

## CHAPTER 4-6A

### RESIDENTIAL PROPERTY MAINTENANCE

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#### 4-6A-1: **FINDINGS AND PURPOSE STATEMENT:**

The City Council finds that it is in the best interest of the City to protect the public health, safety, and general welfare of its citizens. To this end, the City believes that by adoption of these residential property maintenance regulations, it will further the following objectives:

- A. To preserve the value of residential property within the City;
- B. To protect the character and stability of neighborhoods within the City;
- C. To provide for minimum standards of maintenance for residential property within the City;
- D. To correct conditions on residential property that do not comply with the standards of maintenance established herein.

#### 4-6A-2: **DEFINITIONS:** As used herein, the following words shall have the following meanings:

- Accessory Structure: Shall have the meaning stated in the zoning regulations of this code (Title 12). Accessory buildings or structures shall include, but are not limited to: decks, porches, detached garages, and sheds.
- Building: Shall have the meaning stated in the zoning regulations of this code (Title 12). Buildings shall include, but are not limited to: dwellings, offices, warehouses, and stores.
- Garage, Attached: A garage attached to the principal structure.
- Garage, Detached: A garage detached from the principal structure.
- Natural Area: Any property managed for the development of indigenous prairie and/or forest plants, intended to exist in a wild or natural condition, according to a written plan.
- Property: Developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.

Structure: Shall have the meaning stated in the zoning regulations of this code (Title 12).

4-6A-3: **BUILDING AND STRUCTURE APPEARANCE AND MAINTENANCE REQUIREMENTS:**

- A. Any building or structure, including an accessory structure, is a public nuisance if its exterior does not comply with the following requirements:
1. All exterior property shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.
  2. All dwellings, garages and other residential accessory buildings shall have complete siding. No part of any exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting siding. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay-resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by proper painting or other protective covering or treatment.

4-6A-4: **EXTERIOR PROPERTY PUBLIC HEALTH AND SAFETY REQUIREMENTS:**

- A. Any building or structure in the City that is found by an authorized employee or agent of the City to be dangerous to public safety, or health ~~or property~~ by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:
1. Damaged by fire, storm, or vandalism;
  2. Defective Chimneys or stovepipes;
  3. Dilapidated condition or decay; or
  4. Any other defect endangering the public safety, or health.
- B. Any structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation or unsafe to the public by the City.
- C. Whenever any building has been declared unfit for human habitation or unsafe to the public, the City may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

4-6A-5: **FIREWOOD STORAGE:**

- A. The term firewood shall mean split wood or unsplit wood logs cut into lengths not exceeding three feet for the purpose of burning in a fireplace or as a recreational fire on the property.
- B. Firewood shall be kept or stored outdoors in accordance with the following requirements.

1. Firewood shall be stored or kept in a neat and secure stack (maximum of two cords, defined as 128 cubic feet per cord), which shall be no higher than five feet.
2. Unless screened by a fence or wall, stacks shall be no closer than five feet to the property line.
3. The firewood stacks shall not be allowed to become infested with rats, rodents, vermin, or insects.
4. Fallen, uncut trees shall be removed or cut up into firewood as soon as is practicable, not to exceed 90 days. The City Council may extend this period, upon written request by the property owner, for an additional 90 days.

**4-6A-6: OTHER OUTDOOR STORAGE:**

Except provided for herein or as specifically allowed within the specific zoning districts established by Title 12, all materials and equipment shall be stored within a structure.

**A. Exceptions:**

1. Clothesline poles and lines and play equipment.
2. Not more than four (4) currently licensed and operable vehicles, including trailers, may be parked or stored on property outside a structure on single-family residential lots. All such parking and/or storage shall be allowed as follows:
  - a. In the front yard, provided they are kept on an established driveway, entirely on the vehicle owner's property. Except as provided herein, recreational vehicles may not be parked or stored on public property or street right-of-way.
  - b. In the rear yard not closer than ten feet (10') from the rear lot line, five feet (5') from the side lot lines, and not within drainage and utility easements.
  - c. On a corner lot not closer than twenty feet (20') from the property line abutting the street side of the lot and not within drainage and utility easements.
  - d. All vehicles must be parked on pavement.
3. Construction and landscaping material, which shall be consumed or used on the Property within the next fourteen (14) days.
4. Off-street parking of motor vehicles as specified in the respective zoning districts.
5. Temporary storage pods used to temporarily store items during house remodeling shall be kept on the driveway for a period not to exceed ninety (90) days.
6. No pallets shall be stored on the property seven days after they are no longer used.

**4-6A-7: ACCUMULATIONS AND HAZARDOUS MATERIAL**

- A. Accumulations: Rubbish, garbage, or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- B. Hazardous material: Hazardous substances, refuse, pollutants and contaminants, as those terms are defined by Federal, state, and local laws, shall not be accumulated or stored unless storage complies with the applicable requirements of all laws, including, but not limited to the City's building code and the City's fire prevention code.

4-6A-8: **RUBBISH AND GARBAGE**

- A. Accumulation of Rubbish and Garbage: All exterior property, and the interior of every structure, shall be free from any unreasonable accumulation of rubbish and garbage.
- B. Disposal of Rubbish: Every occupant of a structure shall store and dispose of all rubbish and garbage in a clean and sanitary manner in accordance with all laws.
  - 1. Screening: Garbage and recycling containers shall be inside the garage or if stored outside, shall be fully screened by landscaping and/or fencing from neighboring property and from the public street.
- C. Curbside Collection: Appliances, furniture and similar items shall not be left outside for collection and disposal for more than seventy-two (72) hours. Appliances not awaiting collection and disposal shall not be placed outside.

4-6A-9: **STORM DRAINAGE**

- A. General: Drainage of roofs and paved areas, yards, ~~and~~ courts, and other open areas on the Property shall not be allowed to occur in a manner that creates a public nuisance.

4-6A-10: **ABATEMENT PROCEDURES:**

- A. Enforcement Officials: The City Council shall enforce the provisions of this Chapter and may by resolution delegate to various officers or agencies power to enforce particular provisions of this Chapter, including the power to inspect private Property.
- B. Notice To Abate: Whenever, in the judgment of the officer charged with enforcement of this ordinance, it is determined that a violation hereof is being maintained or exists within the City, such officer shall notify in writing the person committing or maintaining such violation and the owner of the Property and require them to remedy such violation and to remove such conditions or remedy such defects. Such written notice shall be served on the person committing or maintaining violation and the owner of the property in person or by mail. If the property is not occupied and the address of the owner is unknown, service on the owner may be accomplished by posting a copy of the notice on the Property in a reasonable visible location on the Property for no less than seven (7) days, except in the case of an emergency and then in such case, service shall be accomplished after posting such notice for twenty four (24) hours. Such notice shall require the owner or occupant of the Property, or both, to take reasonable steps within a reasonable time as defined by the officer charged with enforcement to remedy such violations, such steps and time to be designated in the notice, but the maximum time to remedy a violation after service of such notice shall not exceed one hundred and twenty (120) days. In the case of severe financial or physical hardship, the Council may grant an extension to the time limit. Said violation shall be corrected "immediately" in the case of imminent danger to the public

health, safety, or welfare. Service of notice may be proven by filing an affidavit of service in the office of the City Clerk setting forth the manner and time thereof.

- C. Report of Failure to Abate: When notice so given is not complied with, such noncompliance shall be reported forthwith to the City for such action as may be necessary and deemed advisable to abate and enjoin further continuation of such nuisance, including referring the matter to the City's Prosecuting Attorney to pursue a judicial remedy on behalf of the City. A violation of this ordinance shall be a misdemeanor and subject to a fine of no more than \_\_\_\_ dollars.
- D. Abatement By City: If in the event the City chooses to abate said violation, the City shall adopt a resolution setting forth the specific details of the corrective matters to be taken. A copy of the resolution shall be sent to the property owner by certified mail and if the violation is not abated within ten (10) days of the mailing of said resolution, the City shall take all actions necessary to abate said violation, keeping accurate records of the cost of the same.
- E. Costs to Owner: The Finance Director shall prepare a bill and mail it to the owner of the Property for the costs incurred by the City, including but not limited to administrative costs, attorney fees and costs and the costs of any outside contractor engaged by the City to correct such violation, and thereupon the amount shall be immediately due and payable to the City (the "Bill").
- F. Costs A Special Assessment: If the Bill is not paid to the City within twenty (20) days after the mailing of the Bill, the City Clerk shall, extend the costs of abating the violation as a special assessment against the Property upon which the violation was located, and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected. The City Council may specify an additional penalty for such special assessment collections.