

CITY OF ST. CLAIR  
ORDANIANCE # 2004-02

AN ORDINANCE RELATING TO, REGULATING AND PROVIDING ABATEMENT OF  
PUBLIC NUISANCES INVOLVING MOTOR VEHICLES IN THE CITY OF ST. CLAIR

The purpose of this Ordinance it to provide a means wherein the problem of public nuisances involving motor vehicles within the City of St. Clair can be abated.

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ABANDONED VEHICLE

- a. A motor vehicle that has remained for a period of more than forty eight (48) hours on any public property or more that four (4) hours on public property when it is properly posted.
- b. A motor vehicle that has remained on private property without the consent of the person or entity in control of the property.
- c. A motor vehicle voluntarily surrendered by its owner to the City or towing contractor hired by the City for its removal.

THE FOLLOWING VEHICLES ARE NOT CONSIDERED ABANDONED VEHICLES:

- a. Vehicles held under police authority or pursuant to a writ or court order are not abandoned vehicles.
- b. Vehicles on the premises of junkyards and automobile graveyards that are defined, maintained and licensed in accordance with Minnesota Statute 161.242 are not considered abandoned vehicles.
- c. A classic car or pioneer car, as defined by Minnesota Statute 168.10 shall not be considered an abandoned motor vehicle within the meaning of this Section.

2. BLIGHT

Means an impaired or deteriorated condition.

3. CITY

Means the City of St. Clair, in Blue Earth County, State of Minnesota.

4. IMPOUND

To take and hold a vehicle in legal custody. There are two types of impounds, public and nonpublic.

5. IMPOUND LOT OPERATOR

A person who engages in impounding or storing, usually temporarily, unauthorized, abandoned or junk vehicles. "Operator" includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

6. INOPERABLE CONDITION

A motor vehicle which has no use consistent with its usual function, and shall include:

- a. Any motor vehicle incapable of movement under its own power and in need of repairs or junkyard.
- b. Any motor vehicle that has a defective part or parts, is partially dismantled or is missing vital components, which are necessary for the normal operation of the vehicle.
- c. Any motor vehicle that is stored on blocks, jacks or other supports.

7. JUNK VEHICLE

A vehicle that is located outdoors on property in the City of St. Clair that meets *any* of the following:

- a. Any motor vehicle that is in inoperable condition.
- b. Any motor vehicle that lacks vital component parts.
- c. Any motor vehicle that is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train or transmission, doors, or windows.
- d. Any motor vehicle, which is, used for sale of parts or as a source of repair or replacement parts for other vehicles.
- e. Any motor vehicle, which is kept for scrapping, dismantling or salvage of any kind.
- f. Any motor vehicle that is not registered with the State of Minnesota.
- g. Any motor vehicle that is not properly licensed for operation by the State of Minnesota.

8. MOTOR VEHICLE OR VEHICLE

Any self-propelled device in, upon, or by which any person is or may be transported or drawn upon a highway, public street, or body of water. Includes any device drawn by a self propelled vehicle and vehicles which are propelled by electric power, including vehicles which obtain power from overhead trolley wires but are not operated upon rails. Motor vehicle does not include a vehicle moved solely by human power.

9. MOTOR VEHICLE WASTE

Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

10. NONPUBLIC IMPOUND LOT  
An impound lot that is not a public impound lot.
11. PERSON  
Person, firm or corporation and the singular shall include the plural.
12. PRIVATE PROPERTY  
All property not defined as public property herein
13. PUBLIC IMPOUND LOT  
An impound lot contracting with the City pursuant to this Ordinance.
14. PUBLIC NUISANCE  
Any act, substance, matter, emission or thing which creates a dangerous, hazardous or unhealthy condition; or which threatens, injures, endangers or unreasonably annoys the public peace, health, safety or sanitary condition of the City; or which has a blighting influence on the community; or which is offensive; or which interferes with, obstructs or renders dangerous for passage, any public road, road right-of-way, street, alley, highway or waters used by the public.
15. PUBLIC PROPERTY  
Property in control of any governmental unit or its agencies. Public property shall include, but not be limited to buildings and structures, lots and green space, parks, parking lots, streets, alleys, sidewalks and the road right-of-way (the area between the traveled portion of a street and the adjacent property line).
16. REGISTERED OWNER  
Any person, firm, association or corporation, other than a secured party, having title to a motor vehicle. If a vehicle is under lease for a term of 180 days or more, the lessee is the registered owner if the application for renewal of the registration is sent to the lessee.
17. UNAUTHORIZED VEHICLE  
A vehicle that is subject to removal and impoundment pursuant to this Ordinance or Minnesota Statute 169.041 but is not a junk vehicle or an abandoned vehicle.
18. VEHICLE CONSTITUTING A PUBLIC NUISANCE  
Any vehicle, whether occupied or not, that is found stopped, standing or parked in violation of City Ordinance or State Law, or that is reported stolen, or that is found impeding fire fighting, snow removal or plowing, or the orderly flow of traffic. Any vehicle constituting an abandoned or junk vehicle or an unauthorized vehicle subject to impoundment under Minnesota Statute 168B.04 and 169.041.
19. 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.

