, towing and storage fees.~~  
 288 ~~2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in~~  
 289 ~~accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles.~~  
 290 ~~(Ord. 1162, 7-10-95)~~  
 291

292 **407.03: NUISANCES AFFECTING PUBLIC HEALTH PEACE AND SAFETY:**

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

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

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

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

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

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

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

305 ~~Q.G.~~ Interference With Radio Or TV: All unnecessary interference and disturbance of radios or TV sets  
 306 caused by defective electrical appliances and equipment or improper operation of any defective  
 307 electrical appliances and equipment.

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

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

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

318 K. Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or



# ATTACHMENT A

319 objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such  
320 material to fall or land in the City.

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

324 M. Peddling and Soliciting:

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

- 326 a. Obstructing the free flow of either vehicular or pedestrian traffic on any street,
- 327 alley, sidewalk or other public right-of-way; or
- 328 b. Creating a threat to the health, safety and welfare of any individual or the
- 329 general public; or
- 330 c. Doing so before 9:00 a.m. or after 7:00 p.m.; or
- 331 d. Making any false or misleading statements about the product or service being
- 332 offered, including untrue statements of endorsement; or
- 333 e. Remaining on the property of another when requested to leave; or
- 334 f. Otherwise act in a manner a reasonable person would find obscene, threatening,
- 335 intimidating or abusive.

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

- 340 a. Sized at least 4 inches long and 4 inches wide; and
- 341 b. Having print at least 48 point in size or one half inch tall; and
- 342 c. Stating “No Trespassing” or “No Peddlers or Solicitors,” or “Peddlers and
- 343 Solicitors Prohibited” or other comparable statement.

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

347 ~~F.N.~~ F.N. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law. (~~Ord.~~  
348 ~~207, 11-9-55)~~

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

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

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

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

- 360 1. In neat and secure stacks elevated 6 inches off the ground;
- 361 2. A maximum height allowed for a wood pile is 6 feet; and
- 362 3. Fire wood shall only be stored in a side or rear yard.

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

- 366 R. Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section
- 367 1011.06 of this Code (Visibility Triangles in All Districts).
- 368 ~~N.S.~~ Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds,
- 369 grass or other material in the streets, non-motorized pathways, alleys or gutters.
- 370 ~~Ø.T.~~ Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs
- 371 in streets, alleys or on sidewalks.
- 372 ~~Q.~~ Storing of Boats, Trailers and Inoperative Motor Vehicles In Front Yards:
- 373 1. The storing of the following things for a period longer than 72 hours in the front yard of any
- 374 residential zoned area:
- 375 a. Trailers of any kind, unless supporting a boat of 20 feet or less.
- 376 b. Boats or watercraft of any kind in excess of 20 feet.
- 377 c. Inoperative motor vehicles of any type.
- 378 d. Campers and camper buses.
- 379 2. For the purpose of this Section, "front yard" means any area between any public street and a line
- 380 parallel to the public street at the building line. (Ord. 522, 1-9-1967; 1995 Code)

381 **407.04: PUBLIC NUISANCE UNLAWFUL VEHICLES CONSTITUTING A**

382 **PUBLIC NUISANCE:**

- 383 A. Abandoned, Junk and Inoperable Vehicles Create Hazard: Abandoned, junk and inoperable vehicles
- 384 are declared to be a public nuisance creating hazard to the health and safety of the public because
- 385 they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety
- 386 and well-being of children and other citizens. The accumulation and outside storage of such
- 387 vehicles is in the nature of rubbish, litter and unsightly debris and is a blight on the landscape and a
- 388 detriment to the environment. It shall be unlawful for a person to pile, store or keep wrecked,
- 389 junked, inoperable or abandoned vehicles on private or public property.
- 390 B. Vehicles Impeding Traffic Flow: Any vehicle, whether occupied or not that is found stopped,
- 391 standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is
- 392 found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to
- 393 be a public nuisance.
- 394 C. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility
- 395 repair, construction or maintenance activities after reasonable notice of the improper activities has
- 396 been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public
- 397 nuisance.
- 398 D. Vehicles Without Current Registration License Plates: Except where expressly permitted by state
- 399 law, any vehicle or other equipment, which requires registration for operation in the State of
- 400 Minnesota, shall be deemed to be junked, inoperable or abandoned if said vehicle does not have
- 401 attached thereto a valid registration and current license plate issued by the proper State agency.
- 402 (Ord. 1288, 8-4-2003)
- 403 E. Abatement of Vehicles:
- 404 1. Impounding: Any police officer or other duly authorized person may order any vehicle
- 405 constituting a public nuisance to be immediately removed and/or impounded. The impounded
- 406 vehicle shall be surrendered to the duly identified owner only upon payment of the required
- 407 impound, towing and storage fees.
- 408 2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in
- 409 accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles.
- 410 (Ord. 1162, 7-10-95)

