

Part 10. BUILDING MAINTENANCE AND APPEARANCE.

(Adopted 09/19/16 meeting)

510.01. **Declaration of nuisance.** Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they

- a) Are unsightly,
- b) Decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and
- c) Adversely affect property values and neighborhood patterns.

510.02. **Standards.** A building, fence or other structure is a public nuisance if it does not comply with the following requirements:

Subd. 1. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

Subd. 2. Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

- a) Any one wall or other flat surface; or
- b) All door and window moldings, eaves, gutters, and similar projections on any one side or surface.
- c) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.
- d) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.
- e) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.
- f) Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.
- g) Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.
- h) Foundations must be structurally sound and in good repair.

Subd. 3. Incomplete landscaping or incomplete exterior appearance for which no building permit for construction work has been issued within the preceding 12 months shall be a violation of this ordinance.

Subd. 4. All buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public shall be a violation of this ordinance.

510.03. **Duties of City Officers.** The city engineer, street superintendent, County Sheriff's Office, or other designee of the City Council, hereinafter City Officer, shall enforce the provisions of this ordinance relating to nuisances affecting public peace and safety. The Dodge County Sheriff's Office shall enforce provisions relating to other nuisances.

- a) The City Officer shall determine and declare the existence of a Public Nuisance.
- b) The City Officer shall not enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.
- c) The owner of Private Property on which a Public Nuisance has been declared must, upon the demand of the City Officer permit access to all portions of the Private Property and structures thereon at any reasonable time for the purposes of inspection, remediation and abatement as often as the City Officer deems necessary and shall exhibit and allow the copying of all records necessary to ascertain compliance with this ordinance. (Amended 07/20/15)

510.04 **Procedure.**

Subdivision 1. **Responsibility of Property Owner.** It shall be the primary responsibility of a property owner or occupant to abate any public nuisance, as defined in this section or elsewhere in this code, which exists on the owner's property or abutting thereto, at the owner's expense.

Subdivision 2. **Notice.** Where a Public Nuisance is found to exist upon Private Property, the City Officer may cause a declaration of Public Nuisance and Abatement Order to be served by U.S. Mail upon the owner of said premises. The Abatement Order shall include the following:

- a) Property location by street address, and property identification number or legal property description.
- b) Information identifying the nature of the Public Nuisance on the property.
- c) A summary of the owner's responsibilities under this ordinance.
- d) Specific orders for abatement or remediation of the Public Nuisance.
- e) A date for completion of the abatement not less than ten (10) business days following the receipt of the Abatement Order unless a shorter period of time is determined necessary by the City to protect the public health and safety.
- f) Notice that unless the Public Nuisance condition is abated or removed in accordance with the terms of the Abatement Order, the City may, in its discretion have the Public Nuisance abated or removed at the expense of the owner and that the cost thereof will

constitute a charge against the Private Property which shall be collected in the manner of a tax.

- g) Notice of the right of appeal as provided in Subdivision 5 of this ordinance.

Subdivision 3. **Abatement.** If, at the end of the period fixed by the City for the abatement or removal of a Public Nuisance, the Public Nuisance has not been abated or removed by the owner or other interested party and no appeal has been filed pursuant to Subdivision 5, the City may cause the same to be abated or removed by the City or in any other manner deemed appropriate.

Costs and expenses of such abatement, including overheads and allowances for time of City employees with a minimum inspection charge of \$100, expenses of equipment, if used, and sums of money necessarily paid out if done by other than City employees, shall be charged against the Private Property in the manner provided in Subdivision 3.

Subdivision 4. **Costs of abatement.** The owner of property on or adjacent to which an abatement has been performed shall be personally liable for the cost of the abatement. The city shall prepare and mail an invoice of the charges for the cost of the abatement to the owner, and the charges shall be immediately due and payable to the city. Unpaid charges for abatement shall be subject to monthly service charges (late fee/penalty) until paid in full or assessed as provided herein.

Subdivision 5. **Special assessment for unpaid charges.** Any unpaid charges shall be specially assessed against the property benefitted. The City Council shall adopt an assessment roll levying a special assessment upon such property, which shall be transmitted to the county auditor and included with the next tax levy upon such property and collected in the manner provided by law for the levy and collection of other special assessments.

Subdivision 6. **Appeal and Summary Abatement.**

- a) When a Public Nuisance is declared, the owner of the Private Property may appeal the declaration, including Abatement Order, by filing a written request for an administrative hearing with the City Clerk within ten (10) calendar days of the issuance of the Notice of Public Nuisance. A hearing shall be held at the next scheduled city council meeting.

- b) Where a declared Public Nuisance constitutes, in the sole determination of the City, an imminent threat to the public health or safety, an immediate threat of serious property damage, or the Public Nuisance has been caused by the actions of private parties on public property, the City may order the immediate abatement thereof notwithstanding this provision. Where there has been summary abatement, any properly filed appeal thereafter will be limited to the issue of cost recovery by the City.

510.05. Recovery of Cost.

Subdivision 1. **Personal Liability.** The owner of the premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subd 2. **Assessment.** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the council may determine in each case.

510.06. Penalty. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.