## SECTION 2. MOTOR VEHICLES CONSTITUTING A PUBLIC NUISANCE

### Subd. 1. ABANDONED OR JUNK MOTOR VEHICLES.

Abandoned or junk motor vehicles constitute a public nuisance and are a hazard to the health and welfare of the citizens of the City of St. Clair in that such vehicles:

- a. Obstruct views on streets and private property.
- b. Create cluttered and otherwise unsightly areas.
- c. Decreases adjoining landowners and occupants' enjoyment of their property and neighborhood.
- d. Adversely affects property values and neighborhood patterns.
- e. Can harbor noxious diseases.
- f. Can furnish shelter and breeding places for vermin.
- g. Can present physical dangers to the safety and well being of children and other citizens.
- h. Can invite plundering and create fire hazards.
- i. Motor vehicles contain fluids that if released into the environment can and do cause significant health risks to the citizens of St. Clair. The condition of vehicles that are abandoned or junk significantly increase the likelihood that these dangerous fluids might be so released.
- j. Abandoned or junk vehicles and other scrap metals also constitute a blight on the landscape of the City and therefore a detriment to the environment.
- k. The abandonment and retirement of vehicles and other scrap metals constitutes a waste of a valuable source of useful metal.

It is therefore in the public interest that the present accumulation of abandoned and junk motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metal be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for disposal of abandoned and junk motor vehicles and other forms of scrap metal be developed.

### Subd. 2. PARKING AND STORAGE.

- a. It is a public nuisance to cause, undertake, permit or allow the outside parking and storage of motor vehicles on any property public or private within the City unless it complies with the following requirements:
  - 1) Motor vehicles must be operable.
  - 2) Motor vehicles must be currently registered by the State of Minnesota.

- 3) Motor vehicles must be properly licensed for operation with the State of Minnesota.
  - 4) Motor vehicles, which are parked or stored outside, shall be parked upon an “improved surface” as defined in this Ordinance.
  - 5) All motor vehicles stored outside on residential property must be owned by a person who is a legal resident of that property.
- b. It is a public nuisance to cause, undertake, permit or allow the outside storage of motor vehicle vital component parts and related accessories on any property public or private within the City. Such motor vehicle vital component parts and related accessories must be kept or stored within a building.

Subd. 3. SERVICE, REPAIR OR MAINTENANCE.

No person shall service, repair, replace parts or do maintenance work on junk motor vehicles on a public street or any property within the City unless it shall be within a building.

SECTION 3. ENFORCEMENT.

It is unlawful to maintain or permit a condition, which constitutes a public nuisance involving a motor vehicle.

Subd. 1 DUTY OF THE CITY COUNCIL.

It shall be the duty of the City Council to enforce the provisions of this Ordinance. The City Council may designate the City Clerk, the City Public Works Dept., law enforcement officials or other agents to aid in enforcement on their behalf. These persons shall have the power to take all reasonable precautions to prevent the commission or maintenance of public nuisances relating motor vehicles.

Subd. 2. FILING COMPLAINT.

Any person, including the City, who believes a public nuisance involving a motor vehicle exists, shall file a complaint with the City Clerk. If a representative of the City makes the complaint, the City representative shall file the complaint in the same manner. The City Clerk shall then investigate the complaint to determine if a public nuisance involving a motor vehicle exists.

Subd. 3. NOTICE OF VIOLATION.

After investigation, if the City Clerk determines that a public nuisance relating to motor vehicles is being maintained or exists in the City, the following procedure shall be followed:

- a. Notice of violation.

The notice of violation shall be sent to the owner of the property on which the motor vehicle is located or to the motor vehicle owner, in accordance with all of the following:

- 1) The owner shall be notified in writing.

- 2) The notice must include a description of the motor vehicle.
- 3) The notice must include a statement of the violation and why a notice is being issued.
- 4) The notice must include a corrective order allowing a reasonable time, of not less than fourteen (14) days, to make the correction.

b. Method of Service.

