



CITY OF GRAND RAPIDS

Meeting Agenda Full Detail - Final City Council Work Session

Monday, July 23, 2018

4:00 PM

City Hall Conference Room 2A

CALL TO ORDER: Pursuant to due notice and call thereof a Special Meeting/Worksession of the Grand Rapids City Council will be held on Monday, July 23, 2018 at 4:00 p.m. in Council Chambers, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

CALL OF ROLL: On a call of roll, the following members were present:

Discussion Items

1. 18-0460 Discussion on CIP relating to Fire Hall, City Hall, and Central School - Nathan Morlan, Facilities Maintenance Manager

2. 14-0789 Review 5:00 PM Regular Meeting

ADJOURN

Attest: Kimberly Gibeau, City Clerk



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0460 **Version:** 1 **Name:** Discussion on CIP relating to Fire Hall, City Hall, and Central School - Nathan Morlan, Facilities Maintenance Manager

Type: Agenda Item **Status:** CC Worksession

File created: 7/17/2018 **In control:** City Council

On agenda: 7/23/2018 **Final action:**

Title: Discussion on CIP relating to Fire Hall, City Hall, and Central School - Nathan Morlan, Facilities Maintenance Manager

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Discussion on CIP relating to Fire Hall, City Hall, and Central School - Nathan Morlan, Facilities Maintenance Manager

Chapter 38 - NUISANCES

Sec. 38-1. Public Nuisances

- (a) A public nuisance is a thing, act, occupation, condition or use of property that shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - (2) In any way, render the public insecure in life or in the use of property.
 - (3) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- (b) **Public Health Nuisances.** The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of this section:
- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (2) Carcasses or animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
 - (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, inoperable or unused vehicles, or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the city limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - (6) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage or industrial wastes or other substances.
 - (7) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing or sewer pipes or any other collection or seepage of dangerous, hazardous or poisonous liquids
 - (8) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood or materials or other similar rubbish accept as approved by the City.

(9) Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons that annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.

(10) All abandoned wells not securely covered or secured from public use.

(c) **Peace and Safety Nuisances.** The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of this section:

(1) All buildings erected, repaired or altered within the limits of the city in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures.

(2) All trees, hedges, billboards, signs or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk, including private signs placed on public property that obstruct the view of motorists, pedestrians or bicycles at roadway intersections.

(3) All limbs of trees that project over a public sidewalk, trail or bicycle path, less than eight (8) feet above the surface thereof or less than ten (10) feet above the surface of a public street.

(4) All use or display of fireworks except as provided by the laws of the state and ordinances of the City.

(5) All wires over streets, alleys or public grounds that are strung less than fifteen (15) feet above the surface of the street or ground.

(6) All loud and discordant noises or vibrations of any kind, including loud noises associated with construction prior to 6:30 AM or later than 10:00 PM.

(7) The playing of any radio, musical instrument, loud speaker or other device in such a manner, with such a volume as to disturb the peace, quiet, comfort or repose of persons in any dwelling, apartment, hotel or other type of residence.

(8) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by ordinance.

(9) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(10) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- (11) Unreasonable acceleration of any motor vehicle on any street, private road, public or private parking lot or driving way in the city. Unreasonable acceleration of a motor vehicle is defined as acceleration which spins a tire or tires resulting in the breaking of traction between a tire or tires and the street surface and accomplished in such a manner as to cause squealing or screeching sounds by the tires or the throwing of sand or gravel by the tires of the vehicle or both. Prima facie evidence of such unreasonable acceleration shall be squealing or screeching sounds emitted by the tires or the throwing of gravel or sand by the tires or both.
- (12) Repeated or continuous violations of the ordinances of the city or the laws of the state.

(d) **Exceptions.** The following types of sounds are permitted and not a violation of this ordinance:

- (1) Temporary Community Events, limited in time, as designated by the City Council.
- (2) Organized motor vehicle races at the Itasca County Fairgrounds for which prior approval has been given by the City Council who may place reasonable restrictions regarding days of the week and time of day.

(e) **Blight Nuisances.** It is determined that the uses, structures, activities and causes of blight or blighting factors described in this section, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety and are a Public Nuisance. No owner of property shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city.

(1) In any area zoned for residential and residential business purposes, the storage upon any property of junk automobiles. For the purpose of this chapter, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open for a period greater than 90 days, for which the license for use upon the highways of the state is more than 90 days expired, or is:

- a. Unusable or inoperable because of lack of, or defects in, component parts;
- b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
- c. Beyond repair and therefore not intended for future use as a motor vehicle; or
- d. Being retained on the property for possible use of salvageable parts.

(2) In any area zoned for residential purposes or in a commercial district the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for safe

construction as building materials; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.

- (3) In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuildings, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance to vandals.
- (4) In any area zoned for residential purposes, the keeping or storage of a stock car, demolition derby car, mud running vehicle or racing car, unless such vehicle is legal to operate on a public roadway, currently registered and insured; or it is completely enclosed in a building or screened from public view.
- (5) In any area the existence of any noxious or poisonous vegetation such as poison ivy, ragweed or other poisonous plants, or any weeds, grass, brush or plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (6) Except in undeveloped open space, tall grass or weeds over eight inches (8") in height, including grass and weeds in the right-of-way. In undeveloped open space, that has no utilities or pre-designated building site, tall grass and weeds must be cut back at a distance of at least thirty (30) feet from the roadways unless otherwise approved by the City.

(f) Exceptions. This ordinance does not apply to:

- (1) Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.
- (2) Portions of lots used for flower gardens, shrubbery or vegetable gardens.
- (3) Naturally wooded areas, regulated wetlands or meadows.
- (4) Areas designated by the City and actively maintained as prairie restoration.
- (5) Areas designated by the City and actively maintained as rain gardens, fresh water vegetation buffers or holding basins.
- (6) Ornamental grasses that are maintained.
- (7) The City may, at its discretion, grandfather in existing uses and place reasonable limitations on those uses.

(g) Unlawful Acts

- (1) It shall be unlawful for the owner of any lot or undeveloped open space to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, traffic hazard, or fire hazard.

- (2) No person shall mow, rake, blow or otherwise deposit grass clippings or leaves on a street, gutter, curb, catch basin, sidewalk or trail.
- (3) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance including blight within the city.
- (4) Any nuisance so defined by state statutes or by the common law of the state is also a nuisance under this article.

(h) Enforcement, Penalties and Abatement

- (1) The owner of any property upon which any of the causes of Public Nuisance, including blight or blighting factors, are set forth in any section of this ordinance shall be notified in writing by the City to remove or eliminate such causes of the nuisance, blight or blighting factors from such property within ten (10) days after service of the notice upon the owner. Such notice may be served personally or by leaving such notice on the door of the dwelling on the land, or by United States Mail to the owner of record as is indicated on the Itasca County Tax Records or the last known address of the owner. Additional time may be granted by the City where bona fide, continual, significant efforts to remove or eliminate such causes of nuisance, including blight or blighting factors, are in progress. Failure to comply with such notice within the time allowed shall constitute a misdemeanor.
- (2) In case of failure to remove any nuisance, including blight or blighting factors, within the time prescribed, the City Administrator or his/her designee may make arrangements for the blight to be removed or eliminated, and shall certify the cost thereof to the City Finance Director. The City Finance Director shall certify such cost to the county auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in such shall be jointly and severally liable for such costs and the costs shall be recoverable in any action brought against any of them in the name of the city.

(Code 1978, § 12.04; Ord. No. 15-09-06, Exh. A, 9-14-2015)

(Code 1978, § 12.01)

State Law reference— Public nuisances, Minn. Stat. §§ 609.74, 609.745.

