

Township of Breitung Agenda-Special Town Meeting

**Township of Breitung Special Town Meeting 11/03/2022 to be held at the
Breitung Community Center at 6:00pm
33 1st Avenue, Soudan, MN 55782**

- Call the meeting to order
- Pledge of Allegiance
- Nominate a Moderator
- Moderator States the Business to be conducted:
 - A. For the Electors to authorize the Breitung Township Board to adopt an updated and amended Ordinance to further regulate Parking under Minn. Stat, 365.10, subd. 17 General Welfare Ordinance in rural towns
 - B. For the Electors to authorize the Breitung Township Board to adopt an updated and amended Ordinance to further regulate Blight under Minn. Stat, 365.10, subd. 17 General Welfare Ordinance in rural towns
 - C. For the Electors to authorize the Breitung Township Board to start the process of formally recording N 2nd St as a Town Road described in Minn. Stat. 164.07
- Adjourn

ORDINANCE 93-07

AN ORDINANCE REGULATING THE PARKING OF VEHICLES ON ANY TOWNSHIP OF BREITUNG
ROADWAY

Be it ordained and enacted by the Town Board of Breitung as follows:

Section 1 No vehicle shall be parked on any Township street, roadway or throughfare between the hours of 12 a. m. (midnight) and 8 a. m. from October 15 to April 15 to facilitate efficient snow removal.

Section 2 No vehicle shall park at anytime within twenty (20) feet of any intersection or crosswalk, on any sidewalk or in front of any public or private driveway or within ten (10) feet of a fire hydrant.

Section 3 The Chief of Police or any police officer shall have the authority to issue a written warning or a citation to any vehicle parked in violation of this ordinance and if after 24 hours of the citation the vehicle is not moved the said vehicle will be towed at the owner's expense. This violation constitutes a petty misdemeanor.

Passed by the Town Board of Breitung, Minnesota on the 29th day of January, 1993.

Timothy S. Tomsich

Timothy S. Tomsich, Chairman

Attest:

Margaret Lilya
Margaret Lilya, Town Clerk

Published in the Tower News on the 11th day of February, 1993.

ORDINANCE 93-07A

Amendment to Ordinance No 93-07

An Ordinance Regulating the Parking of Vehicles on any Township of Breitung Roadway

The Board of Supervisors of the Township of Breitung ordains:

Section 4 shall be added to Ordinance No 93-07 to read as follows, according to the Town Meeting dated 11/03/2022 under Minn. Stat, 365.10, subd. 17 General Welfare Ordinance in rural towns.

Section 4 In case of an emergency or immediate need for removal, a vehicle violating this ordinance shall be towed at the owner's expense. The Chief of Police or any police officer shall have the authority to issue a parking ordinance citation.

Section 5 shall be added to Ordinance No 93-07 to read as follows, according to the Town Meeting dated 11/03/2022 under Minn. Stat, 365.10, subd. 17 General Welfare Ordinance in rural towns.

Section 5 The parking ordinance citation fee shall be \$20. If the citation is not paid within 30 days an additional \$10 late fee will be added to the fine.

Ordinance No 93-07A was passed by the Township Board of the Township of Breitung, St Louis County Minnesota on the 17th day of November 2022.

Ayes:

Nays:

Chairman, Breitung Town Board
Timothy Tomsich

Attest:

Clerk, Breitung Township
Dianna Sundahl

Published in the Tower News on:
Sent to Duluth Law Library on:

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 Timothy S. Tansik

Attest Margaret Litya

ORDINANCE 88-01A

Amendment to 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 Board of Supervisors of the Township of Breitung ordains:

The following sections shall be changed to read as follows, according to the Town Meeting dated 11/03/2022 under Minn. Stat, 365.10, subd. 17 General Welfare Ordinance in rural towns.

Section 6. Enforcement Officer. A chosen Supervisor of the Town Board will be appointed yearly as the Enforcement Officer, and it will be the duty of the Enforcement Officer together with local Law Enforcement to enforce the provisions of this ordinance.

Section 8. Compliance Order (Letter). Whenever the Enforcement Officer determines that any structure or the premises fail to meet the provision(s) of this ordinance, the Enforcement Office may issue a Compliance Order (Letter) setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations. The compliance Order (Letter) 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; **If an appeal is received after Compliance Order Letter received, the township shall schedule a meeting with the letter recipient within 10 days of appeal request.**
- 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/(her) personally, or
 2. Sent by registered or certified mail to that person's address or to the property address or to the property address.
- f) **If after 10 days the township has received no response and/or the violation remains in place, a Blight Ordinance Citation shall be issued.**

Section 10. Enforcement and Penalties. Violation of any provision of this ordinance shall constitute a petty misdemeanor. Further, the provisions of this ordinance may be enforced with a Blight Ordinance Citation and the fee shall be \$30.00

Ordinance No 88-01A was passed by the Township Board of the Township of Breitung, St Louis County Minnesota on the 17th day of November 2022.