411 **407.045: PUBLIC NUISANCE UNLAWFUL:**

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

415 **407.056: ENFORCEMENT:**

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

419 **407.067: CITY ABATEMENT OF PUBLIC NUISANCES:**

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

426 B. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer  
427 shall immediately report that fact to the City Council. The enforcing officer shall also provide  
428 notice to the owner or occupant of the premises that the City Council will consider the matter and  
429 may provide for abating the nuisance by the City. The notice shall state the date on which the City  
430 Council will consider the matter. Notice by the enforcing officer shall be given at least ten days  
431 before the date stated in the notice when the City Council will consider the matter. ~~If notice of the~~  
432 ~~fact that the City Council will consider the matter is given by posting, at least 30 days shall elapse~~  
433 ~~between the day of posting and the date of consideration by the City Council.~~ (Ord. 1337, 5-22-  
434 2006)

435 C. Action of City Council: Upon notice from the enforcing officer of noncompliance, the City Council  
436 may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the  
437 nuisance by the City.

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

- 439 1. In person; or  
440 2. By regular or certified or registered mail; or  
441 3. By posting on site or premises.

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

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

446  
447 E. Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the  
448 City may abate the nuisance immediately with no hearing. (Ord. 1016, 6-8-1987) (Ord. 1337, 5-22-  
449 2006)

450 **407.078: RECOVERY OF COST:**

451 A. Personal Liability: The owner of premises on which a nuisance has been abated by the City shall be  
452 personally liable for the cost to the City of the abatement, including administrative costs. As soon as

453 the work has been completed and the cost determined, the City Manager, or other official  
454 designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount  
455 shall be immediately due and payable at the office of the City Manager.

456 B. Assessment: If the nuisance is a public health or safety hazard on private property, the accumulation  
457 of snow and ice on public sidewalks, the growth of weeds on private property or outside the  
458 traveled portion of streets, or unsound or insect infected trees, the city manager shall, on or before  
459 September 1 next following abatement of the nuisance, list the total unpaid charges along with all  
460 other such charges, as well as other charges for current services to be assessed under Minnesota  
461 Statutes section 429.101 against each separate lot or parcel to which the charges are attributable.  
462 The City Council may then spread the charges against such property under that statute and other  
463 pertinent statutes for certification to the County Auditor and collection along with current taxes the  
464 following year, or in annual installments not exceeding 10, as the City Council may determine in  
465 each case. (Ord. 1016, 6-8-1987)  
466

467 **407.089: ACCELERATED ABATEMENT PROCESS FOR CERTAIN**  
468 **NUISANCES:**

469 A. Notwithstanding the provisions of section 407.067 of this chapter, city officers charged with  
470 enforcement of this chapter shall follow the accelerated procedure described below for abating  
471 accumulations of snow and ice under subsection 407.03AP of this chapter, tall grasses, nuisance  
472 weeds and other vegetative growth under subsection 407.02EK of this chapter; cut vegetative debris  
473 under subsection 407.02DC of this chapter; and graffiti under subsection 407.02QD of this chapter.  
474 (Ord. 1337, 5-22-2006)

475 1. Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance  
476 proscribed under subsection 407.03AP or 407.02EK of this chapter is being maintained or exists on  
477 premises in the city, written notice ~~shall be served in person; or~~ by posting on premises; or by  
478 regular or certified first-class mail ~~shall be provided~~ to the property owner or occupant. ~~If the~~  
479 ~~premises are not occupied and the owner is not known, the notice may be served by posting it on the~~  
480 ~~premises.~~ The ~~certified~~ notice shall specify the nuisance to be abated, that the nuisance must be  
481 abated within 5 working days, and that if the nuisance is not abated within 5 working days, that the  
482 city will have the nuisance abated and the cost of abatement certified against the property for  
483 collection with taxes.

484 2. Abatement by City: If the owner or occupant fails to comply with the ~~certified-mail~~ notice within  
485 5 days, the city shall provide for abatement of the nuisance. The officer charged with enforcement  
486 shall keep records of the cost of abatement and shall provide this information to the city manager  
487 for assessment against the property pursuant to section 407.078 of this chapter. (Ord. 1228, 7-12-  
488 1999)

489 **407.10: PUBLIC NUISANCE VARIANCE:**

490 A. A variance request pertaining to nuisances occurring on public or private property as addressed in  
491 Section 407.02.G may be filed by a property owner or occupant with the following requirements:

- 492 1. Shall be submitted on forms supplied by the City; and
- 493 2. Shall include a specific description detailing the reason for the variance request; and
- 494 3. Shall be delivered to the Community Development Director within the timeframe given in the  
495 notice provided pursuant to 407.07.A; and

- 496 4. Shall be accompanied by the fee set forth in Chapter 314.B; and
- 497 5. Submission of evidence including written approval of the otherwise prohibited activity, by
- 498 75% of the adjacent property owners within 100 feet of the subject property or prohibited
- 499 activity.

500 B. Variance requests will be considered, approved or denied by the Community Development Director  
 501 or his/her designee(s). The Community Development Director or his/her designee(s) shall notify the  
 502 applicant and all property owners, identified under 407.10.A.5, within five (5) business days the  
 503 decision to approve or deny the request and the process available for appeal.

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

508 **407.11: VARIANCE APPEAL:**

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

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

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

520 **SECTION 3. Effective Date.** This ordinance amendment to the Roseville City Code shall take  
 521 effect upon passage and publication.

522 Passed this 22nd day of May 2017.

523  
 524 CITY OF ROSEVILLE

525  
 526  
 527 BY: \_\_\_\_\_  
 528 Daniel J. Roe, Mayor

529 ATTEST:

530  
 531 \_\_\_\_\_  
 532 Patrick Trudgeon, City Manager  
 533

**City of Roseville**

**ORDINANCE SUMMARY NO. \_\_\_\_**

**AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE,  
TITLE 4, CHAPTER 407, NUISANCES**

The following is the official summary of Ordinance No. \_\_\_\_ approved by the City Council of Roseville on May 22, 2017:

The Roseville City Code is hereby amended to modify/clarify specific requirements within Roseville City Code, Title 4, Chapter 407, NUISANCES.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville ([www.ci.roseville.mn.us](http://www.ci.roseville.mn.us)).

BY:  
  
\_\_\_\_\_  
Daniel J. Roe, Mayor

ATTEST:  
  
\_\_\_\_\_  
Patrick Trudgeon, City Manager

8. Business Items

b. Community Development Department Requests Discussion of Proposed Text Amendments of Roseville City Code, Chapter 407 (Nuisances)

As detailed in the RCA and attachments, Codes Coordinator Dave Englund noted a number of minor proposed text amendments, as well as additional language as presented. Mr. Englund clarified that the intent tonight was for discussion, with the clean document presented at a future meeting for formal action; intending to have it enacted prior to this season’s Neighborhood Enhancement Program (NEP) review, anticipated to start June 1, 2017. Mr. Englund noted that the public could then be informed of revisions to city code from past iterations.

While meeting materials included a redlined copy of Chapter 407-Nuisances (Attachment A) and a clean copy (Attachment B), Mr. Englund noted that a bench handout of those attachments, reformatted to provide page and line numbers for easier access had been provided.

Attachment A

Section 401.01 Definitions

Farm Animals (Lines 26-27)

Councilmember Willmus suggested the need to define “farm animals” and use consistent terminology for all animals to avoid potential disputes in differentiating them with pets.

Mayor Roe suggested looking to other city code language, as well as that used in other communities to determine if there was a common definition used to distinguish those animals kept for agricultural purposes instead of as pets and in addressing their related effects on the public enjoyment of a neighborhood accordingly.

Along those lines, Councilmember McGehee noted that some pygmy goats were considered pets, and therefore staff needed to ensure those animals considered actual pets rather than farm animals were addressed for an urban environment.

Councilmember Etten noted that some people chose to keep goats, not necessarily pygmy goats, as pets as well.

Graffiti (Lines 33-37)

Councilmember McGehee suggested the need to distinguish graffiti from murals done on buildings and/or fences.

Mayor Roe agreed with the need to distinguish between nuisance graffiti and artistic creativity.

Mr. Englund suggested further distinguishing graffiti as “unauthorized defacing.”

Councilmember Etten suggested moving references to “graffiti” and yard cover to a location earlier in the larger heading (page 3, Lines 288 – 295) related to public health and safety, as well as “parking” and “storage.”

## ATTACHMENT C

53 Mayor Roe noted that vehicles in parking and storage had been moved to the  
54 different section affecting public comfort or repose (page 3, Line 87).  
55

### 56 Comfort or Repose (Page 3)

57 Councilmember McGehee sought clarification of noxious weeds and tall grasses  
58 and who determined the differences (e.g. prairie grass landscaping at City Hall).  
59

60 Mayor Roe noted reference to the differences contained in another area of city  
61 code.  
62

63 Councilmember Willmus had a similar question related to ornamental grasses  
64 that may not be natural or native landscaping and asked where in code that  
65 was defined.  
66

67 Mayor Roe asked that staff make reference to where that definition is located  
68 and make sure language addresses and clarifies "nuisance."  
69

70 Councilmember Etten noted that the definitions that had been in use to-date  
71 had been working fine and clarified that staff was not being asked to change  
72 those items or definitions, but simply to clarify their location and identify their  
73 location.  
74

75 At the same time, Councilmember Willmus opined that there were some areas  
76 he'd like to see cleaned up if this ordinance was going through this extensive  
77 of a review.  
78

79 Mayor Roe noted that the point was that the language needed to be explicit  
80 about what is and what is not allowable, and where it was defined.  
81

82 Councilmember Laliberte agreed with the need for clarity (e.g. ornamental  
83 versus nuisance) and addressing differing opinions of them.  
84

### 85 Item I: Building Maintenance and Appearance (Page 4, Lines 162-169)

86 Councilmember McGehee suggested clarifying what "not limited to" meant  
87 related to Chapter 906 and fences or other structures as it related to other  
88 areas of city code.  
89

### 90 Section 407.02

91 Mr. Englund clarified that most of the strike-outs in this section had been  
92 relocated to other sections of this code and made consistent with other areas  
93 of city code as part of the update. Mr. Englund advised that the main additions  
94 in this section (e.g. setbacks and 4-day storage language) addressed  
95 unscreened street-facing side yards not considered in previous code language.  
96

97 As noted by Mayor Roe of relocated language to this section from Section  
98 407.03, Mr. Englund noted some additional modifications consistent with other  
99 areas of code, and staff's authorization to decipher and interpret code  
100 accordingly.  
101

102 Based on an example in his neighborhood, Councilmember Etten asked for  
103 clarification as to whether or not that the language regarding a commercial  
104 vehicle parked in a residential area included private driveways; with Mr.  
105 Englund confirming that it could include a large commercial vehicle stored in



106 the driveway; and Mayor Roe noting that the code addresses parking for more  
107 than two hours unless meeting one of the exceptions as outlined.

108  
109 Specific to graffiti, Councilmember Etten suggested moving that to the first  
110 section of "Comfort or Repose" to avoid losing it in parking and other related  
111 items; with Mayor Roe concurring with the change in that placement.

112  
113 **Section 407.03 (Nuisances Affecting Public Health and Safety (Lines**  
114 **297...)**

115 Mr. Englund noted a number of items moved from Section 407.02 to this section  
116 and vice versa, with the addition of more descriptive wording. Mr. Englund also  
117 noted several areas added specific to holes, excavations and traffic visibility.

118  
119 Mayor Roe stated his appreciation of the added Item R (Traffic Visibility) and  
120 its potential consideration as a nuisance, with many complaints received in the  
121 past related to plantings too close to a corner to make traffic movements safe,  
122 and this ability to enforce them as a nuisance. Even if it may be referenced  
123 elsewhere in city code, Mayor Roe opined that it made sense to include it in this  
124 ordinance as well.

125  
126 Item E: Dangerous Buildings (Page 7, Lines 310-313)

127 Councilmember Etten noted the need to address grammar and location of  
128 commas in this section for clarity insertion of the appropriate clause, either  
129 "and are..." or "or are..." in line 4 related to damaged buildings.

130  
131 Mayor Roe agreed with the placement of commas (line 310) and re-insertion of  
132 the "or" originally stricken at the end of line 311.

133  
134 Item T: Peddling and Soliciting (Line 368...)

135 Councilmember Laliberte noted that most of this section had to do with door-  
136 to-door selling of products. However, since she had seen more peddling on  
137 streets and corners of late, Councilmember Laliberte asked how stationary  
138 solicitation situations could be addressed.

139  
140 Mr. Englund advised that those situations were handled by the Police  
141 Department; and if any changes were made to this section, suggested moving  
142 Item T in its entirety under the Police regulations (chapter 5) (lines 368 – 390).

143  
144 Discussion ensued regarding peddling and/or panhandling; and responsible  
145 enforcement parties.

146  
147 City Attorney Gaughan clarified that "panhandling" had its own definition and  
148 came under significant constitutional oversight. Typically, a police department  
149 enforced it under its own set of regulations, not specific to this nuisance section  
150 of code; and Mr. Gaughan clarified that this nuisance ordinance dealt  
151 specifically with door-to-door peddling and solicitation only.

152  
153 **Section 407.04: Vehicles Constituting a Public Nuisance (Page 9, Lines**  
154 **391...)**

155 Mr. Englund noted that this section had been moved in its entirety from another  
156 section.

157

158 Mayor Roe noted the reference to "license plates" and revisions to "current  
159 registration" revising language under current practices.  
160

161 **Sections 407.05 – 407.08**

162 407.07: City Abatement of Public Nuisances

163 Mr. Englund asked for City Council approval of clarified service notices, stating  
164 staff's preference to add "in person" notification in addition to other options and  
165 based on current practice. Mr. Englund reviewed the current process used by  
166 staff in attempting to create dialogue through that personal contact to hear the  
167 issues and perspectives from the property owner or occupant in attempting to  
168 find a resolution. Mr. Englund advised that notices would also be mailed by  
169 First Class mail; with any follow-up for abatements still sent by Certified Mail  
170 and posted on site as well to ensure the actual property was noticed.  
171

172 Councilmember McGehee admitted that this may have clarified her initial  
173 question and problems she had in current language related to serving notice by  
174 "any" of the following methods. Councilmember McGehee stated that she didn't  
175 consider simply posting a notice on premises to be sufficient to ensure the  
176 appropriate person would receive the notice.  
177

178 Mayor Roe noted language revisions to "by the following methods" that included  
179 in-person, some type of mailing and posting included all three being addressed  
180 and not restricted to a certain form of mailing depending on the situation.  
181

182 At the request of Councilmember Willmus, Mr. Englund clarified that when  
183 notices are mailed, if a non-owner-occupied property, notices were mailed to  
184 the property owner of record as well as the occupant on site.  
185

186 Councilmember McGehee questioned the 30-day time limitation, noting that  
187 historically there had been considerable negotiations between the Community  
188 Development Department and the offending party before an issue reached the  
189 City Council, and often taking a considerable time period to resolve. With this  
190 language, Councilmember McGehee asked if that flexibility for staff to resolve  
191 an issue remained in seeking a more humanitarian approach.  
192

193 Mr. Englund clarified that this language addressed the worst case scenarios and  
194 retained the thirty-day window for staff to make contact with a property owner  
195 seeking resolution, and stated that he saw no changes from the current process  
196 used.  
197

198 Mayor Roe concurred, recognizing the two-step process after other attempts to  
199 get resolution, with this ordinance, with "and" indicating that only after initial  
200 steps were taken without resolution, would "next steps" be undertaken,  
201 initiating the referenced 30-day clock at that point.  
202

203 **Section 401.10: Public Nuisance Variance (Pages 12-13, Lines 504...)**

204 Mr. Englund specifically addressed this section and written variances (lines 504-  
205 539) for parking and storage and staff compliance and administrative approval  
206 of variances.  
207

208 Discussion included the process including approval of neighbors within 150' of  
209 the site in question; right of appeal before the City Council in their role of Board  
210 of Adjustments and Appeal for administrative denials; clarification by City

## ATTACHMENT C

211 Attorney Gaughan that such a variance should apply with a time condition and  
212 not continue in perpetuity with a property, preferably attached to a specific  
213 vehicle for which a property owner was seeking a variance; and upon expiration  
214 of a particular timeframe and at its renewal, re-notification of all property  
215 owners within that 150' foot adjacency.

216  
217 However, Mayor Roe noted the need to clarify that during the timeframe a  
218 variance was in effect, its approval could not be rescinded, and that process  
219 needed to be clear for neighbors in that their approval of a variance was for the  
220 duration of the variance period as long as applicable conditions had been met,  
221 including location of the vehicle.

222  
223 Mr. Englund advised that staff had yet to think through all of those ramifications  
224 at this point.

225  
226 If this route was continued in this section of the nuisance code, Councilmember  
227 Willmus suggested that it be done under the pretense that a variance is granted  
228 in an effort to ultimately obtain code compliance, and therefore only consider  
229 a 30-60 day window for that variance, and not three years unless there was a  
230 hardship situation where a longer time was needed. Councilmember Willmus  
231 stated that he certainly didn't want to create a situation where every time there  
232 is a neighborhood dispute over where a boat or vehicle is parked, that an appeal  
233 or public hearing is sought before the City Council. Therefore, Councilmember  
234 Willmus suggested there be some pretense in seeking compliance with code  
235 and an applicable tight timeframe.

236  
237 In creating a variance process for one section of code, Councilmember Laliberte  
238 asked if that option applied to other sections of code as well.

239  
240 City Attorney Gaughan clarified that the option would only apply to the specific  
241 portion of code referenced storage as subject to a variance.

242  
243 However, Mayor Roe noted that a future City Council could expand the variance  
244 option to another area of code or eliminate it entirely at their discretion.

245  
246 In reference to Councilmember Willmus' thoughts for the 30-60-day  
247 compliance, Councilmember Etten asked for an applicable example from staff's  
248 perspective; or if there were some situations where a timeframe for compliance  
249 would not serve.

250  
251 Mr. Englund noted a two-axle trailer previously used for commercial purposes  
252 but now used by the owner for recreational purposes; and no location other  
253 than their driveway that was available for storage. While he could see some  
254 situations where the 30-60 day allowance may be applicable to obtain a parking  
255 place outside of the city or inside a structure, Mr. Englund noted other situations  
256 that due to topography issues, a property owner would be unable to locate a  
257 vehicle at another location on their property and need a longer term variance  
258 provision.

259  
260 Councilmember Willmus stated that was his concern for a situation where the  
261 issue would never go away.

262

263 If so, Mr. Englund suggested simply stating upfront that such a use was not  
264 permitted, as currently done, but recognized topography issues that may apply  
265 in a specific neighborhood.

266  
267 Mayor Roe noted that there could be situations where someone wanted to store  
268 something for the entire summer, and if neighbors didn't object, could receive  
269 an annual 30-60 day variance. Under that circumstance, Mayor Roe noted that  
270 the variance wouldn't be ongoing, but under the 30-60 day timeframe renewed  
271 or applied for on an annual basis.

272  
273 Given that some residents will seek an ongoing variance, and using an example  
274 in his neighborhood, Councilmember Etten noted the need for the City Council  
275 to decide how to accommodate such a situation, or require the vehicle be  
276 parked at a storage unit.

277  
278 If this portion of code was put into effect, Mayor Roe noted the need to consider  
279 language to avoid neighborhood wars.

280  
281 Councilmember Willmus suggested that, as with other areas of code stipulating  
282 a certain percentage of property owners rather than the proposed 150'  
283 provision, it wouldn't require unanimous approval of adjacent property owners.

284  
285 Mayor Roe concurred that similar language to that referenced in the animal  
286 licensing code for neighborhood approval of a certain number of dogs at one  
287 property may be applicable to this area as well.

288  
289 Councilmember McGehee stated that she wasn't that supportive of moving  
290 away from the unanimous adjacent property owner approval on this  
291 item. Councilmember McGehee reviewed examples of Roseville residents who  
292 have trailers used for work, but unable to store them other than renting off-  
293 site public storage.

294  
295 Mayor Roe stated that he was concerned with anything less than unanimity of  
296 adjacent neighbors for this type of variance, opining it made more sense since  
297 it directly impacted those neighbors. However, Mayor Roe agreed that there  
298 was a need to address how situations, considerations or neighbors may change  
299 over the course of time.

300  
301 Councilmember Willmus suggested if this was pursued, to seek unanimity of  
302 adjoining properties versus those within 150', opining that would be too  
303 excessive.

304  
305 Councilmember Etten clarified that in most cases, the 150' involved several  
306 properties; with Councilmember Willmus agreeing it would impact two and in  
307 some cases three adjacent properties; with Mayor Roe suggesting that 100'  
308 and adjacent may be more appropriate.

309  
310 After further discussion, without objection, Mayor Roe summarized that  
311 unanimous approval should be sought for something that impacted the health,  
312 safety and welfare of the public long-term.

313  
314 **Engagement Strategy**

## ATTACHMENT C

315 Mayor Roe offered an opportunity for public comment at this time, with no one  
316 appearing.

317  
318 Given the extensive changes proposed for this ordinance, and with this  
319 proposed Nuisance Code revision not having been heard by any advisory  
320 commissions to-date, Mayor Roe asked about the intended process to seek  
321 public feedback on these important changes, and sought ideas for an  
322 engagement strategy to receive public input and publication of the City  
323 Council's consideration of these revisions once they become more refined after  
324 tonight's discussion and prior to their enactment.

325  
326 Councilmember McGehee opined that residents watch City Council meetings  
327 carefully, and suggested before this comes back to the City Council, staff put  
328 something on the city's website directing people to review proposed changes  
329 and respond with their feedback.

330  
331 Councilmember Laliberte suggested that the Communications Manager be  
332 tasked with submitting something for the *Roseville Review* and/or  
333 *NextDoor.com*, especially since timing to send a draft to advisory commissions  
334 seems incompatible with staff's timeline.

335  
336 Councilmember Willmus agreed with the need to seek feedback, not just on the  
337 minor tweaks, but especially with the proposed variance process.

338  
339 Mayor Roe agreed that changes should be highlighted, even if they seemed to  
340 be minor, as well as the variance process as proposed.

341  
342 Mr. Englund duly noted those requests; and sought Council preference for  
343 whether to return with this item for discussion or formal action at its next  
344 iteration.

345  
346 Without objection, Mayor Roe directed staff to return with a revised draft for  
347 the May 2017 City Council Work Session, followed by formal action at a  
348 subsequent meeting, prior to the June 1, 2017 start of this year's NEP.

349  
350