Blight/Pub Nuisance Log

Date	CF#	Location	Complaint/Condition	Running Status
5/31/2018	18004019	911 NW 8th St.	Freezers in back of truck smelling	freezer eliminated,
5/31/2018	18004020	1321 SE 5th St.	Furniture, appliances other items	Property cleaned up. Closed
6/5/2018	18004208	727 NE 3rd Ave.	Grass	Property Mowed
6/19/2018	18004610	602 NW 3rd Ave.	Grass	Affinity Bank Owned, Bank Contacted. Grass has been mowed, no longer an issue
6/20/2018	18004655	1926 Strader Dr.	fridge and garbage gone, Grass in back yard left to complete	Case closed, blight eliminated
6/20/2018	18004648	400 Hasca St.	Cars, Garbage, White Goods ETC.	349 has taken pictures and has added them to file. This case is being discussed by Management. No further action at this time to be taken by 349.
6/21/2018		817 NW 9th Ave.	Grass	Grass is cut
6/20/2018	18004642	522 NW 6th St.	Grass and general blight along the East side of residence	Citation issued and sent to City Attorney for review.
6/21/2018	18-5077	501 NW 9th Ave.	Grass, Brush, unregistered cars, tires, car engine behind garage and general junk.	Citation issued and sent to City Attorney for review.
6/21/2018	18004687	914 Clover Ln.	Grass	Elder Circle contacted to see if they can assist the home owner. No citation will be issued due to circumstances regarding the owner's age/abilities.
6/22/2018	18004714	608 NW 3rd Ave.	Grass	County owned property was mowed by county and is now in compliance
6/25/2018	18004784	622 NW 13th St.	Grass	Case Closed: Grass cut by ODC on 07/10/2018, invoice to be assessed on property taxes
6/25/2018	18004785	1224 NW 4th Ave.	Grass, furniture, junk	Case closed, blight eliminated
6/26/2018	18004824	1609 SE 6th Ave.	Grass	Unfounded complaint. No violation found. Case closed.
6/27/2018	18004858	915 NE 7th Ave.	Grass	Case closed, blight eliminated
6/27/2018	18004859	338 NE 8th St.	Junk/Sofa/Car parts	Case closed, blight eliminated
6/27/2018	18004861	821 NW 8th Ave.	Grass	Case closed, blight eliminated
6/28/2018	18004883	612 NE 10th Ave.	Garbage piled in garage	Case closed, blight eliminated
7/2/2018	18004994	1402 Fraser Dr.	Grass	Case closed, blight eliminated
7/3/2018	18005080	813 Willow Lane	Grass	Case closed, blight eliminated
7/3/2018	18005019	932 NE 3rd Ave.	Grass, trash, trash bags	Case closed, blight eliminated
7/5/2018	18005079	302 SE 2nd Ave.	Grass	Case closed, blight eliminated
7/6/2018	18005105	720 Allen Dr.	Blight	Under investigation by Dirkes - notice given to owner
7/9/2018	18005207	901 NE 2nd Ave.	Tires/Scrap metal/General clutter	Case closed, blight eliminated
7/10/2018	18005249	911 NW 8th St.	Sofa/couch and Love seat/Chair	Case closed, blight eliminated
7/10/2018	18005250	517 NW 9th Ave.	Junk Vehicle/Washer	Under Investigation. Property owner notified.
7/11/2018	18005280	623 NW 9th Ave.	Grass/Weeds over taking the house/Junk Vehicle	Under Investigation. Power of Attorney notified.
7/12/2018	18005322	1217 River Rd.	Grass/Weeds over taking the house	Under Investigation. Property owner notified.
7/16/2018	18005466	1024 SE 5th St	Junk Vehicle/Trash bags/Furniture/Misc. Junk/Rubbish	Under Investigation. Property owner notified.
7/18/2018	18-5522	507 NW 9th Ave	concrete in back yard, metal and trash by garage, general blight	Under Investigation. Property owner notified.
7/18/2018	18-5524	516 NW 10th Ave	general blight with auto parts to include tires stacked along garage/stock car	Under Investigation. Property owner notified.

Sec. 38-1. - Blight elimination.

- (a) *Causes of blight or blighting factors.* It is determined that the uses, structures, activities and causes of blight or blighting factors described in this section, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person, firm or corporation:
- (1) In any area zoned for residential and residential business purposes, the storage upon any property of junk automobiles. For the purpose of this chapter, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open for a period greater than 90 days, which is not currently licensed for use upon the highways of the state, or is either:
 - a. Unusable or inoperable because of lack of, or defects in component parts;
 - b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 - c. Beyond repair and therefore not intended for future use as a motor vehicle; or
 - d. Being retained on the property for possible use of salvageable parts.
 - (2) In any area zoned as a residential district, residential business or commercial district the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for safe, approved building materials; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
 - (3) In any area the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
 - (4) In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other out-buildings, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance to vandals.
 - (5) In any area the existence of any noxious or poisonous vegetation such as poison ivy, ragweed or other poisonous plants, or any weeds, grass, brush or plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (b) *Enforcement and penalties.*
- (1) The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in subsection (a) of this section are found to exist shall be notified in writing by the chief of police to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice may be served personally or by mailing the same by registered mail, return receipt requested, to the last known address of the owner and, if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. Failure to comply with such notice within the time allowed shall constitute a misdemeanor.
 - (2) In case of failure to remove any blight as defined in subsection (a) of this section within the time prescribed, the chief of police may order the public works superintendent to cut down and remove or otherwise destroy all such noxious, inflammable or detrimental vegetation, and shall certify the cost thereof to the city clerk. The city clerk shall certify such cost to the county auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in such land and the occupant shall be jointly and severally liable for such costs and the costs shall be recoverable in any action brought against any of them in the name of the city.

(Code 1978, § 12.04; Ord. No. 15-09-06, Exh. A, 9-14-2015)

Secs. 38-2—38-30. - Reserved.

ARTICLE II. - PUBLIC NUISANCES

Sec. 38-31. - Generally.

- (a) A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - (2) In any way render the public insecure in life or in the use of property.
 - (3) Greatly offend the public morals.
 - (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- (b) The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section:
 - (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (2) Carcasses or animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, inoperable or unused vehicles, or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the city limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - (6) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
 - (7) Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.
 - (8) All abandoned wells not securely covered or secured from public use.
- (c) The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section: Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state or the ordinances of the city.
- (d) The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section:
 - (1) All buildings erected, repaired or altered within the fire limits of the city in violation of the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures, within such district.
 - (2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (3) All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than ten feet above the surface of a public street.
 - (4) All use or display of fireworks except as provided by the laws of the state and ordinances of the city.
 - (5) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (6) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

- (7) All loud and discordant noises or vibrations of any kind.
 - (8) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by ordinance.
 - (9) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 - (10) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
 - (11) Repeated or continuous violations of the ordinances of the city or the laws of the state.
 - (12) Unreasonable acceleration of any motor vehicle on any street, private road, public or private parking lot or driving way in the city is prohibited. Unreasonable acceleration of a motor vehicle is defined as acceleration which spins a tire or tires resulting in the breaking or traction between a tire or tires and the street surface and accomplished in such a manner as to cause squealing or screeching sounds by the tires or the throwing of sand or gravel by the tires of the vehicle or both. Prima facie evidence of such unreasonable acceleration shall be squealing or screeching sounds emitted by the tires or the throwing of gravel or sand by the tires or both.
- (e) Any nuisance so defined by state statutes or by the common law of the state is also a nuisance under this article.

(Code 1978, § 12.02)

Sec. 38-32. - Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city or within its police jurisdiction.

(Code 1978, § 12.01)

State Law reference— Public nuisances, Minn. Stat. §§ 609.74, 609.745.

Sec. 38-33. - Abatement of nuisances.

- (a) Whenever any nuisances are found on any property, the police chief or city council shall order the owner or occupant thereof to remove the nuisances at his expense within a time not to exceed ten days which exact time shall be specified in the notice. Such notice shall be signed by the police chief or clerk and shall be addressed to the person in charge of the premises on which the nuisance is found, and shall contain a brief description of the material causing the nuisance and a description of the premises upon which the same is located, and setting forth that unless the nuisance is abated or removed within such time, the city will cause to be abated or removed at the expense of the owner of the premises, the nuisance found to exist on the premises.
- (b) The notice shall be served by the chief of police or other peace officer by delivery of a copy thereof to the owner, occupant or agent of such property.
- (c) If the owner of the property is unknown or absent, with no representative or agent upon whom notice can be served, then the chief of police or other peace officer shall post the notice upon the property or premises. Unless the nuisance is removed within the time specified in the notice, the chief of police or peace officer shall report such failure to the city council.
- (d) The city council shall then proceed to have the nuisance removed or abated from the lot or parcel of ground and report the cost with a certified bill signed by the person removing the nuisance. Such bill shall be paid by the city and the cost of the removal shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. At the time of certifying city taxes to the county auditor, the city clerk shall certify the costs to the county auditor, as other taxes are certified.