Ayes:

Nays:

Chairman, Breitung Town Board
Timothy Tomsich

Attest:

Clerk, Breitung Township
Dianna Sundahl

Published in the Tower News on:
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DRAFT

Special Town Meeting – November 3, 2022

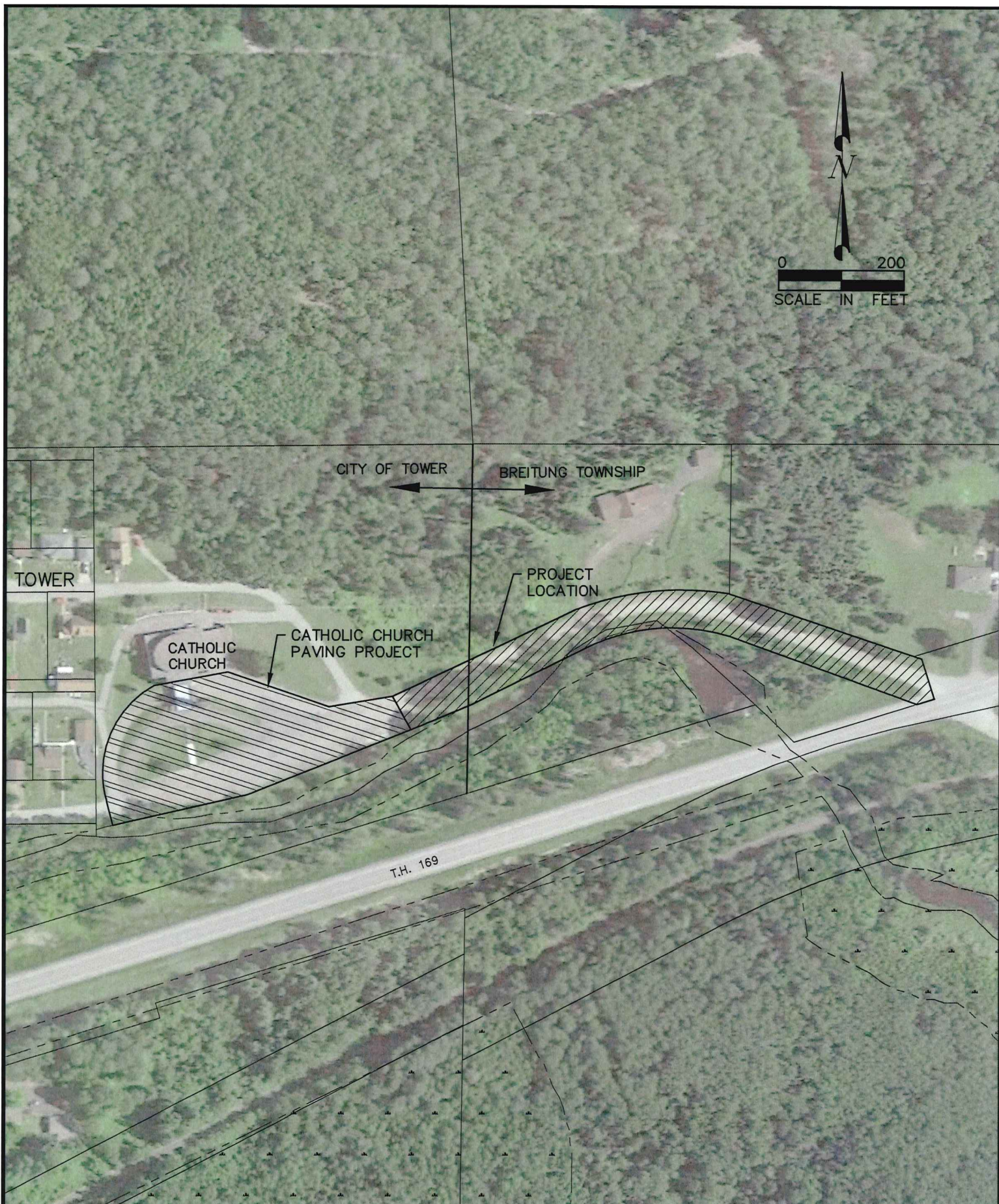
The access road from Highway 169 to the Catholic Church parking lot has been maintained by the Township of Breitung and meets the definition used to create a township road by the method of “Dedication by Use” per Minn Statute # 164.07.

This state statute is the legal foundation for many town roads in this state and focuses on four key elements:

- 1) Use by the public
- 2) Kept in repair and worked (i.e. maintenance)
- 3) Continually over at least six years
- 4) Notification of the landowner which applies only to roads on which maintenance began after August 1, 2020.

Use and maintenance roads are only established to the “width of actual use”, thus the legal description of the road (North 2nd Avenue) will be developed by survey by JPJ Engineering (the townships current engineering firm).

The establishment and recording of this road will extend from State Highway 169 to the end of the Township of Breitung statutory boundary and not to the beginning of the church parking lot.



425 Grant Street
PO Box 656
Hibbing, MN 55746
(218) 262-5528
www.jpjeng.com

CATHOLIC CHURCH ROAD IMPROVEMENTS

BREITUNG TOWNSHIP

PROJECT NUMBER

SHEET NUMBER