

ORDINANCE NO. 1370

AN ORDINANCE AMENDING CHAPTERS 105, 110, AND 210 OF THE FRIDLEY CITY CODE PERTAINING TO ABATING AND ASSESSING PUBLIC NUISANCES

The City Council of the City of Fridley hereby finds, after review, examination and recommendation of staff, that the Fridley City Code be hereby amended as follows:

Section 1: That Section 110 of the Fridley City Code be hereby amended as follows:

FRIDLEY CITY CODE CHAPTER 110. PUBLIC NUISANCE

110.01. MINNESOTA STATUTES BY REFERENCE

Minnesota Statutes Sections 609.74 and 609.745 are hereby adopted by reference and be in full force and effect in the City of Fridley as if set out here in full.

110.02. DEFINITIONS

For the purpose of this chapter, certain terms and words are defined in Chapter 205, Zoning Code and/or Chapter 101, Animal Control.

110.032. PUBLIC NUISANCE DEFINED

Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition that unreasonably annoys, injures or endangers the safety, health, comfort, or repose of any considerable number of members of the public;
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public;
3. Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;
4. Causes any well hole or similar excavation to be left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
5. Accumulates in the open ~~Stores items outdoors discarded or disused machinery, household appliances and furnishings, or other materials; or stores in the open including but not limited to machinery, equipment, abandoned, unsafe, or junk motor vehicles ears, household furnishings or materials not in normal use on the premises where stored,~~ in a manner conducive to the harboring of wild animals, rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulations, or from the rank growth of vegetation among the items so accumulated. Items stored outside a building according to the stipulations of an approved special use permit are not a public nuisance;

6. Deposits or causes placement of hazardous material in a manner that causes those materials to drain into a storm sewer drain or waterway as defined in Section 105.02.7 of ~~this City Code~~ or any other unpaved ground surface within the City. Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in State Statute 116.06, Subd. 11: (Ref 1221); or

7. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

110.042.1. DRIVEWAY NUISANCE

Any driveway located within the city and not paved is a public nuisance.

Any nuisance under this provision must be abated by construction of an approved surface on the driveway in a manner prescribed by the City. The City expressly reserves and declares its statutory authority to abate any such nuisances under the assessment and levying powers granted by Minnesota Statutes chapters 429 and 463, according to the procedures established in Chapter 128 of City Code. ~~All assessments levied for the repayment of a hardsurface driveway installation shall be reimbursed in accordance with the terms and conditions established in each instance by the City Council.~~

“Driveway”, for the purpose of this Chapter, shall not include any public owned or dedicated unpaved road or alleyway used for purpose of access to any property; nor any roadway, path or other access to a parcel of unsubdivided property that can, without variance, be subdivided in the City. A roadway or path to subdividable property in the City shall be a “driveway” subject to this Chapter at such time as the property on which it is located is subdivided and the roadway or path continues to be used for the purpose of access to the property. Any roadway or path to subdividable property must be paved to a distance of at least twenty feet from the edge of any connecting curb or roadway surface in order to qualify for this exception. (Ref. Ord. 1098)

110.053. POWER OF OFFICERS

Whenever in the judgment of a City official, designated by the City Manager, it is found by investigation that a public nuisance is being maintained or exists on property within the City, the following procedures shall be followed to abate the nuisance:

1. Written notice shall be issued to the owner ~~or occupant~~ requiring the termination or abatement of said nuisance or to remove such conditions or remedy such defects;

2. Service of said written notice may be hand-delivered to the owner or posted on the property, but shall also be sent in person or by ~~via U.S. mail;~~

3. ~~If the premises are not occupied and the address of the owner is unknown, service on the owner may be made by posting a copy of the notice on said premises;~~

34. If the nuisance is not involves public right-of-way space, it must be abated or permitted according to the requirements in Chapter 407. If the nuisance poses a public health or safety risk, City staff may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property.

~~Other nuisances must be abated within a reasonable timeframe, according to the procedures established in Chapter 128 of the City Code. ten (10) days of the date of said notice, the City official shall issue a code violation citation to the notified owner or occupant.~~

110.064. ABATEMENT AND ASSESSMENT OF NUISANCE

~~If after such service of notice, the owner party or parties fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the City official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of City Code. bring the matter to the City Council, which may direct the City staff to abate the nuisance and recover such expenditure plus an additional twenty-five percent (25%) thereof to cover administrative costs. The above may be accomplished by civil action against the person or persons served; or if such service has been had upon the owner or occupant, by ordering the City Clerk to extend such sum, plus twenty-five percent (25%) thereof as a special tax against the County Auditor for collection in the manner as taxes and special assessments are certified and collected.~~

110.075. PERMITTING PUBLIC NUISANCE

Whoever permits real property under his or her control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.

110.06 ABATEMENT ASSISTANCE

~~For the purpose of protecting the health, safety, and welfare of its citizens and insuring prompt compliance with the provisions of this section, the City may, in its complete and unreserved discretion, offer such financial and other assistance as it may find appropriate and necessary to mitigate financial or other hardship that may be caused by the enforcement of this chapter in any particular case, including, but not limited to, the extension of time ordinarily required for the abatement of any nuisance or hazard, as well as the provision of programs providing for financial assistance for the purpose of abating any particular type of nuisance or hazard in the City. The refusal or failure of the City to provide any such assistance in any particular case shall not be a defense for a violation of this chapter. (Ref. Ord. 1098)~~

110.08 EMERGENCY ABATEMENT

~~If the City official determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City shall post a notice at the property and attempt to notify the owner, agent, or occupant of the property. However, notice to the owner, agent, or occupant of the property is not required prior to abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs according to the procedures established in Chapter 128 of the City Code.~~

Section 2: That Section 105.04 of Chapter 105, Landscape Maintenance, of the Fridley City Code be hereby amended as follows:

105.04. INTERVENTION BY THE CITY

If the provisions of Section 105.03 are not complied with, the City Manager or his/her designee shall give written notice to the owner of the property in violation. If the property owner fails to bring the violating property into compliance with Section 105.03 within the time specified or if the owner of the property cannot be located, designated city staff shall have the landscape brought into compliance and invoice the property owner for the cost of such service and abatement administrative costs according to the procedures established in Chapter 128 of the City Code. ~~If the property owner fails to pay the invoiced cost within 30 days, the invoiced cost of these services and an additional 25% assessment fee will be certified to Anoka County and assessed to the property's taxes.~~

Section 3: That Section 210.02 of Chapter 210, Hazardous Buildings, of the Fridley City Code be hereby amended as follows:

210.02. ABATEMENT AND ASSESSMENT

If after such service of notice, the owner fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the City official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of the City Code.

210.023. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 24TH DAY OF JUNE, 2019.



SCOTT J. LUND, MAYOR

ATTEST:



DEBRA A. SKOGEN, CITY CLERK

Public Hearing: May 15, 2019 and May 28, 2019
First Reading: June 10, 2019
Second Reading: June 24, 2019
Published: July 5, 2019