(Code 1978, § 12.03)

State Law reference— Public nuisance abatement, Minn. Stat. § 617.80 et seq.

Secs. 38-34—38-50. - Reserved.

ARTICLE III. - PROCEDURE FOR ABATEMENT OF BLIGHTED PROPERTY^[2]

Sec. 38-51. - Preamble.

- (a) *Private property.* The council finds that accumulation on private property of unlicensed, unregistered or inoperable motor vehicles, household furniture, furnishings or appliances, or parts or components thereof, or metal, wood, glass, paper, rubber, concrete, or other material, whether organic or inorganic, can facilitate the growth or spread of noxious weeds, the nesting and breeding of rodents, insects, and harmful bacteria, and be a threat of fire. The council also finds that unless such accumulation is stored in a lawfully-operated junk yard, housed within a lawfully-erected building, or in a container permitted, and the contents disposed of, under provisions of City Code, it is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the city. The council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat it is a hazardous condition and a nuisance, must be abated, and that this section is adopted to protect the residents of the city and their property and, in addition, to protect the rights of persons who may be found in violation of its provisions. "Accumulation" as that term is used in this subsection (a), means prohibited items in any number or amount.
- (b) *Business premises.* The council finds that accumulation upon premises to which the public has access or may be exposed of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating, or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors, can facilitate the nesting and breeding of rodents, insects, and harmful bacteria and is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the city. The council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat it is a hazardous condition and a nuisance, must be abated, and that this section is adopted to protect the residents of the city and their property and, in addition, to protect the rights of persons who may be harmed in violation of its provisions. "Accumulation" as that term is used in this subsection (b), means prohibited items or conditions in any number or amount.

(Ord. No. 10-04-05, § 1, 4-26-2010)

Sec. 38-52. - Unlawful acts.

- (a) It is unlawful to park or store any inoperable motor vehicle, household furniture, furnishings or appliances, or parts or components thereof, or scrap metal, wood, glass, paper, rubber, concrete, or other material, whether organic or inorganic, on private property, unless such accumulation is stored within a lawfully-operated junk yard, housed within a lawfully-erected building, or in a container permitted, and the contents disposed of, under other provisions of the City Code.
- (b) It is unlawful to permit, on premises to which the public has access or may be exposed, any accumulation of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors.

(Ord. No. 10-04-05, § 2, 4-26-2010)

Sec. 38-53. - Investigation and notice of hearing.

Upon receipt of any complaint of violation of section 38-52, or on their own initiative, but at least annually during the month of May, the council shall investigate the premises and if it is found that there is a hazardous condition and a nuisance on any premises in violation of this section, the same shall be reported to the city clerk who shall prepare a notice of hearing on order to abate nuisance addressed to owners, tenants, mortgagees and other lien holders, all of whose interests are known to the city clerk or appear of record, and bearing the legal

description of the premises on which the alleged violation appears. The notice shall state the date, time and place of hearing and describe the violation in general terms.

(Ord. No. 10-04-05, § 3, 4-26-2010)

Sec. 38-54. - Service of notice.

The notice shall be served at least 20 days before the date of hearing in the following manner:

- (1) if the person to whom it is addressed resides in the city, or can readily be found therein, it shall be served personally on the addressee or left at his residence with a person of suitable age and discretion;
- (2) Addressees not served personally shall be served by certified mail at their addresses appearing in records (selected by the City of Grand Rapids) of Itasca County; and
- (3) By publication of the notice once in the official newspaper at least ten days prior to the date of hearing. Inadvertent failure to serve any addressee personally or by certified mail shall not invalidate the proceedings, but publication shall then suffice.

