

NOTICE OF ORDINANCE ENFORCEMENT

To City Property Owners and /or Occupants:

As many of you know, taking pride in making our community attractive to guests, visitors and neighbors is a win-win for everyone. There are, however, areas in which the City has not “enforced” the requirements of the Ordinances; which Ordinances clearly address “unsightly practices”, that result in a “blight” nuisance, and are established for the purpose of:

1. “Eliminating blight and blight factors within all areas of the City for the protection of the health, safety, morals and general welfare of the City; and
2. To preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and
3. To preserve the taxable value of the property within such areas and all other areas of the City”.

THEREFORE, YOU ARE HEREBY NOTIFIED that *the City will be taking action to give notice to City property owners and/or occupants whose premises are in violation of Ordinance requirements, in order to address “blight” issues in a timely manner.*

These notices will be delivered to residential, commercial, and industrial property owners and/or occupants of these premises **COMMENCING TUESDAY, JUNE 20, 2023**. The City intends to work with each resident, commercial or industrial owner and/or occupant to accomplish the requirements of the Ordinance in a timely manner.

IT IS THEREFORE OF UTMOST IMPORTANCE that residential, commercial, and industrial property owners and/or occupants of these premises look at the following City & Zoning Ordinances to see if their premises is in violation, and to begin rectifying the violation before the aforementioned date.

§ 92.019 PUBLIC NUISANCE AFFECTING EXISTING PROPERTY VALUES & TAX BASE

Causes Of Blight, Blighting Factors, And Public Nuisance.

(A) No person shall maintain or permit to be maintained any causes of blight, blighting factors, or public nuisance upon any property in the City whether owned, leased, rented, or occupied by such person;

This institution is an equal opportunity provider and employer.



(B) It is hereby determined that the following uses, structures, activities, and conditions are causes of blight, blighting factors, and public nuisance which, if allowed to exist, will tend to result in blighted undesirable neighborhoods. Such blight, blighting factors, or public nuisances are as follows:

- (a) In any area zoned or used for residential purposes, or zoned or used for commercial/industrial purposes:
 - (i) The failure to maintain the exterior of any building in a condition such that there are no broken windows, and all windows are fully glazed without inserts or patches;
 - (ii) Exterior surfaces shall be clean, stained or painted and free from accumulation of dirt, grime, or graffiti;
 - (iii) Porches and stairs must be stable, free of cracked boards or block and not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances;
 - (iv) No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture;
 - (v) Any exits and entrances otherwise protected to prevent entry thereto by the elements or by unauthorized persons;
- (b) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended;
- (c) In any area zoned or used for residential purposes, or zoned for commercial/industrial purposes the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the City and unless such construction is completed within the allotted time from date of issuance of the building permit, along with any written extensions granted by the building inspector;
- (d) Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other violations. Landscaping a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all the lawns are mowed regularly, not to exceed 6 (six) inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance and any public street or alley, and that noxious weeds are eliminated.

Section 118.06. REQUIRED COLLECTION AND DISPOSAL

Duty Of Owners Or Occupants To Maintain Premises

- A. It shall be the duty of every owner, occupant and person in charge of any premises within the City to maintain such premises free of any accumulation of garbage, rubbish or other refuse which constitutes a fire or health hazard, or which is dangerous to a person, or which otherwise constitutes a nuisance;
 - 1. The owner and/or occupant of any premises, business establishment or industry in the City shall be responsible for the sanitary storage of all mixed municipal solid waste, garbage, refuse and/or separate waste streams accumulated or stored at that premises, business establishment or industry.
 - B. No person shall suffer or permit any refuse to accumulate and remain on any premises owned or occupied by him or her in his/her charge or custody, whether or not such refuse is in containers, for a period of more than one week in any case.
 - 2. No commercial or industrial mixed municipal solid waste, garbage, refuse and/or separate waste streams shall be collected or disposed of except by a duly licensed hauler.

Penalty, see § 10.99

Storage Of Refuse Receptacle Containers

Unless stipulated in subd. B below, all refuse receptacles shall be stored inside of or next to a structure;

Time Limit On Accumulations

- A. No person shall suffer or permit any garbage to accumulate and remain on the premises in containers, or otherwise, longer than a period of one (1) week in any event.
- B. Any garbage refused for collection by a refuse provider, shall be removed from street side according to subd. B above and disposed up properly by the owner of said premises according to *DUTY OF OWNERS OR OCCUPANTS TO MAINTAIN PREMISES*, subd. C.

Penalty, see § 10.99

Time Restrictions For Setting-Out Garbage, Trash, Recycling, and Other Materials For Collection

- A. All residential garbage, trash, recycling, and yard waste collections will be normally made between the hours of 5:00 AM and 4:00 PM on the designated collection day. Refuse receptacles, and/or bulky waste recycling containers shall be set out at the refuse collection site, curbside or alley, as appropriate, no earlier than 3:00 PM the day prior to said collection;
- B. Refuse containers, garbage cans, and/or recycling containers shall be removed from the refuse collection site no later than midnight following the day of collection;
- C. The occupant of the property shall promptly clean up and remove any scattered solid waste, rejected items, recyclable material and/or yard waste from the property before midnight following the day of collection;

Penalty, see § 10.99

Unauthorized Accumulations

Any accumulation of refuse contrary to any provision of this chapter on any premises is hereby declared to be a nuisance and is prohibited.

Penalty, see § 10.99

ZONING ORDINANCE: JUNK VEHICLES

SECTION III - RULES AND DEFINITIONS

3.2 Definitions

The following words shall be defined as follows for the purposes of this Ordinance:

(1) **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that (a) has remained on public property in an inoperable condition for more than 48 hours; or (b) has remained on private property for more than 48 hours without the permission of the Owner; or (c) has remained on private property for more than 30 days and is inoperable or is unlicensed. Refer also to Minnesota Statutes Chapter 168B.

(51) **Junk Yard.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of new construction materials for no longer than six months in conjunction with construction or a manufacturing process shall not be included. Three or more automobiles without current license plates constitute a junk yard. Such use shall not include putrid wastes such as garbage.

§ 71.08 PROHIBITING PARKING AREAS IN FRONT YARDS IN RESIDENTIAL ZONES.

(A) The construction, operation or maintaining a parking area, either paved or unpaved, in the front yard of any lot is prohibited in any area zoned for residential use. For the purpose of this section, front yard shall mean and include that area between the sidewalk, or street line in the event there is no sidewalk, and the front line of the principal building, extending in both directions to the side lot lines.

(B) Use of that portion of a vacant lot within 30 feet of the sidewalk lines for parking in an area zoned for residential use is prohibited.

(C) Driveways in any area zoned for residential use shall not exceed 25% of the width at the front or side lot line. Where more than 1 driveway is desired or required, they shall be at least 70 feet apart.

(D) The front part of any lot shall not be used for the parking of an automobile, truck, trailer, tractor, recreational vehicle, camper, travel trailer, camper top, tent, wagon, boat, boat trailer, storage area or motor home.

(E) No person, being the owner or having control of any building, shall violate or fail to conform to any provision of this section, or fail to obey any lawful order of an officer charged with its enforcement. Each and every day on which any person continues to violate the provisions of this section, after having been notified of the violation, shall constitute a separate offense. This conviction shall not relieve any person from thereafter complying with the provisions of this section, and shall be sufficient cause to refuse further building or land use permits to the offender until a time as the orders have been complied with.

ZONING ORDINANCE:

6.5 Storage.

(1) Exterior Storage:

A. All materials and equipment shall be stored within a completely enclosed building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, new construction and landscaping materials and equipment currently being used for construction of the premises not to exceed a 6-month period. Woodpiles and off-street parking except as otherwise regulated herein are permitted. Boats and recreational vehicles, less than thirty (30) feet in length, and unoccupied fish houses not used for storage are permissible if stored in the rear yard not less than ten (10) feet distance from any property line. Docks and boat lifts may be stored off season in the front yard not less than ten (10) feet from the property line.

B. Abandoned vehicles shall not be stored outside in any district, except by conditional use permit for an auto salvage yard. Existing abandoned vehicles shall be removed within thirty (30) days after the adoption of this Ordinance.

ORDINANCE #156

AN ORDINANCE PROVIDING FOR REMOVAL OF SNOW, ICE, DIRT AND RUBBISH FROM SIDEWALKS AND ELIMINATION OF WEEDS AND REPAIR OF SIDEWALKS

Section 1. *Definition*

The term "current service" as used in this Ordinance means one or more of the following: Snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; repair of sidewalks.

Section 2.

Subdivision 1. All snow, ice, dirt and rubbish remaining on a public sidewalk more than 48 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 48 hours after its deposit thereon.

(E) *Repair of Sidewalks and Alleys.*

Section 4

Subdivision 1.

(1) *Repair of the Sidewalks.* The owner of any property within the City Abutting a public sidewalk shall keep the sidewalk safe for pedestrians. State Statue 412.221 Subd 6 (Amended 8-12-2008)

§ 92.037 DEFINITIONS; EXCLUSIONS.

WEEDS, GRASSES, and RANK VEGETATION. Include but are not limited to the following:

(a) Noxious *WEEDS* and *RANK VEGETATION* shall include but not be limited to: Alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosetrife, Quackgrass, Russian Knapweed,

Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, and Wild Parsnip;

(b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for 2 consecutive years;

(c) Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;

(d) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 6 inches;

(e) RANK VEGETATION includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(f) The term WEEDS does not include shrubs, trees, cultivated plants, or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

§ 92.038 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property which at the time of notice is in excess of 6 inches in height.

Penalty, see § 10.99

§ 92.018 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(A) All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as it may be amended from time to time, which is hereby incorporated by reference into this code;

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violation of this section;

(G) The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet, or repose of the occupants of adjoining or other property;

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under conditions as are permitted by this code or other applicable law;

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) 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 the street or sidewalk;

(K) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;

(L) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(M) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way;

(N) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(O) Wastewater cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from accumulation;

(Q) Any well, hole, or similar excavation which is left uncovered or in another condition so as to constitute a hazard to any child or other person coming on the premises where it is located;

(R) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

(S) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(T) The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and

(U) Snow that has been deposited in a street, public right of way, sidewalk, private property without permission, in a parking area in front of another person's business or, within 50 feet of an intersection as to create a sight impairment; and

(V) All other conditions or things which are likely to cause injury to the person or property of anyone.
Penalty, see § 10.99 (Ord. Amended 11/7/2022)

§ 92.022 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 Clerk-Treasurer or other official 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 Clerk-Treasurer.

(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 Clerk-Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other the charges as well**

as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the 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.

Penalty, see Ordinance 10.99 (Ord. Amended 11/7/2022) or Minnesota Statute 609.74 Public Nuisance or 609-745 Permitting a Public Nuisance (both misdemeanors)

SUBJECT TO CHANGE

***FAILURE TO COMPLY WITH SECTION 92.022* will result in an accumulative daily fine of \$100. Unpaid fines shall be assessed to applicable property owner's taxes.**

***EMERGENCY ABATEMENT FEE* - Noncompliance shall result in an intervention by the City. Fees for said intervention shall include the above civil fine with additional fees encompassing labor and equipment costs. If said intervention is necessary, any unpaid costs incurred shall be assessed to applicable property owner's taxes.**

FAILURE TO COMPLY could result in criminal charges against said property owner, renter or business owner under the following Minnesota State Statutes:

Minnesota Statute 609.74 Public Nuisance

Minnesota Statute 609-745 Permitting a Public Nuisance (misdemeanor)

(Ord. Amended 6/13/2023)

These and all City and Zoning Ordinances can be found at:

https://cityofpineriver.org/index.asp?SEC=06586426-EFDA-4B60-9DC6-FEB79BAEC604&Type=B_BASIC

Please contact City Hall if you have any questions or concerns at 218-587-2440.



Tamara Hansen,
Mayor - City of Pine River