

**CITY OF GLYNDON, MINNESOTA
COUNTY OF CLAY**

ORDINANCE NO. 194

A NUISANCE ORDINANCE REGULATING HEALTH, PEACE AND SAFETY, RESIDENTIAL OFF-STREET PARKING AND THE STORAGE OF JUNK, TRASH, AND RUBBISH WITHIN THE CITY OF GLYNDON, MINNESOTA

BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLYNDON AS FOLLOWS:

Ordinances No. 12 and 77 are hereby repealed and in their place and stead the following ordinance is adopted.

Section:

- 1-1-1. Definitions**
- 1-1-2. General Provisions**
- 1-1-3. Nuisance Penalties and Abatement**

1-1-1 DEFINITIONS - For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alley: A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on the street.

Article: A particular item or object, a piece of merchandise.

Carport: A canopy supported by posts either ornamental or solid and completely open on one or more sides.

Public Right-of-Way: The right of way (ROW) is the City owned space between private property lines in which public infrastructure facilities are located.

Building Materials: Shall include, without limitation, lumber, bricks, cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

Demolition Materials: Shall include, without limitation, debris resulting from the demolition of buildings, such as concrete, stone, plaster, bricks, concrete blocks, and other materials that are a result of the demolition and construction operations.

Derby Car: Means a motor vehicle designed or intended to be used in a Demolition Derby.

Dilapidated Fences: Any fence, in whole or in part, which has fallen on the ground, or because of decay or disrepair has deteriorated to such an extent that it presents a danger of imminent collapse on its own, or as a result of normal weather conditions.

Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels, or boarding houses.

Enforcement Officer: All persons appointed as enforcement personnel or acting as inspectors for the city, or any other city employee designated by the City Council to enforce the provisions of the City Code.

Exterior Storage: The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Fence: A fence is defined for the purpose of this Ordinance as any partition, structure, wall, or gate erected as a dividing mark, barrier, or enclosure.

Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and noncommercial trucks not exceeding twelve thousand (12,000) pounds gross weight of the family or families residing upon the premises, and which no business service or industry is carried on except for home occupations.

Inoperable Motor Vehicles: Shall include, without limitation, any vehicle, for which, for a period of at least seven (7) days for unregistered and thirty (30) days for currently registered, the engine, transmission, wheels, or other parts have been removed, or on which the engine, wheels, transmission, or other parts have been altered, damaged, or otherwise treated so that the vehicle is incapable of being driven under its own power. Any vehicle which does not display current license plates or have proof of current registration if license and registration are required by law for the vehicle to travel on public roads in the State of Minnesota.

Interested Party: Any owner of record, occupying tenant, or lien holder of record.

Junk: Shall include, without limitation, parts of machinery or motor vehicles, unused furniture, furniture which is manufactured and intended to be used exclusively indoors but is kept outdoors, stoves, refrigerators or other appliances, remnants of wood, metal, or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.

Last Known Address: The address shown on the records of Clay County, or a more recent address known to the Enforcement Officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the Enforcement Officer after a reasonable search.

Mail: Service by mail shall mean by depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

Owner: Those shown to be owner or owners on the records of Clay County.

Parking Space, Off-Street: Parking your vehicle anywhere but on the streets. These are usually parking facilities like garages and lots. It can be both indoors and outdoors. It also includes private lots, garages, and driveways. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

Personal Service: Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

Racecar: A vehicle designed and built for speed, performance, and competition. These cars are made for racing and are found at racetracks or racing circuits rather than on the street.

Recreational Motor Vehicle: Any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to a snowmobile, trail bike or other all-terrain vehicle,

hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

Responsible Party: Any one or more of the following: agent; assignee or collector of rents; holder of a contract for deed; a mortgagee or vendee in possession; receiver of executor or trustee; lessee; those known to the Enforcement Officer as having an ownership interest; or other person, firm, or corporation exercising apparent control over a property.

Refuse, Trash and Rubbish: Shall include, without limitation, putrescible and non-putrescible and combustible and non-combustible waste, including paper, garbage, material resulting from the handling, processing, storage, preparation, serving, and consumption of food, vegetable or animal matter, offal (organs of a butchered animal), plant wastes such as tree trimmings or grass cuttings, ashes or incinerator residue, street cleanings, detached vehicle parts, furniture, or solid industrial and market waste. Shall include any and all forms of debris not herein otherwise classified.

State Defined Nuisance: Any nuisance so defined by applicable Minnesota Statutes or by the common law of the state is also a public nuisance under this chapter.

Structure: Anything which is built, constructed, or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures including buildings, manufactured homes, walls, fences, towers, antennas, swimming pools, billboards, and poster panels.

Trailer: A wheeled vehicle that cannot move on its own – it needs to be pulled by a car, truck, or other vehicle.

Travel Trailer: Means a trailer, mounted on wheels that is designed to provide temporary living quarters during recreation, camping, or travel; does not require a special highway movement permit based on its size or weight when towed by a motor vehicle.

Yard Type:

- 1. Front Yard:** The space extending between side lot lines from the front property line and the building setback line.
- 2. Rear Yard:** A space extending between the rear line of the principal structure and the rear line of the lot and extending the full width of the lot.
- 3. Side Yard:** A space between the building and the sideline of the lot extending from the lot line to the rear yard. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of the corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Vehicle: A thing used for transporting people or goods on a public roadway such as a car, truck, or SUV.

1-1-2 GENERAL PROVISIONS

A. Public Nuisance Prohibited – A person must not act, or fail to act, in a manner that is or causes a public nuisance.

B. Public Nuisances Defined

- 1. Generally** – A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time to:
 - a) Unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
 - b) Interfere with, obstruct, or render dangerous for passage any public highway or right-of-way, or waters used by the public; or
 - c) Greatly offend the public morals or decency; or
 - d) In any way renders the public insecure in life or in the use of property.

- 2. Public Nuisances Affecting Peace, Health, and Safety** – The following are hereby declared to be public nuisances affecting peace, health, and safety but shall not be construed to exclude other nuisances affecting peace, health, and safety coming within the definition of division (1-1-1) above:
 - a) Exposed accumulation of decayed or unwholesome food or vegetable matter; or
 - b) All diseased animals running at large; or
 - c) All residential ponds or pools of stagnant water; or
 - d) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death; or
 - e) Accumulations of decaying animal or vegetable matter, trash, manure, refuse, rotting lumber, bedding, packing material, scrap metal, or other debris; or
 - f) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors; or
 - g) The pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances; or
 - h) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities; or
 - i) All fences, walls, shrubbery, or other obstructions more than thirty inches (30”) in height above established street grades within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

- 3. Other Public Nuisances** – It is hereby determined that dilapidated fences and the storage or accumulation of trash, rubbish, junk, refuse, inoperable vehicles, building materials, and demolition materials upon any private property within the city tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, and is contrary to the public peace, health, safety, and general welfare of the community.

C. Nuisance Parking and Storage of Junk, Trash and Rubbish

- 1. Declaration of nuisance.** The outside parking and storage on residentially zoned property of large numbers of vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it:
 - a) Obstructs views on streets and private property; or
 - b) Creates cluttered and otherwise unsightly areas; or
 - c) Prevents the full use of residential streets for residential parking; or
 - d) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited; or
 - e) Decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood; or
 - f) Otherwise adversely affects property values and neighborhood patterns; or
 - g) All abandoned refrigerators, iceboxes, washers, or dryers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only.

2. Unlawful Parking and Storage

- a) A person must not place, store, or allow the placement or storage of ice fishing houses, campers, watercraft, trailers, vehicles, travel trailers, or non-permanent structures outside within the City's right of way.
- b) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
- c) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 - i. Vehicles or trailers that are parked or stored outside in the front yard must be on a paved, concrete, or graveled parking surface or driveway area and must have current license and registration.
 - ii. A recreational motor vehicle, travel trailer or trailer that is parked or stored outside in the side or rear yard must not exceed two (2) in combination. The weeds and grass must be maintained under and around not to exceed eight (8) inches in height. Must have current license and registration.
 - iii. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.
 - iv. Vehicles will not be allowed in the backyard unless under a carport or in an enclosed trailer or building.

3. Unlawful to Accumulate Junk, Refuse, Inoperable Vehicles, Trash, and Rubbish – It shall be a nuisance and an offense for any person to store or permit the storage of accumulation of junk, refuse, inoperable vehicles, trash, or rubbish on any private property within the city, except within a completely enclosed building.

4. Unlawful to Dismantle Automobiles or Machinery; *Exception* – It shall be a nuisance and an offense for any person to dismantle, cut up, remove parts from, or otherwise disassemble an automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, or store such parts, except in a completely enclosed building.

5. Unlawful to Store Building Materials or Demolition Materials; *Exception* – It shall be a nuisance and an offense for any person to store or permit the storage or accumulation of building materials or demolition materials on any private property, except in a completely enclosed building, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city, and unless that construction is completed within a reasonable period of time.

6. Unlawful to Park or Store a Racecar or Derby Car; *Exception* – A person must not place, store, or allow the placement or storage of racecars or derby cars unless within an enclosed trailer or a building.

7. Unlawful to Permit Dilapidated Fences – It shall be a nuisance and offense for any person to allow or permit a dilapidated fence on their property.

1-1-3 NUISANCE PENALTIES AND ABATEMENT

- A. Declaration of Policy** – The purpose of this subchapter is to protect the public health, safety, and welfare by enactment of provisions which:
1. Define Class I and Class II nuisances.
 2. Determine the responsibilities of owners and operators of dwellings and property for correction of nuisance conditions.
 3. Provide remedies to eliminate public nuisances.
 4. Provide for administration, enforcement, and penalties.
 5. Promote the stabilization and maintenance of neighborhoods.
 6. Unless otherwise specified in the City Code, the abatement processes in this subchapter are to be used to abate and resolve nuisance conditions within the city.
- B. Disclosure of Responsible Party** – Upon the request of the Enforcement Officer, the responsible party or owner shall disclose the name of any other responsible party or owner known to them. This shall include, but not be limited to, the person for whom they are acting, from whom they are leasing the property, to whom they are leasing the property, with whom they share joint ownership, or with whom they have any contact pertaining to the property.
- C. Order To Cease** – In the event that an Enforcement Officer observes a person creating or allowing a nuisance, the officer may order that the person cease and desist creating or allowing the nuisance.
- D. Service** – When service of an order or notice is required, any one or more of the following methods of service shall be adequate:
1. By personal service; or
 2. By certified mail, through the U.S. Postal Service; or
 3. By U.S. Mail, unless it is a written order which gives three (3) days or less for the completion of any act it requires; or
 4. If the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the property; or
 5. If a mailed order or notice is returned by the U.S. Postal Service, a good faith effort shall be made to determine the correct address, unless the order or notice orders abatement and that abatement has been completed.
- E. Administrative Penalties** – The City Council may, by resolution or ordinance, establish a schedule of administrative penalties for Class I and Class II nuisances. Administrative penalties shall be imposed in accordance with the fee/penalty schedule adopted by the City Council in ordinance #166, as that ordinance may be amended from time to time.
- F. Class I and Class II Nuisances**
1. **Class I Nuisances.** For purposes of this subchapter, the following public nuisances, when existing or allowed to exist in the city shall be designated as “Class I Nuisances.”
 - a) **Dangerous Structure.** A structure which is potentially hazardous to persons or property including, but not limited to:
 - 1) A structure which is in danger of partial or complete collapse; or
 - 2) A structure with any exterior parts which are broken, loose or in danger of falling; or
 - 3) A structure with any parts such as floors, porches, railings, stairs, ramps, balconies, decks or roofs which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.
 - b) **Fire Hazards.** Anything or condition on the property which, in the opinion of the Enforcement Officer, creates a fire hazard or which is a violation of the fire code.

- c) **Hazards.** Anything or conditions on the property which in the opinion of the Enforcement Officer, may contribute to injury of any person present on the property, which shall include but not be limited to, open holes, open foundations, open wells, dangerous trees or limbs, or abandoned appliances.
 - d) **Health Hazards.** Anything or condition on the property which, in the opinion of the Enforcement Officer, creates a health hazard or which is a violation of any health or sanitation law.
 - e) **Insects, Rodents, or Pest Harborage.** Conditions which are conducive to the presence, harborage, or breeding of insects, rodents, or other pests.
 - f) **Nuisance Building.** A vacant building or portion of a vacant building which has multiple housing codes or building code violations or has been ordered vacated by the city or city Building Inspector or which has a documented and confirmed history as a blighting influence on the community.
 - g) **Sight Triangle Obstructions.** A fence, wall, shrubbery, or other obstruction to vision above a height of thirty (30) inches from the established street grades within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
 - h) **Unsecured Unoccupied Buildings.** Unoccupied buildings or unoccupied portions of buildings which are unsecured. Owners may be required to replace coverings over broken or missing windows or doors with the appropriately sized windows or doors.
 - i) **Occupations or Commercial Activity.** Operated, maintained, or permitted in violation of City Code.
 - j) **Spoil Piles of Fill.** Excavations and/or construction debris existing for periods longer than seven (7) days unless otherwise approved by the city.
 - k) **Any Other Conditions.** Whereby a 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, being discharged, or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the city exists or is allowed to exist.
2. **Class II Nuisances.** For purposes of this subchapter, all other public nuisances, existing or allowed to exist in the city and not defined above as a “Class I Nuisance” shall be designated as a “Class II Nuisance.”

G. Abatement Procedure, Class I Nuisances – Unless the nuisance is as described under the Emergency Abatement Procedure section the city may abate “Class I Nuisances” by the procedure described below:

- 1. **Order.** The Enforcement Officer shall serve a written order upon the owner. The written order shall also be served upon any responsible party known to the officer and may be served upon any party known to have caused the nuisance. The written order shall contain the following:
 - a) A description of the property sufficient for identification; and

- b) A description and location of the nuisance and the remedial action required to abate the nuisance; and
 - c) A statement that the nuisance is to be abated within seven (7) days of the date of the order; and
 - d) A statement that the order may be appealed and a hearing before the City Committee or designee may be obtained by filing a written request with the city before the appeal deadline which shall be the abatement deadline designated in the order or seven (7) calendar days after the date of the order, whichever comes first; and
 - e) A statement that, if remedial action is not taken nor a request for a hearing filed with the city within the time specified, the city will abate the nuisance and charge all costs incurred therein against the owner of the property and if cost is unpaid by the owner or responsible party the costs will be charged against the property as a special assessment to be collected in the same manner as property taxes.
2. **Setting Hearing Date.** In the event that an appeal is filed, a notice shall be mailed to the owner and known responsible parties, stating the date, time, place, and subject of the hearing.
 3. **Notice of Hearing Date.** In the event that an appeal is filed, a notice shall be mailed to the owner and known responsible parties, stating the date, time, place, and subject of the hearing.
 4. **Designated Hearing Officer.** The City Committee or designated Hearing Officer shall convene a hearing at which time the property owner shall have an opportunity to present evidence and testimony to support the appeal of the abatement order. The Hearing Officer may receive evidence and testimony from the Enforcement Officer and other parties who wish to be heard. Upon receiving the evidence and testimony, the Hearing Officer shall make a written recommendation to the City Council which may confirm, modify, revoke, alter, or cancel the order of the Enforcement Officer. If the City Council determination requires abatement, the City Council shall, in the resolution, fix a time with which the nuisance must be abated and shall provide that, if the nuisance is not eliminated within the time specified, the city may abate the nuisance and assess the costs of the abatement to the property.
 5. **Abatement.** If the remedial action is not taken nor an appeal filed within the time specified, the city may abate the nuisance.
 6. **Assessment.** The city may assess charges against a property as a special assessment, pursuant to the provisions of M.S. Chapter 429, as it may be amended from time to time, for certification to the County Auditor and collection together with current taxes payable in the following year.
- H. Abatement Procedure, Class II Nuisances** – Unless the nuisance is as described under the Emergency Abatement Procedure section the city may abate “Class II Nuisances” by the procedure described below.
1. **Notice.**
 - a) In the event any condition that is defined as a “Class II Nuisance” by the City Code is found to exist, the city may cause to be served upon the owner of the property upon which the condition exists, by registered or certified mail or by personal service, a notice ordering such owner to remove the nuisance within seven (7) days from the date of the notice and stating that in the event the owner does not comply with such order, the necessary work may be performed or caused to be performed by the city at the expense of the owner, and that if the owner does not pay for such expense, the cost of the work will be assessed against the property benefitted. The notice may also be posted on the property for a period of seven (7) days, after which period, the city may perform any necessary work.

- b) The notice shall state that it is in effect for a period of twelve (12) months from the date of the notice and if the nuisance condition reoccurs within that twelve (12) month period the city shall abate the nuisance without further notification to the property owner.
2. **Performance of Work by City; Invoice.** If the owner of any property fails to comply with the notice, within the period allowed for compliance as stated in the notice, the city may cause to be performed such work as is ordered by such notice. The city shall prepare and maintain a record showing the cost of such work attributable to each separate lot and parcel and shall mail to the owner of each lot or parcel an invoice setting forth the charges for such work, which shall be immediately due and payable to the city.
 3. **Assessment.** The city may assess charges against a property as a special assessment, pursuant to the provisions of M.S. Chapter 429, as it may be amended from time to time, for certification to the County Auditor and collection together with current taxes payable in the following year.
- I. Emergency Abatement Procedure** – When the Enforcement Officer determines that a nuisance exists which constitutes an immediate danger or hazard which is not immediately abated will endanger the health and safety of the public, and there does not exist sufficient time to follow the Abatement Procedure, Class I Nuisances and Abatement Procedure, Class II Nuisances, the city may abate the nuisance by the procedure described below:
1. **Order.** The city shall order emergency abatement by an Administrative Order to be signed by an Enforcement Officer.
 2. **Notice of Abatement.**
 - a) Following an emergency abatement, a notice shall be mailed to the owner of the property and other responsible parties connected with the property that are known to the city. The notice shall contain:
 - 1) A description of the nuisance; and
 - 2) The action taken by the city; and
 - 3) The reasons for immediate action; and
 - 4) The costs incurred in abating the nuisance; and
 - 5) The date, time and place of a hearing.
 - b) Prior to the hearing, the City Committee who ordered the abatement shall provide the owner with an opportunity to meet and informally discuss the matter. The City Committee may make a recommendation to the City Council based on the information obtained at such a meeting.
 3. **Hearing.** If the matter is not resolved at the informal meeting, the City Committee or a designated Hearing Officer shall hear from the Enforcement Officer and any other parties who wish to be heard. After the hearing, the Hearing Officer shall make a recommendation to the City Council regarding payment of the costs of abatement. The City Council may adopt a resolution levying an assessment for all or a portion of the costs incurred by the city in abating the nuisance payable in a single payment or by equal annual installments as the City Council may provide.
- J. Penalty.**
1. **General.** Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of this ordinance. Any criminal or civil penalty imposed pursuant to this section may be imposed in addition to any costs incurred by the city for abatement.

2. **Sections 1-1-1 through 1-1-2.** Any person violating any provision of 1-1-1 through 1-1-2 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine and costs of prosecution or imprisonment not to exceed ninety (90) days, or both, in accordance with State Statute §609.03(3). In addition, any person found guilty of violating any provision of 1-1-1 through 1-1-2 shall be responsible civilly for all damages caused by such violation.
3. **Section 1-1-1 through 1-1-2.** Upon a finding of guilt upon a juvenile violating these sections, the penalty imposed shall be in accordance with Minnesota Statutes as it may be amended from time to time.
4. **Sections 1-1-1 through 1-1-2; Criminal Penalty or Civil Penalty.** Any person who violates any provision of this division or fails to comply with a lawful written order issued pursuant to 1-1-1 through 1-1-2, and/or a lawful order issued pursuant to 1-1-3, shall be guilty of a misdemeanor and subject to the penalty provisions of 1-1-3, or alternatively, may be charged with an Administrative Offense and subject to the civil penalty provisions of 1-1-3-F. Each day during which noncompliance or violation continues shall constitute a separate offense.

Passed by the City Council of the City of Glyndon, Minnesota, this _____ day of _____, 2024.

Tracy Tollefson, Mayor

ATTEST:

Wendy Affield, Clerk/Treasurer

Repeals Ordinance No. 12 and 77

1st Reading – April 24th, 2024

2nd Reading – May 8th, 2024

Published – June 3rd, 2024