

CHAPTER 7: NUISANCES AND OFFENSES

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ORDINANCE 75 ABANDONED MOTOR VEHICLES

Section 75.01: PURPOSE. Abandoned motor vehicles, junk vehicles, abandoned appliances and discarded furniture constitute:

Subd. 1: A hazard to the health and welfare of the people of the City in that they can harbor noxious disease, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens.

Subd. 2: A blight on the landscape of the City and are detrimental to the environment.

Subd. 3: A waste of a valuable source of useful metal, in the case of abandoned motor vehicles and appliances.

It is in the public interest that the present accumulation of abandoned motor vehicles, abandoned appliances and discarded furniture within the City be eliminated and that future abandonment be prevented.

Section 75.01 amended 3/13/19

Section 75.02: DEFINITIONS. The terms used in this Ordinance shall have the meanings given them in this Section.

Subd. 1: Abandoned Vehicle. Shall mean a motor vehicle that:

- a) Lacks vital component parts or is in an inoperable condition so it has no substantial potential for further use consistent with its usual functions; and
- b) Has remained for a period of more than 48 hours on public property illegally (or more than four hours if posted); or
- c) Has remained on private property for more than 24 hours (or immediately, if posted) without the consent of the Person in control of the property.

Subd. 2: Abandoned Appliance. Shall mean a household appliance lacking one or more vital component parts or in an inoperable condition left or stored outdoors.

Subd. 3: Discarded Furniture. Shall mean any item of furniture originally intended for use within the interior of a building but left or stored outdoors.

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Subd. 4: Junk Vehicle. Means a vehicle that:

- a) Is extensively damaged, with the damage including such things as broken or missing wheels or tires, motor, drive train or transmission;
- b) Has not had a valid, current registration plate, or has not been properly licensed for operation within the State of Minnesota for a period of thirty (30) consecutive days or greater;
- c) Is three years or older;
- d) Is apparently inoperable; and
- e) Has an approximate fair market value equal only to the approximate value of the scrap in it.

Section 75.02 Subd. 2, 3, and 4 amended 3/13/19

Subd. 5: Motor Vehicle or Vehicle. Has the meaning in Minn. Stat. §169.01, as amended.

Subd. 6: Private Property. Shall mean any real property within the City which is privately owned and which is not public property as defined in this Section.

Subd. 7: Public Property. Shall mean any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for vehicular travel including sidewalks and boulevards, and also means any other publicly owned property or facility.

Subd. 8: Unauthorized Vehicle. Shall mean a vehicle that is subject to removal and impoundment pursuant to Minn. Stat. §168B.035 or 168B.04, subdivision 2, as may be amended from time to time, but is not a junk vehicle or an abandoned vehicle.

Section 75.02 Subd 7 and 8 amended 3/13/19

Subd. 9: Vital Component. Shall mean a part of a motor vehicle or appliance essential to its mechanical functioning.

Section 75.03: EXCEPTIONS. A vehicle shall not be considered an abandoned, junk or unauthorized vehicle, and an appliance shall not be an abandoned appliance when kept:

Section 75.03 amended 3/13/19

Subd. 1: In an enclosed garage or storage building.

Subd. 2: On the premises of a junkyard or a motor vehicle or appliance repair business when such junkyard or business is maintained and/or licensed in accordance with Minnesota law or City Ordinances and zoning regulations. In the case of a repair business, each motor vehicle or appliance must be actively and consistently worked on and maintained or stored in an area screened from public view by an appropriate fence.

Subd. 3: In an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.

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Subd. 4: A classic or pioneer car, as defined in Minn. Stat. §168.10, as amended.

Section 75.04: NUISANCE. The presence of any abandoned, junk or unauthorized vehicle or parts of a vehicle, abandoned appliance, discarded furniture, or parts of an appliance or furniture, on private or public property is a public nuisance which may be abated under this Ordinance.

Section 75.04 amended 3/13/19

Section 75.05: PUBLIC PROPERTY. No Person shall park, store, leave or permit the parking, storing or leaving of any abandoned, junk or unauthorized vehicle or parts of a vehicle, abandoned appliance, or discarded furniture of any kind, or parts of an appliance or furniture, whether attended or not, upon any public property within the City.

Subd. 1: A Police Officer may impound any abandoned junk or unauthorized vehicle, abandoned appliance or discarded furniture on public property within the City, or that causes an obstruction and hazard. The Police Department or City may remove it as allowed by State law, or after giving proper notice under this Ordinance.

Section 75.05 amended 3/13/19

Section 75.06: PRIVATE PROPERTY. No Person owning, in charge of, or in control of any real property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any abandoned or junk motor vehicle, abandoned appliance or discarded furniture or parts of an appliance or furniture of any kind to remain on such property longer than ninety-six (96) hours.

Section 75.06 amended 3/13/19

Section 75.07: REMOVAL PROCEDURE.

Subd. 1: Notice to Remove – Abandoned and Junk Vehicles.

- a) Whenever it comes to the attention of the Police Department or other City officials that any abandoned, junk or unauthorized vehicle, is present on any real property within the City, the City or Police Department shall cause notice to be placed upon such abandoned or junk vehicle, using substantially the following words:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN
THE ATTACHED MOTOR VEHICLE AND TO THE OWNER OR
PERSONS IN LAWFUL POSSESSION OR CONTROL OF THIS LAND:

This motor vehicle (insert brief vehicle description) located at (insert location description) is improperly stored and will be in violation of Albany City Code Section 75 if not removed by (insert date and time) and stored within a building. Failure to remove and store said motor vehicle is a petty misdemeanor or misdemeanor (as applicable). In addition, this motor vehicle shall be removed and disposed of in accordance with Minn. Stat. Chapter 168B.

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- b) The notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproofed to withstand normal exposure to the elements.
- c) In addition to the posting, the City or Police Department shall mail a copy of the written notice to the last registered owner of said motor vehicle and to the owner or Person in lawful possession of the real property upon which the motor vehicle is located.

Subd. 2: Notice to Remove – Abandoned Appliances or Discarded Furniture.

- a) Whenever it comes to the attention of the Police Department or other City officials that any abandoned appliances or discarded furniture, or parts thereof, is present on any real property within the City, the City or Police Department shall cause notice to be mailed to the Person in lawful possession of the real property and the owner of the real property according to the most recent property tax information.
- b) The notice shall state that the failure to remove the item(s) by a date not less than ten (10) days after the date the notice is mailed shall be a petty misdemeanor or misdemeanor (as applicable) and shall result in said item(s) being removed and disposed of, and the costs shall be certified for collection in the same manner as taxes and special assessments are certified and collected.

Subd. 3: Responsibility for Removal. Upon proper notice, an owner of the abandoned, junk or unauthorized vehicle, abandoned appliance, or discarded furniture, and the owner or occupant of the private property on which the same is located, shall be jointly and severally responsible for its removal.

Section 75.07 Subd. 1, 2 and 3 amended 3/13/19

Subd. 4: Content of Notice. The notice shall contain the request for removal within ten (10) days after the mailing of such notice and the notice shall advise that failure to comply with the notice to remove shall be a violation of this Ordinance.

Section 75.08: IMPOUNDMENT. If the nuisance is not abated under this Ordinance after proper notice, the City or the Police Department may impound the vehicle according to State law and Section 51.10 of this Code.

Section 75.08 amended 3/13/19

Section 75.09: PENALTY. Any Person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Each day the violation continues unabated shall constitute a separate and distinct offense. Fines for violations are as established by the City Council in Appendix A.

Section 75.09 amended 1/4/06