

AN ORDINANCE OF THE CITY OF UPSALA REGULATING ABANDONED AND WRECKED VEHICLES, WEEDS OR GRASS ON PRIVATE PROPERTY, STORAGE OF HOUSEHOLD GOODS, FURNISHINGS AND APPLIANCES AND DEPOSIT OF GARBAGE, JUNK AND OFFAL AND MAKING VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A MISDEMEANOR

The City of Upsala ordains:

**Subd. 1 Abandoned, Wrecked Vehicles**

Sec. 1. The provisions of Minnesota Statutes Chapter 168B, as amended, relating to abandoned motor vehicles is adopted and made a part of this Ordinance as if set out in full.

Sec. 2. Definitions. For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them:

**Abandoned Vehicle.** A vehicle that has remained for a period of more than four (4) hours on public property illegally or lacking vital component parts, or has remained for a period of more than four (4) hours on private property without the consent of the person in control of said property or in an inoperable condition such that it has no substantial, potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It shall include a vehicle which is in a wrecked, junked or partially dismantled condition. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City of a vehicle offered for sale by its owner parked on public property.

**Classic or Pioneer Car.** As defined in Minnesota Statutes Section 168.10, a classic or pioneer car shall not be considered an abandoned vehicle.

**Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Nuisance Declared. The City Council has determined that abandoned, wrecked, junked, partially dismantled or inoperative vehicles within the City create a public nuisance tending to reduce the value of private property, invite plundering, create fire hazards, attract vermin and constitute a threat to the health and safety of the public. The accumulation and outside storage of such vehicles, in the nature of rubbish, litter and unsightly debris, is a detriment to the environment, and is hereby declared to constitute a public nuisance which may be abated as provided herein or as provided under any other ordinance of the City or law of the State of Minnesota.

Sec. 4. Abandonment of Vehicles. No person shall park, store or leave, or permit the parking, storing or leaving of any abandoned vehicle on public or private property within the City unless:

a. Within a building;

b. Such vehicle is stored or parked on private property in connection with a duly licensed or authorized commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of said commercial enterprise;

c. Such vehicle is stored or parked on private property of the owner thereof, or a member of his family, for the purpose of making repairs thereto; provided that said repair period is not to exceed thirty (30) days, after which time said vehicle is deemed to be abandoned.

Sec. 5. Impoundment of Abandoned Vehicles. The City may take into custody and impound any abandoned vehicle which is in violation of this ordinance. Any person, at the direction of the City Council, is hereby expressly authorized to enter upon private property for the purpose of enforcing this ordinance.

Sec. 6. Sale of Abandoned Vehicles.

a. Vehicles over Seven (7) Years Old. When an abandoned vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification and reclamation provisions Section 7 hereof.

b. Vehicles Seven (7) Years Old and Newer.

i. Notice to Owner. When an abandoned vehicle does not fall within the provisions subparagraph a above, the City Clerk shall give notice of the taking into custody of the vehicle of the pursuant to Minnesota Statutes, Section 168B.06.

ii. Public Sale of Vehicle. An abandoned vehicle taken into custody and not reclaimed under Section 7 shall be sold to the highest bidder at public auction or sale following ten (10) days published notice thereof in the official newspaper of the City.

iii. Proceeds of Sale. From the proceeds of the sale of the abandoned vehicle, the City shall reimburse itself for the cost of towing, preserving and storing of the vehicle, and all notice, publication and administrative costs incurred pursuant to this section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and, if not claimed, shall thereafter be deposited with the City.

Sec. 7. Reclamation of Vehicles. The owner, or any lienholder of an abandoned vehicle, or any person in lawful possession or control of the property upon which said vehicle was abandoned, shall have a right to reclaim said vehicle from the City upon payment of all

towing and storage charges resulting from the taking of the vehicle into custody within fifteen days after the date of notice required under this ordinance.

### Subd. 2 **Weeds or Grass on Private Property**

Sec. 1. It is unlawful for any owner, occupant or agent of any lot or parcel of land within the City under one (1) acre in size to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six inches (6") or to allow such weeds or grass to go to seed, except that grass may be grown for hay provided that the hay is mowed and removed by June 15<sup>th</sup> of the year in which it is grown.

Sec. 2. Notice to Eradicate. Notices for control and eradication of weeds or grass shall consist of two (2) kinds, general notices and individual notices, on a form prescribed by the City Clerk. General notices shall be published by the City Clerk in the legal newspaper on or before May 15<sup>th</sup> of each year, and at such other times as the City Council may determine. Failure of the City Clerk to publish general weed or grass notices or to serve individual notices provided herein does not relieve any party from the necessity of full compliance with any or all provisions of this ordinance.

