

ORDINANCE NO. _____, 2ND SERIES

AN ORDINANCE OF THE CITY OF HIBBING, MINNESOTA, AMENDING HIBBING CITY CODE CHAPTER 10 ENTITLED "PUBLIC PROTECTION, CRIMES & OFFENSES", BY AMENDING SECTIONS 10.42 ENTITLED "ABANDONED PROPERTY", 10.46 ENTITLED "ABANDONED MOTOR VEHICLES" AND SECTION 10.98 ENTITLED "ENFORCEMENT PROCEDURES"; AND, BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

Section 1. That Subd. 2 "Unlawful Storage of Abandoned Property" of Section 10.42 is hereby deleted in its entirety.

Section 2. There shall be added to the Hibbing City Code a new Subd. 2 "Unlawful Storage of Abandoned Property" to Section 10.42 entitled "Abandoned Property" reading as follows:

"Subd. 2. Unlawful Storage of Abandoned Property. It is unlawful for any person to place or leave or cause to be placed or left any abandoned property on public property within the City, or to place, leave, keep or store or cause or permit to be placed, left, kept or stored any abandoned property on private property within the PBA Enforcement Areas of the City. The PBA Enforcement Areas are identified on the City Map which is adopted herein by reference as a part of this section and is on display for review in the City Building Office."

Section 3. Subdivision 2 "Declaration of Public Nuisance" of Hibbing City Code Section 10.46 "Abandoned Motor Vehicles" is hereby deleted in its entirety.

Section 4. There shall be added to the Hibbing City Code a new Subdivision 2 "Declaration of Public Nuisance" of Section 10.46 "Abandoned Motor Vehicles" reading as follows:

"Subd. 2. Declaration of Public Nuisance. The presence, accumulation, or improper storage of abandoned motor vehicles on real property and the public streets and highways of the City is hereby found to create an unsightly condition tending to reduce the value of real property. It is further found that such abandoned motor vehicles are often in the nature of rubbish, litter, and unsightly debris. Therefore, the accumulation and storage of such motor vehicles on real

property within the PBA Enforcement Areas of the City, except as is hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or other City Code provision or by State law. Said PBA Enforcement Areas are designated on the City Map which is adopted herein by reference and is on view in the City Building Office."

Section 5. Paragraph 4 to Subdivision 1 of Section 10.98 "Enforcement Procedures" of the Hibbing City Code is hereby deleted in its entirety.

Section 6. There shall be added to the Hibbing City Code a new Paragraph 4 to Subdivision 1 of Section 10.98 "Enforcement Procedures" reading as follows:

"4. The City will then make the necessary arrangements and coordinate resources to remove the abandoned vehicle, abandoned property, garbage or grass removal. The article/ articles will be destroyed, and the salvage value, if any, of such article or articles shall be retained by the City to be applied against the cost of removal and destruction thereof. The City shall cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk-Treasurer shall certify to the County Auditor of St. Louis County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes."

Section 7. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 10.99 entitled "Violations a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 8. After adoption, signing and attestation, this ordinance shall be published once in the official newspaper of the City and shall be in effect on and after the date following such publication.

FOR ADOPTION:

AGAINST ADOPTION:

ABSTAINING:

ABSENT:

Adopted by the City Council of Hibbing, Minnesota, this _____ day
of _____, 2022.

CITY OF HIBBING

Rick J. Cannata, Mayor

ATTEST:

Sheena Mulner, Clerk

The foregoing ordinance reviewed and approved as to form.

Andy Borland, City Attorney

(Published in the Mesabi Tribune on _____.
Affidavit of publication attached.)