

ORDINANCE 71

AN ORDINANCE PROVIDING FOR THE DISPOSAL AND ABATEMENT OF PUBLIC NUISANCES
CAUSED BY ABANDONED, JUNKED OR INOPERATIVE VEHICLES
WITHIN THE CITY OF WOLVERTON, AND IMPOSING PENALTIES.

THE CITY COUNCIL OF THE CITY OF WOLVERTON HEREBY ORDAINS:

SECTION I. DECLARATION OF PUBLIC NUISANCE

1. It is hereby determined that the accumulation or storage of abandoned, wrecked, partially dismantled or inoperative vehicles within the City of Wolverton creates an unsightly condition tending to reduce the value of private property, invite plundering, attract vermin, vehicles containing fluids which, if released into the environment can and do cause significant health risks to the community, and constitute an unattractive nuisance creating a hazard to the health and safety of the public.
2. Therefore, the accumulation and outside storage of such vehicles on private or public property is hereby declared a public nuisance which may be abated as provided herein or by Minnesota State Law.

SECTION II. DEFINITIONS

1. The following words used in this Ordinance shall, in addition to the usual meaning thereof, include the following meanings:
 - a. PERSON: Person means any natural person, firm, partnership, association, corporation, company, or organization of any kind.
 - b. ABANDONED VEHICLE: Any vehicle to which the last registered owner has relinquished dominion, or that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or that has remained for a period of more than 48 hours on private property without the consent of the person in control of such property, or that has been in an inoperative and inoperable condition for more than 48 hours, such that it has no substantial potential for further use consistent with its usual functions, whether it is located on private or public property unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. Appropriately licensed by inoperative pioneer, classic or collector vehicles as defined by Minnesota Statutes Section 168.10 may be stored on the owner's property, provided that such vehicles are screened from public view by means of a six-foot-high opaque fence.
 - c. VEHICLE: Any motor vehicle as defined under Minnesota Statutes, Section 169.01, including automobiles, trucks, motorcycles, tractors, snowmobiles, ATV's, and other self-propelled machinery.
 - d. INOPERATIVE AND INOPERABLE VEHICLE: Any motor vehicle which cannot be driven or propelled under its own power in its existing condition, or which cannot be driven or in a safe manner because of its wrecked, junked or partially dismantled condition. A vehicle which does not have a current vehicle license shall be considered not in operable condition.

- e. VITAL COMPONENT PARTS: Those parts of a vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

SECTION III. PARKING AND STORAGE OF ABANDONED, JUNKED, DISMANTLED, AND INOPERATIVE VEHICLES PROHIBITED.

1. No person shall park, store, or leave, or permit the parking, storing, or leaving of any abandoned vehicle or any vehicle which is in a wrecked, junked, partially dismantled, or inoperative condition anywhere, including but not limited to private property, streets, or other public property, within the City of Wolverton for a period in excess of 48 hours unless:
 - a. Such vehicle is completely enclosed within a building (outdoor storage below a tarp is not acceptable).
 - b. Such vehicle is under control of the City or its agent.
 - c. Such vehicle is stored or parked on private property in connection with a duly licensed lawful business when such parking or storing of vehicles is necessary to the operation of the business.
 - d. Such vehicle is stored or parked on private property of the owner, or his family, for the purpose of making repairs. Only one such vehicle may be so stored or parked at any one time and may be so stored for a period not to exceed 14 days, after which time said vehicle shall be deemed an abandoned vehicle or an inoperative and inoperable vehicle.

SECTION IV. ENFORCEMENT & PENALTIES

1. Enforcement of this ordinance shall be initiated by the City, citizen complaint or by its law enforcement personnel.
2. When a vehicle is in violation the City Clerk will then record the vehicle identification, registered owner, if available and property address of the violation. The clerk shall then mail by regular mail, written notice to the registered owner, the property owner, and the person in lawful possession or control of the property. Such notice shall describe the violation and order the abatement of such violation within ten (10) days of the notice. If the violation is not abated within the ten days, the City or its designee may proceed to abatement.
3. If the vehicle is on private property, the City Clerk or his or her designee may take into custody and impound any vehicle in violation of this section on private property with permission of the owner or person in control of the property. If permission is denied, the City may declare the existence of the vehicle to be a nuisance following a public hearing and proceed to abate said nuisance. Once the abatement procedure has been completed, the City Council or its designee may take into custody and impound any abandoned, junk, or inoperative vehicle.
4. Procedure – In the event that the owner or person in control of the premises fails to abate said nuisance vehicle within 10 days, written notice of violation and hearing shall be provided, which shall include the time, date, and place of the City Council Hearing, the year, make, and model of the vehicle, and the location at which the vehicle is stored. Such notice shall be sent by mail to the registered owner, if any, or person in lawful possession or control of the property upon which the vehicle was abandoned and all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered

owner and all lienholders, notice shall be published once in the official City newspaper. The City Council may, after notice and providing the owner or person in control of the premises an opportunity to be heard, determine whether or not the vehicle is a nuisance and order that if the nuisance is not abated within the time prescribed by the City Council, the City may take all steps necessary to abate said nuisance.

5. 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 and a monthly fee as defined in the City's fee schedule. Failure of the owner or lienholders to exercise their right to reclaim the vehicle within 10 days of the hearing shall be deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction.
6. Nothing in this Ordinance shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of a lienholder to foreclose.
7. An abandoned vehicle and its contents taken into custody and not reclaimed shall be sold to the highest bidder at public auction or sale following one published notice at least 10 days in advance of the sale. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.
8. Proceeds of the sale of an abandoned vehicle, shall defray the cost of towing, moving, storing the vehicle and administrative costs incurred. Any remainder from the proceeds of a sale, if any, shall be held for the owner of the vehicle or entitled lienholder for a period of 90 days and if not claimed shall thereafter be deposited in the City Treasury for general City purposes. Any deficiency following the sale, may be assessed against the property upon which the vehicle was located at the discretion of the City Council.
9. The City of Wolverton shall have the right, to bid on any abandoned or inoperative vehicle and contents sold at public auction or, in the event that no bids are received, to claim title to any such vehicle and contents.

SECTION V. PENALTIES

1. Any persons or entity violating or failing to comply with the provisions of this Ordinance shall be subject to a fine as set by the City's fee schedule and shall be guilty of a Class B misdemeanor, and upon conviction thereof, shall be subject to a sentence of not more than 90 days or a fine of not more than \$1,000.00 or both. Any violation of any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine as defined in the City's fee schedule or to imprisonment of not more than 90 days, or both. Nothing in this Ordinance shall prevent the City from exercising any other available remedies under Minnesota law. The City's fee schedule shall be set by resolution.

SECTION VII. EFFECTIVE DATE & REPEALS

1. This Ordinance shall take effect immediately upon its passage and publication. The following Ordinance of the City of Wolverton is hereby repealed, to wit: Ordinance 59.

Adopted by the City Council of the City of Wolverton, Minnesota, this 9th day of November, ~~XXXX~~ 2021


Mayor

ATTEST:



City Clerk

First Reading:

Second Reading:

Passed:

Published: