

WABASHA PLANNING COMMISSION

February 11, 2025 6:00 PM

City Of Wabasha is inviting you to a scheduled Zoom meeting. Join Zoom Meeting
<https://us02web.zoom.us/j/82991147886>

MEETING AGENDA

- 1) Call to Order
- 2) Election of Officers
- 3) Changes or Additions to Agenda
- 4) Approval of Minutes- 11/6/2024 PC Minutes
- 5) Public Comment
- 6) Public Hearings
 - 1) Rezone 911 Phelps Ave
 - 2) Land Use Plan Amendment
- 7) Old Business
- 8) New Business
 - 1) Nuisance Ordinance, Zoning Ordinance Suggested Changes
- 9) Board of Adjustment Business
 - 1) The board should make nominations for both Chair and Vice Chair of the Board of Adjustment for the year 2025.
- 10) Other Business
- 11) Next Regular Meeting Date - March 11,2025
- 12) Adjourn

Planning Commission

2)

Meeting Date: 02/11/2025

SUBJECT: Election of Officers

DEPARTMENT: Administration

TITLE:

Election of Officers

PURPOSE:

The commission should make nominations for both Chair and Vice Chair of the Planning Commission for the year 2025.

Planning Commission

4)

Meeting Date: 02/11/2025

SUBJECT: Minutes -11-6-2024

DEPARTMENT: Administration

TITLE:

Approval of Minutes- 11/6/2024 PC Minutes

PURPOSE:

Attachments

Minutes

DRAFT

WABASHA PLANNING COMMISSION

November 6, 2024 6:00 PM

MEETING MINUTES

Commission Members:

Tim Wallerich, Chair	Sara Carrels, Vice Chair
Scott Durand	Sharon Burke
Ozzie Goodman	Jeff Sulla
Richard Heffner	

Present: Scott Durand; Chair Tim Wallerich; Jeff Sulla; Ozzie Goodman

Absent: Sharon Burke; Sara Carrels; Richard Heffner

Also Present: Kristi Trisko, