

ORDINANCE NO. 2000-4

AN ORDINANCE AMENDING ORDINANCE NO. 1989-2 DECLARING IT UNLAWFUL AND A PUBLIC NUISANCE TO PARK OR STORE JUNK AUTOMOBILES, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES ON PRIVATE PROPERTY UNLESS HOUSED OR STORED WITHIN A BUILDING

The City Council of Brownsdale do ordain:

Ordinance No. 1989-2 is hereby amended in its entirety to read as follows:

Section 1: Definitions. For purposes of this Section, the following words shall have the meaning stated:

- A. Inoperable Vehicle: Any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks a current registration (including component parts of any vehicles) or which will not operate consistent with its usual functions or which because of its condition is unfit for the use for which it is intended and which has been located on said premises for ten (10) days or longer outside an enclosed building.
- B. Junk: All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood and/or construction materials not used in connection with a building project on which there has been issued a valid building permit or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood shall not be considered junk..

Section 2: Unlawful Act. It is unlawful for any person to accumulate and store any inoperable vehicles or junk as defined above unless housed in a completely enclosed building and the unlawful storage of said inoperable vehicles or junk upon a public or private premises is hereby declared to be a public nuisance affecting health and safety. Each day this ordinance is violated shall constitute a separate offense.

Section 3: Enforcement. The City Council or other public official whose duty it is to enforce the ordinances of the City shall enforce the provisions of this ordinance.

Section 4: Notice and Abatement. Whenever the City Council or a public officer or other person charged with enforcement, determines that a public nuisance is being maintained or exists on premises in the City, the City Council or enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and

abated. The notice shall be served in person or by certified or registered mail. 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 ten (10) days, within which the nuisance is to be abated. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. Failure of the owner or the occupant of the premises on which the nuisance exists to abate the nuisance within the time specified in the notice, is hereby declared to be unlawful. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

Section 5: Recovery of Cost. The owner of the 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 Recorder shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

Section 6: Assessment. If the cost of abating said nuisance is not paid in full to the City Clerk before September 1st, next, then on or before September 1st, next, following the abatement of the nuisance, the City Clerk shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes §429.101 against each separate lot or parcel to which charges are attributable. The 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 ten (10), as the Council may determine in each case.

Section 7: Violation a Misdemeanor. Every person violates a section, paragraph or provision of this ordinance when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared

unlawful by this ordinance and upon conviction thereof shall be punished for a misdemeanor as provided in M.S.A. §609.03.

Passed by a vote of yeas and nays this 7 day of August, 2000.

Yeas 4

Nays 1

Approved:

Marvin Foster
Mayor

Attest:

Ada Luster
City Clerk