

City of Brownton ORDINANCE NO. 54

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHTING FACTORS WITHIN THE CITY OF BROWNTON AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Section 1. Causes of Blight or Blighting Factors.

1. It is hereby determined that the uses, structures and activities and causes of blight of blighting factors described herein, 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. On and after effective date of this ordinance, no person, firm, or corporation of any kind shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the City of Brownton owned, leased, rented or occupied by such person, firm or corporation:

A. In any area, the storage upon any property of junk automobiles. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, or is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore, not intended for future use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts.

B. In any area 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 thirty (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 metal or other material or cast off material of any kind, whether or not the same could be put to any reasonable use.

C. 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 or useful for any other purpose for which it may have been intended.

D. In any area the existence of any vacant dwelling, garage, or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

E. In any area the existence of any noxious or poisonous vegetation, such as poison ivy, ragweed or other poisonous plants, or any weeds, grass over 6 inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

Section II. Enforcement and Penalties.

1. The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth in Section 1 hereof is found to exist, shall be notified, by writing, by the City Clerk to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Notice of tall grass over 6 inches shall constitute a 3 day notice to mow and clean up the blight from the property. Such notice may be served personally or by mail, 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.

2. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance. The following fines shall apply:

- a) The first offense for any person who shall not have reconciled the blight complaint(s) made under this ordinance shall be liable for a fine of \$50.00.
- b) The second offense shall be deemed a petty misdemeanor with a fine up to \$100.00.
- c) Any subsequent offenses shall be deemed a misdemeanor and upon conviction thereof, the Court shall impose a fine not more than \$250.00, or by imprisonment for not more than thirty (30) days, or both.

3. Three (3) repeat blight notices of the same nature within one twelve (12) month rolling period shall also constitute a misdemeanor and upon conviction thereof, the Court shall impose a fine of not more than \$250.00, or by imprisonment for not more than thirty (30) days, or both.
4. In case of failure to remove any blight, as defined in Section 1E within the time prescribed, the City Council may order the weeds to be cut by city personnel and to 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 bill the said cost to the homeowner for payment of services rendered. If payment is not received, the City Clerk will 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 said 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.

Section III. Effective Date.

1. This ordinance shall take effect from and after its adoption and publication. Passed and adopted by the City Council of the City of Brownton this 4th day of September, 2018 at its regular meeting of the City Council.

Section IV. All prior blight ordinances of the City of Brownton are hereby repealed.

Norman Schwarze, Mayor
Attest: Ella Kruse, City Clerk
Amended 9/4/2018

Date of Origin:
August 18, 1982.
Carl Wachter, Mayor
ATTEST: Carol Winterfeldt, City Clerk
Pub September 1, 1982

Amended 10/2011.