Sec. 3. Service. Whenever the City Council finds it necessary to secure a more prompt of definite control or eradication of weeds or grass in certain special or definite individual instances, involving one or a limited number of parties than is accomplished by the general published notice, they shall cause to be served individual notices in writing upon the owner and occupant, if other than the owner, giving specific instructions and methods when and how certain weeds or grass are to be controlled or eradicated. All individual notices provided for herein shall be served in the same manner as a summons in a civil action in the District Court or by certified mail. Service on parties living temporarily or permanently outside of the City whose property is vacant or unoccupied may be made by sending the notice by certified mail to the last known address of such party, to be ascertained, if necessary, from the most recent tax roll in the County Treasurer's office.

Sec. 4. Destruction by City; Expense and Payment. When any party, in compliance with a notice served on him, fails to cut down otherwise destroy or eradicate any weeds or grass within the time and in such manner as the City Council may designate, or as otherwise provided herein, the City Council shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the City. After such cutting down, otherwise destroying or eradicating of weeds or grass, the City shall file a certified and itemized statement of the costs of all services rendered in connection with serving of notices and cutting down, otherwise destroying or eradicating the weeds or grass on each separate tract of lot of land with the Morrison County Auditor. The amount of such expenses is a lien in favor of the City against the land involved and shall be so certified to by the County Auditor, entered by the County Auditor on the tax books as a tax upon such land, shall be collected as other real estate taxes are collected, and shall be paid by the County Auditor to the City to reimburse it for its expenses incurred.

### Subd. 3. **Storage of Junk, Debris, Household Furnishings and Trade Fixtures**

Sec. 1. It is unlawful for any person to store or keep any junk or debris, household furnishings or appliances or trade fixtures intended for use inside of a building on any property within the corporate limits of the City unless housed within a lawfully erected building or unless such person has a valid junk dealers license obtained from the City.

Sec. 2. It is unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter or debris in or upon any public street, public waters, or ice thereon, without the consent of the owner.

Sec. 3. It is unlawful for any person to store or keep garbage, rubbish, offal, the body of a dead animal, or other litter or debris upon his or her premises except in a metal or plastic container having a top which is securely fastened thereto on the day of pickup.

Sec. 4. Notice to Clean Property. Notices for clean up of property shall be on forms prescribed by the City Clerk. General notices shall be published by the City Clerk in the legal newspaper on or before May 15<sup>th</sup> of each year, and at such other times as the City Council may determine.

Sec. 5. Service. Whenever the City Council finds it necessary to clean up property in certain special or definite individual instances, involving one or a limited number of parties than is accomplished by the general published notice, they shall cause to be served individual notices in writing upon the owner and occupant, if other than the owner, giving specific instructions and methods when and how the property is to be cleaned. All individual notices provided for herein shall be served in the same manner as a summons in a civil action in the District Court or by certified mail. Service on parties living temporarily or permanently outside of the City whose property is vacant or unoccupied may be made by sending the notice by certified mail to the last known address of such party, to be ascertained, if necessary, from the most recent tax roll in the County Treasurer's office.

Sec. 4. Clean up by City; Expense and Payment. When any party, in compliance with a notice served on him, fails to clean his property within the time and in such manner as the City Council may designate, or as otherwise provided herein, the City Council shall cause the same to be cleaned, removing all garbage, rubbish, offal, litter, debris, household goods or appliances from the premises and disposing of the same in the manner prescribed by law. After such clean up, the City shall file a certified and itemized statement of the costs of all services rendered in connection with serving of notices, clean up and disposal of property on each separate tract of lot of land with the Morrison County Auditor. The amount of such expenses is a lien in favor of the City against the land involved and shall be so certified to by the County Auditor, entered by the County Auditor on the tax books as a tax upon such land, shall be collected as other real estate taxes are collected, and shall be paid by the County Auditor to the City to reimburse it for its expenses incurred.

Subd. 4. **Violation a Misdemeanor** Every person who violates a provision, subdivision, section or paragraph of this ordinance when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful is guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor.

Subd. 5. This Ordinance shall be in full force and effect seven (7) days after its passage and with its publication.

Adopted by the City Council of the City of Upsala, Minnesota this 5<sup>th</sup> day of July, 2000 by the following vote:

Voting in favor thereof: Lloyd Klug, Marlene Howland  
Bud Spencer, Mary Jane Chuba,

Voting Against: N/A

  
K.H. Gunderson, Mayor

ATTEST:

  
City Clerk/Treasurer

Approved this 5<sup>th</sup> day of July, 2000.

(SEAL)

Publish: