

ORDINANCE NO. 432, 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", 10.44 ENTITLED "MAINTENANCE OF PRIVATE PROPERTY", AND 10.46 ENTITLED "ABANDONED MOTOR VEHICLES" AND BY ADDING A NEW 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 Sections 10.01, 10.02, 10.42, 10.44, 10.46, 10.98, and 10.99 shall be known as the "Blight Ordinances". Reference to this designation and Ordinance shall be noted in Chapter 20 "Listing of Uncoded Ordinances in Effect".

Section 2. Hibbing City Code Section 10.42 entitled "Abandoned Property" is hereby deleted in its entirety.

Section 3. There shall be added to the Hibbing City Code a new Section 10.42 entitled "Abandoned Property" reading as follows:

"SEC. 10.42. ABANDONED PROPERTY"

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Abandoned Property" means wrecked or derelict property having no value other than nominal salvage value, if any, and which has been left unprotected from the elements and shall include wrecked, inoperative, or partially dismantled trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements. Abandoned property does not mean or include an abandoned motor vehicle; for abandoned motor vehicles refer to Section 10.46.

B. "Public Property" means lands and improvements owned by the United States government, the State of Minnesota, the County of St. Louis, or the City of Hibbing, lying within said City, and includes buildings, grounds,

parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

C. "PBA Technician" means an employee for the City of Hibbing hired to enforce city ordinances including blight, animal control and parking.

D. "Enforcement Officer" means the PBA Technician for the City of Hibbing, building official of the City or any police officer of the City.

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 Urban Service District of the City or within the platted portions of the Rural Service District of the City except as permitted by Chapter 11 (Zoning) of the City Code. The Urban Service District and the Rural Service District are identified on the City map which is adopted by reference and made a part of this Section and is available for review at the City Building Office."

Section 4. Hibbing City Code Section 10.44 entitled "Maintenance of Private Property" is hereby deleted in its entirety.

Section 5. There shall be added to the Hibbing City Code a new Section 10.44 entitled "Maintenance of Private Property" reading as follows:

"SEC. 10.44. MAINTENANCE OF PRIVATE PROPERTY. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon."

Section 6. Hibbing City Code Section 10.46 entitled "Disposal of Abandoned Motor Vehicles" is hereby deleted in its entirety.

Section 7. There shall be added to the Hibbing City Code a new Section 10.46 entitled "Abandoned Motor Vehicles" reading as follows:

"SEC. 10.46. ABANDONED MOTOR VEHICLES."

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Abandoned Vehicle" means any motor vehicle which is determined by the enforcement officer to be inoperative or to which the last registered owner of record has relinquished dominion and control or which does not have attached to it current license plates or tabs as required by State law, and which is not stored in accordance with the City Code.

B. "PBA Technician" means an employee for the City of Hibbing hired to enforce city ordinances including blight, animal control and parking.

C. "Enforcement Officer" means the PBA Technician for the City of Hibbing, building official of the city or any police officer of the city.

D. "Inoperative Vehicle" means any motor vehicle which cannot be driven or propelled under its own power in its existing condition or which cannot be driven or propelled under its own power in a safe manner because of its wrecked, junked, or partially dismantled condition.

E. "Motor Vehicle" means a motor vehicle defined as every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. "Motor vehicle" does not include a vehicle moved solely by human power.

F. "Real Property" means any land within the City which is not a public street, highway, or right-of-way.

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 Urban District of

the City or within the platted portions of the Rural Service District of the City, except as 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.

Subd. 3. Open Storage of Abandoned Vehicles. It is unlawful for any person to park, store, or leave or permit the parking, storing or leaving of any abandoned vehicle upon any real property, including private property, within the City for a period of 14 successive days, unless such vehicle is completely enclosed in a building or unless such vehicle is so stored or parked on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.

Subd. 4. Restoration of Vehicles. Notwithstanding provisions of this Section to the contrary, one motor vehicle that is being kept for restoration purposes may be stored on each residential parcel of land if: The motor vehicle is kept under a tarp or is kept behind opaque visual screening; and, substantial or verifiable progress is made toward the restoration of the vehicle beginning within 180 days after it is parked on the lot and continuing thereafter until the restoration is completed.

Subd. 5. Prohibition on Streets, Highways, or Rights-of-way. It is unlawful for any person to do the following:

A. Park or leave an inoperative vehicle in the right-of-way of public streets, provided that a reasonable time, not to exceed 24 hours from the time of disability, is permitted for the removal or servicing of a disabled motor vehicle.

B. Store abandoned property as defined in this chapter or garbage or other refuse as defined in Chapter 3 of the City Code for more than seven days in a motor vehicle or trailer parked on a street, or on private property, outside of a garage."

Section 8. There shall be added to the Hibbing City Code a new Section 10.98 entitled "Enforcement Procedures" reading as follows:

"SEC. 10.98 ENFORCEMENT PROCEDURES.

Subd. 1. The following provisions shall apply to Sections 10.01, 10.02, 10.42, 10.44 and 10.46:

1. When the enforcement officer can confirm a violation of the above ordinances has occurred, he/she shall place a copy of a Notice on the property and also mail a copy to the property owner or party in lawful possession for the party to remedy the violation within 7 days.
2. If the violation has not been remedied after 7 days, the enforcement officer will issue an administrative citation for the appropriate ordinance to the violator and provide them 7 more days to remedy the violation. The enforcement officer will also serve a copy of a Notice on the property and also mail a copy to the property owner or party in lawful possession.
3. If the violation has not been remedied after 7 days from receiving the administrative citation, the enforcement officer will issue a criminal citation to the property owner or party in lawful possession of the property. The enforcement officer shall move forward with the process to have the violation remedied by means of removal using City resources and following the guidelines in Minnesota Statutes Chapter 168B in reference to abandoned vehicles.
4. City employees will then use City 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.

Subd. 2. Appeals. Any person aggrieved by a decision of the enforcement officer in the enforcement of this Section may appeal the decision in the manner set forth in Hibbing City Code Section 1.03, Subd. 3."

Section 9. 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 10. 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: Councilor Tim Harkonen
 Councilor Jennifer Hoffman Saccoman
 Councilor Jay Hildenbrand
 Councilor Justin Fosso
 Councilor James Bayliss
 Mayor Rick J. Cannata

AGAINST ADOPTION: None.

ABSTAINING: None.

ABSENT: Councilor John Schweiberger

Adopted by the City Council of Hibbing, Minnesota, this 6th day of October, 2021.

CITY OF HIBBING

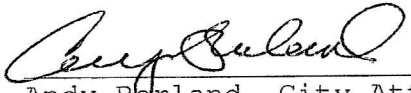
Rick J. Cannata, Mayor

City of Hibbing
Ordinance No. 432, 2nd Series
October 6, 2021

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.)