

ORDINANCE NO. 98

AN ORDINANCE REGULATING CONDITIONS OF PUBLIC AND PRIVATE PREMISES TO PROHIBITING BLIGHTING CONDITIONS OR NUISANCES AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF

The Council of the City of Lyle does ordain as follows:

SECTION 1. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this ordinance, 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 blighting factors upon any property in the City owned, leased, rented or occupied by such person:

- (a) In any residential or business area, the storage upon any property of junk automobiles. For the purpose of this section, 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, and is either
 - (i) unuseable or inoperable because of lack of, or defects in component parts; or
 - (ii) unuseable or inoperable because of damage from collision, deterioration or having been cannibalized; or
 - (iii) beyond repair and therefore not intended for future use as a motor vehicle; or
 - (iv) being retained on the property for possible use of salvagable parts.
- (b) In any residential or business 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 machinery or parts of machinery, motor vehicles or parts of motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for use as 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.
- (c) In any residential or business area, the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, as physical deterioration is no longer habitable as a dwelling or place of occupancy, nor useful for any other purpose for which it may have been intended.

- (d) In any residential or business area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept secured, locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or by wild or unhusbanded domesticated animals.

SECTION 2. Whenever a determination is made by any environmental or health authority having jurisdiction within Lyle, Minnesota, or by the City Council, after investigation, that a blight condition is being maintained or exists within the City of Lyle, said Authority or the City Council shall issue written notice to the owner or occupant and require the owner or occupant to terminate and abate said blight condition or to remove such conditions or remedy such defects. Service of said notice shall be in person or by certified mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. If said blight condition is not abated within ten (10) days of the date of issuance of said notice, the official serving or posting said notice shall notify the owner or occupant that such person is in non-compliance with this ordinance.

SECTION 3. If, after such service of notice, the party or parties fail to abate the blight condition or make the necessary repairs, alterations or changes in accordance with the direction of the Council, said Council may cause such blight condition to be abated at the expense of the City and recover such expenditure, plus an additional twenty-five percent (25%) of such expenditure, either by civil action against the person or persons served; or if such service has been upon the owner or occupant, by ordering the clerk to extend such sum, plus twenty-five percent (25%) thereof as a special tax or assessment against the property upon which the blight condition existed and to certify the same to the County Auditor for collection in the manner as taxes and special assessments are certified and collected.

SECTION 4. For purposes of this ordinance, the term "person" shall be construed to include corporations, partnerships (general or limited), trusts, decedents' estates, associations or any other entity owning or occupying property.

SECTION 5. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment for not more than ninety (90) days or both, pursuant to Minn. Stat. 609.02, subd. 3, or to the maximum extent permitted by said statute as it may be hereafter amended or modified.

SECTION 6. This ordinance becomes effective upon its passage and publication according to law.

Passed by the City Council of Lyle, Minnesota, this 4th day of January, 1988.

Harold Rohne
Harold Rohne
Mayor

Attest:

Nancy S. Williamson
Nancy S. Williamson
City Clerk/Treasurer