

**ORDINANCE NO. 88-01**

**AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSE OF BLIGHT WITHIN THE TOWNSHIP OF BREITUNG; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.**

The Township of Breitung does ordain as follows:

**Section 1. Causes of Blight or Blighting Factors.** It is hereby determined that the uses, structures, and activities and causes of blight or 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. The purpose of this ordinance is to protect the character and stability of the properties within the Township of Breitung and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

**Section 2. Exterior Property Areas; Vacant Properties.**

**a. Sanitation.** All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

**b. Free from noxious weeds and pests.** All exterior property areas and vacant areas shall be kept free from species of weeds or plants growth, rodents, vermin, or other pests, which are noxious or detrimental to the public health.

**c. Junk automobiles.** In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or 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. This regulation is in addition to any zoning regulations.

**Section 3. Exterior of Structures.**

a. The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amounts of peeling paint.

c. All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

**Section 4. Interior areas of structures, including residential dwellings.**

a. The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

b. The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.

c. All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects.

d. The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

**Section 5. Vacated structures; vacant properties.** The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure which has been vacant for a period of Sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Upon failure of the owner to comply, the Township of Breitung may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Section 6. Enforcement Officer. The Township Board Chairperson of the Township of Breitung is appointed as the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or the enforcement officer's designated representatives shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, or not be located after reasonable effort to do so, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

Section 8. Compliance Order (Citation). Whenever the enforcement officer determines that any structure or the premises fail to meet the provision of this ordinance, the enforcement officer may issue a compliance order (citation) setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations. The compliance order (citation) shall:

- a. Be in writing;
- b. Describe the location and nature of the violations of this ordinance;
- c. Establish a time for the correction of such violation, which shall be at least Ten (10) days;
- d. Notify of ability to appeal to the Township Board;
- e. Be served upon the violator; either the owner, occupant, operator, or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:
  1. Served upon him personally, or
  2. Sent by registered or certified mail to that person's address or to the property address.

Section 9. Variance and appeals. Appeals of interpretation or requests for a variance shall be made in writing to the Township Board, and shall be filed with the Township Clerk within Ten (10) days after receipt of the compliance order (citation). The Township Board, in its discretion, may elect to hear appeals or requests for variance when made more than Ten (10) days after the receipt of the compliance order (citation), but such action by the Township Board is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the Township Board grants the appeal or grants the variance prior to the completion of the enforcement activities. The Township Board may grant variances in instances where the strict enforcement of this ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

Section 10. Enforcement and penalties. Violation of any provision of this ordinance shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute an offense after a reasonable time has been allowed to affect compliance. Further, the provisions of this ordinance may be enforced by specific performance.

Section 11. Effective Date of Ordinance. The effective date of this Ordinance is MARCH 1, 1988

By Trusty S. Tamsik

Attest Margaret Litya