

CHAPTER 407 NUISANCES

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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.

FARM ANIMALS: Cows, horses, sheep, goats or any four-legged animals commonly known as farm 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:

- a. Has a missing or defective vital component part ~~that is necessary for the normal~~

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~~operation of the vehicle;~~

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

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

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

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

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

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

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

PEDDLING AND SOLICITING: 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.

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

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

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

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

407.02: NUISANCES AFFECTING ~~PUBLIC HEALTH, SAFETY,~~

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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.~~

~~C.A. Weeds and Vegetation: All noxious weeds are prohibited in all locations. Also, Tall~~ 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)

~~B.~~ 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)

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

~~D.~~ Noises: All noises in violation of Chapter 405 of this Code.

~~E.~~ Vibrations: All unnecessary and annoying vibrations.

~~F.~~ 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)

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)

~~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;~~

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~~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)~~

~~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)~~

~~J.I. 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, but not limited to, 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~~

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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.

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

~~M. Unlawful Parking and Storage:—~~

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

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

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

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

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

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

b. ~~All v~~ Vehicles, watercraft and other articles stored outside on 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.~~

~~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~~

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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)~~

~~Q. 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)~~

~~R. Yard Cover: The yYard 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)~~

407.03: NUISANCES AFFECTING PUBLIC HEALTH PEACE AND SAFETY:

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

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

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

~~A.C.~~ 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)

~~B.D.~~ 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.

~~C.E.~~ 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.

~~D.F.~~ 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.

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- ~~E.~~ ~~Noises: All unnecessary noises and annoying vibrations.~~
- ~~F.G.~~ Radio Aerials: Radio aerials strung or erected in any manner except that provided by law. (Ord. 207, 11-9-55)
- ~~G.H.~~ 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)~~
- ~~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)
- ~~I.J.~~ 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.
- ~~J.K.~~ 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.
- ~~K.L.~~ 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.
- ~~L.M.~~ 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.
- ~~L.N.~~ 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.
- ~~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 ~~#~~ such repairs will not unduly impede or interfere with traffic.
- ~~N.P.~~ 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.Q.~~ Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.
- ~~P.R.~~ Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section 1011.06 of this Code (Visibility Triangles in All Districts).
- ~~Q.S.~~ 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.
- ~~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:~~

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- 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)

T. 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 7:00 a.m. or after 9:00 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)

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

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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

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for abating the nuisance by the City.

D. Service of Notice: Notices ~~shall~~ may be served by any 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:

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or by posting on premises; 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.J 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 all of the adjacent property owners within 150 feet 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, 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:

When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty

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(30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Community Development Director or his/her designee(s).

CHAPTER 407 NUISANCES

SECTION:

- 407.01: Definitions
- 407.02: Nuisances Affecting Public Comfort or Repose
- 407.03: Nuisances Affecting Public Health and Safety
- 407.04: Vehicles Constituting a Public Nuisance
- 407.05: Public Nuisance Unlawful
- 407.06: Enforcement
- 407.07: City Abatement of Public Nuisances
- 407.08: 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.

FARM ANIMALS: Cows, horses, sheep, goats or any four-legged animals commonly known as farm 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: A vehicle which has no substantial potential use consistent with its usual function, and may include a vehicle that:

- a. Has a missing or defective vital component part ;

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

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

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

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

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

- a. Maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public; or
- b. Interfering with, obstructing or rendering dangerous for passage, any public road or right of way, street, alley or highway or waters used by the public; or
- c. In any way rendering the public insecure in life or in use of property; or
- d. Any other act or omission declared by law to be a public nuisance specifically provided.

OCCUPANT: Includes any person living in or in control of any dwelling unit upon property wherein a nuisance is determined to be present.

PEDDLING AND SOLICITING: 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.

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

VEHICLE: Any vehicle as defined in Minnesota Statutes but excluding the following:

- a. Snowmobiles; or
- b. "All-terrain vehicles" as defined in Minnesota Statutes.

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

407.02: NUISANCES AFFECTING PUBLIC COMFORT OR REPOSE:

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

A. Weeds and Vegetation: All noxious weeds in all locations. Also, tall grasses, nuisance weeds and rank vegetative growth not maintained at a height of eight inches or less in locations closer than 40 feet from:

1. An occupied principal structure;
2. Any property line with an occupied structure on abutting property; and

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3. A public road pavement edge.

This 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 policy for natural landscaping (Ord. 1384, 7-13-2009)
- B. Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, 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)
- C. Smoke and Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (Ord. 207, 11-9-55)
- D. Noises: All noises in violation of Chapter 405 of this Code.
- E. Vibrations: All unnecessary and annoying vibrations.
- F. 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 Chapter 409. (Ord. 1092, 6-10-91, amended (Ord. 1384, 7-13-2009)
- 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)
- H. Service Stations: Operation of a - service station if conducted in a manner that includes any of the following:
1. The sale, or 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 accumulation of any of the following items on the premises in view of adjacent properties:
 - a. Used oil cans; or
 - b. Discarded auto parts; or
 - c. Discarded tires; or
 - d. Any other items of similar nature.
 4. Allowing tires to be sold or displayed for sale within view of adjacent properties, unless the same are displayed in a rack and only during business hours. (Ord. 499, 8-8-66; amd. 1995 Code)
- I. 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. Any building, fence or other structure not complying with, but not limited to, Chapter 906 of this Code or the following:
1. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
 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

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hazardous or unsightly.

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

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.

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

J. Parking and Storage: The outside parking or storage on residentially-zoned property of vehicles, materials, supplies or equipment in violation of the provisions set forth below:

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

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

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

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

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

- a. Vehicles shall be on an improved surface as defined in this Code.
- b. Vehicles must be owned by a person who is a legal resident of that property and continuously maintain current registration. (Ord. 1466, 04-2014)

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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:

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- 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.

6. 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 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.

Q. Graffiti: (Ord. 1337, 5-22-2006)

R. Yard Cover: 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(A). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-21-2014)

407.03: NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY:

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

- A. Diseased Animals: All diseased animals running at large.
- B. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.
- C. Snow On Non-motorized Pathways: On all properties with off-the-road, non-motorized pathways, except nontax exempt Low Density Residential properties, ice and snow 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)
- D. Low Wires, Tree Limbs, Other Vegetation : All wires, tree limbs and other vegetation which are 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.
- E. Dangerous Buildings: All buildings, walls and other structures which, have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their replacement value, are so situated as to endanger the safety of the public, or by order of the Building Official.
- F. 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.
- G. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law.
- H. 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

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

- 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)
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when such repairs will not unduly impede or interfere with traffic.
- P. 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.
- Q. Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.
- R. Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section 1011.06 of this Code (Visibility Triangles in All Districts).
- S. 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.
- T. 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 7:00 a.m. or after 9:00 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

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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)

407.04: 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: 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 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)

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407.06: 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)

407.07: 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. (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 may be served by any of the following methods:
 - 1. In person; or
 - 2. By certified or registered mail; or
 - 3. By posting on site or premises.
- 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)

407.08: 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

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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)

407.09: 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 certified first-class mail to the property owner or occupant. The 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 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.J 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 all of the adjacent property owners within 150 feet 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:

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1. Notify the applicant and all property owners, identified under 407.10.A.4, 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:

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