(Ord. No. 10-04-05, § 4, 4-26-2010)

Sec. 38-55. - Hearing, findings and decision.

- (a) The hearing shall be held before the council at a regular or special meeting and conducted in the same manner as an administrative appeal. All persons desiring to be heard shall be afforded an opportunity to present evidence.
- (b) At any time after the hearing is closed, but at least at its next regular meeting, the council shall decide whether or not the item or items constitute a nuisance in violation of this article and direct the drawing and serving of findings of fact and decision by certified mail on all addressees. If the council finds that there is a violation, the decision shall include an order to abate nuisance and specify the date by which abatement shall be completed.
- (c) Estimated value, if any, of all offensive items described in subsection 38-52(a), shall be included in the evidence and in the findings. "Value" for the purpose of this section means the amount of money, in cash, which can be obtained in a negotiated sale on a known and ready market in the city.

(Ord. No. 10-04-05, § 5, 4-26-2010)

Sec. 38-56. - City to abate.

If abatement of the items described in subsection 38-52(a), is not completed by the date stated in the order to abate nuisance, the city may enter upon the premises, remove the offending item or items, and clean up the nuisance.

(Ord. No. 10-04-05, § 6, 4-26-2010)

Sec. 38-57. - City disposal.

If the city abates the nuisance it shall dispose of the items as follows:

- (1) Any item or items of value shall be sold locally in a negotiated sale.
- (2) Items of no value shall be disposed of in a landfill or other site acceptable to governmental regulatory authority.

(Ord. No. 10-04-05, § 7, 4-26-2010)

Sec. 38-58. - Allocation of proceeds and assessment.

If the city abates the nuisance, all costs thereof, including but not limited to cost of sale, if any, shall be aggregated, sale proceeds deducted, and the remainder certified as a special assessment.

(Ord. No. 10-04-05, § 8, 4-26-2010)

**Sec. 38-59. - Failure to abate nuisance on
business premises.**

If the hazardous condition and nuisance described in subsection 38-52(b) is not abated within the time limit specified, all present licenses issued by the city to carry on the business on such premises shall be revoked, and no future license shall be issued therefor until full abatement has been completed.

(Ord. No. 10-04-05, § 9, 4-26-2010)

Sec. 34-2. - Fund.

Chapter 42 -

This summer of 2018 seems to be a record year for blight in the city. As of July 30th, the police department has investigated more than 30 cases of blight. This has included overgrown residential lots, junk vehicles, garbage, discarded furniture and appliances, vehicle parts and scrap metal.

Blight is addressed in City Ordinance No. 38, the Public Nuisance Ordinance. A review of the existing city ordinance reveals that it is lacking in some areas and does not accurately reflect the process used to address blight. The Police Department is recommending that Ordinance No. 38 be repealed in its present form and a new, more comprehensive, ordinance be adopted. The proposed new Public Nuisance Ordinance accomplishes the following:

- Clarifies that Blight is a form of Public Nuisance.
- Clarifies that City staff are responsible for investigating blight.
- Clarifies that due process is through the criminal justice system, not a hearing before the City Council.
- Makes the owner of the property, not the occupant, responsible for eliminating blight.
- Details the procedure used to mitigate blight.
- Adds seepage from sewage pipes and septic tanks as a public nuisance.
- Adds collections of tree limbs, brush, dead vegetation and stumps as a public nuisance.
- Makes construction noise before 6:30 AM and after 10:00 PM a public nuisance.
- Exempts temporary "Community Events" as designated by the City Council from the noise portion of the ordinance. (The Council reserves the right to impose reasonable restrictions)
- Exempts motor vehicle races at the Itasca County Fairgrounds from the noise portion of the ordinance. (The Council reserves the right to impose reasonable restrictions)
- Makes the storage of a stock car, demolition derby car, mud running vehicle or racing car a violation of the ordinance unless it is screened from public view
- Defines tall grass as grass 8 inches in height or more.
- Requires tall grass or weeds in undeveloped open space to be cut back 30 feet from roadways.

The Police Department has worked with City Attorney Sterle and Community Development Director Mattei in recommending these ordinance modifications.