Such notice of violation shall be deemed properly served if a copy thereof is served in one of the following manners:

- 1) Delivered personally.
- 2) Sent by first class mail.
- 3) Posted on the motor vehicle or the premises on which the vehicle is located, if the owner of the vehicle cannot be contacted by United States Postal Service or other means.

Subd. 4. RESPONSIBILITY TO COMPLY WITH THE NOTICE OF VIOLATION.

It shall be the responsibility of the motor vehicle owner to comply with the notice of violation within the time specified in the notice and abate or remove the public nuisance involving a motor vehicle.

SECTION 4. ABATEMENT BY THE CITY

Subd. 1. FAILURE BY MOTOR VEHICLE OWNER TO ABATE OR REMOVE.

If the motor vehicle owner does not abate or remove the motor vehicle constituting a public nuisance within the specified time period, the person in charge of enforcement of this Ordinance shall immediately report the fact to the City Council.

SUBD. 2. NOTICE OF CITY COUNCIL HEARING.

Upon receipt of the report from the person in charge of enforcement of this Ordinance that the motor vehicle owner has failed to comply with a notice of violation to abate or remove a public nuisance involving a motor vehicle, the City Council may schedule a public hearing to determine or abate a public nuisance involving a motor vehicle by the City.

Written notice of the City Council hearing to determine or abate a public nuisance shall be served on the motor vehicle owner either in person or by first class mail, at least ten (10) days prior to the public hearing.

Subd. 3. CITY COUNCIL ORDER; ABATEMENT OR REMOVAL BY THE CITY; AUTHORITY TO IMPOUND MOTOR VEHICLES.

After notice to the motor vehicle owner and an opportunity to be heard, the City Council may order the abatement or removal of a public nuisance involving a motor vehicle by the City. The City may then abate or remove the public nuisance involving a motor vehicle by impounding.

- a. The City Clerk, or his/her designee or any law enforcement officer employed or whose services are contracted for by the City or impound lot operator hired by the City, may take into custody and impound any vehicle constituting a public nuisance according to this Ordinance.
- b. The City Clerk, or his/her designee or any law enforcement officer employed or whose services are contracted for by the City or impound lot operator hired by the City, may take into custody and impound any unauthorized vehicle under Minnesota Statute 169.041.

Subd. 4. IMMEDIATE ABATEMENT OR REMOVAL.

Nothing in this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent danger or serious hazard or harm to human life or safety.

SECTION 5. RECOVERY OF COST.

Subd. 1. PROPERTY OWNER RESPONSIBLE FOR COSTS.

The owner of the property on which a public nuisance involving motor vehicles has been abated by the City Council shall be personally liable for the cost of abatement, including actual time spent, manpower, equipment and materials, and a twenty (20) percent administrative cost. As soon as the work has been completed and the cost determined, the City Clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable to the City of St. Clair.

Subd. 2. ASSESSMENT.

If the cost, or any portion thereof, has not been paid within thirty (30) days after the date of the bill, the unpaid cost of abatement may be certified against the property to which the cost is attributable. On or before September 1<sup>st</sup> of each year, the City Clerk shall list the total unpaid cost for each abatement against each separate lot or parcel to which they are attributable. Before the certification against the property, reasonable notice of the impending certification and an opportunity to be heard by the City Council must be given to the taxpayer of record. Failure of the taxpayer to receive the notice shall not invalidate the certification, however. The City Council may then spread the cost of abatement or any portion thereof against the property involved as a special assessment under Minnesota Statute 429.101, and other pertinent statutes, for certification to the County Auditor for collection the following year along with current taxes or in such annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECTION 6. SEPARABILITY.

Should any section, subdivision, clause, or other provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole nor of any part thereof other than the part so declared to be invalid.

SECTION 7. PENALTY.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor.

SECTION 8. ADDITIONAL PENALTY.

It is a misdemeanor for any person to prevent, delay or interfere with law enforcement officials, the City Clerk, the Public Works Dept., the City Council or other agents when they are engaged in the performance of duties set forth in this Ordinance.

SECTION 9. REPEAL.

All Ordinances, sections of Ordinances and amendments to Ordinances inconsistent with this Ordinance are hereby repealed.

EFFECTIVE DATE.

This Ordinance shall be in full force and effect after its passage and publication as provided by law.

ADOPTED by the City Council of the City of St. Clair, Minnesota this 13<sup>th</sup> day of July 2004.

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Brian Lynch, Mayor

ATTEST:

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Catherine Seys, City Clerk-Treasurer