

CITY OF ORR

ORDINANCE 2020-01

**AN ORDINANCE AMENDING ORDINANCE NO. 96-01 ADOPTED ON January 8, 1995,
AND TITLED AN ORDINANCE RELATING TO:**

**“Prevent, Reduce or Eliminate Blighting Factors
within the City of Orr and to Provide Penalties for the
Violation Thereof.”**

THE CITY COUNCIL OF THE CITY OF ORR, MINNESOTA, DOES ORDAIN AS
FOLLOWS:

**Ordinance No. 96-01 adopted on January 8, 1995 and titled “ Prevent, reduce or eliminate
blighting factors within the City of Orr and to Provide Penalties for the Violation thereof”
is amended to read:**

SECTION 1. CAUSES OF BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the uses, structures and activities and causes of blight or blight described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained, any of these causes of blight or blight upon any property in the City of Orr owned, leased, rented or occupied by such person, firm or corporation.

1. In any area, the storage upon any property of junk automobiles. For the purpose of this ordinance, the term “junk automobiles” shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore not intended for use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts.

2. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term “junk” shall include parts of machinery or motor vehicles, unused stoves, or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable for sale, approved building materials, metal or other

material or cast off material of any kind, whether or not the same could be put to any reasonable use.

3. In any area the existence of any structure or part of any structure which because of fire, wind or other 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 or permitted, or the deterioration of which has become a hazard to the general public or adjoining properties, shall not be allowed for a period longer than six months.
4. In any area the existence of any noxious or poisonous vegetation, such as poison, ivy, ragweed or other poisonous plants or any weeds or grass over six inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
5. In any area, buildings, fences or 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 (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood and (c) adversely affect property values and neighborhood patterns.
6. All public health and safety hazards shall be moved from all lots and parcels of land. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazardous condition, and free from any accumulation of refuse or garage.
7. Vacated structures. The owners of any dwelling which is unfit for human habitation, and the owner of any structure, garage, or other outbuilding which has been vacant for a period of sixty (60) days or more shall make the dwelling or structure safe and secure by keeping the same securely locked, windows kept glazed or neatly boarded up and entrances and doors provided with proper doors or, in the alternative, neatly boarded up and otherwise protected to prevent entrance, so that it is not hazardous to the health, safety and welfare of the public, and does not constitute a public nuisance. Such shall be done in a manner which will be suitable to the general nature and character of the neighborhood including decorative effects and coloration such will not make such structure present an offensive appearance to neighbors and in general accord with the area as far as its appearance may be concerned. Any such structure open at the doors and windows, if unguarded, shall be deemed to be a nuisance within the meaning of this ordinance. Unsafe structures shall be taken down and removed or made safe. A vacant structure that is not secured against entry shall be deemed unsafe.

SECTION 2. ABATEMENT

a) Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; Notice of City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this Subdivision.

1. Notice of Violation. Written Notice of Violation shall be served by the City Council on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Violation, Notice of Violation shall be served by posting it on the premises.

2. Notice of Council Hearing. Written notice of any City Council Hearing to determine or abate blight or blighting factors shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Council Hearing, Notice of Council Hearing shall be served by posting it on the premises.

3. Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

b) Procedure. Whenever the City Council determines that blight or blighting factors exist on premises in the City, the City Council shall notify in writing the owner of record or occupant of the premises of such fact and order that such blight or blighting factors be terminated or abated. The Notice of Violation shall specify the steps to be taken to abate the blight or blighting factors and the time within which the blight or blighting factor is to be abated. If the Notice of Violation is not complied with within the time specified, the City Council shall report that fact forthwith. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a blight or blighting factor and further order that if the blight or blighting factor is not abated within the time prescribed by the Council, the City shall seek injunctive relief by serving a copy of the City Council Order and Notice for Summary Enforcement.

c) Emergency Procedure; Summary Enforcement. In case of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Subdivisions 1 and 2 above will permit a continuing blight or blighting factor to unreasonably endanger public health, safety or welfare, the City Council may order Summary Enforcement and abate the blight or blighting factor. To proceed with Summary Enforcement, the City Council shall determine that blight or a blighting factor exists or is being maintained on premises in the City and that delay in abatement of the blight or blighting factor will unreasonably endanger public health, safety or welfare. The City Council shall notify in writing the occupant or owner of the premises of the nature of the blight or blighting factor and of the City's intention to see Summary Enforcement and the time and place of the Council meeting to consider the question of Summary Enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a blight or blighting factor, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision 1 above, and may order that such blight or blighting factor be immediately terminated or abated. If the blight or blighting factor is not immediately terminated or abated, the City Council may order summary enforcement and abate the blight or blighting factor.

d) Immediate Abatement. Nothing in Subdivision 6 of this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

SECTION 3. RECOVERY OF COST.

a) Personal Liability. The owner of premises on which a blight or blighting factor 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 or other official designated by the Council 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 Clerk.

b) **Assessment.** If the blight or blighting factor is a public health or safety hazard on private property, the City Clerk shall, on or before September 1 next following abatement of the blight or blighting factor, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot, or parcel to which the charges are attributable to the City Council. The City Council may then spread the charges against such property under the 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.

c) **Public Complaints.** In order to assist the City in investigating the existence of blight or blighting factors as defined in Section 1, complaints to the City of the existence of conditions which are believed to be blight may be submitted to the City Clerk or City Council, in writing, and contain the following information:

1. The complete address of the property upon which the alleged blight or blighting factor exists and the conditions which the complainant believes to be blight or a blighting factor; and

2. Signatures of all persons who own property adjoining the property having the alleged condition, or signatures of a majority of persons who own property located within 100 feet of the property having the alleged condition. For purposes of this Subdivision, the signature of one person who owns a parcel of land jointly with others shall be deemed the signature of all joint owners of that parcel.

d) Failure to comply with any of the requirements of this Ordinance shall constitute a petty misdemeanor offense and upon the conviction thereof shall be punishable accordingly.

e) **Continuing Violation.** Each week that any person continues in violation of this Section shall be a separate offense and punishable as such in the amount of \$100.00 per week.

f) **Severability.** If any section, subdivision, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 4. Effective Date: This Ordinance shall be effective: (a) after its passage and approval by the Orr City Council; and (b) upon its publication once in the legal newspaper for the City of Orr.

PASSED AND ADOPTED by the City Council of the City of Orr, Minnesota, on this 13th day of January, 2020.

Joel R. Astleford, Mayor

Cheri J. Carter, City Clerk/Treasurer

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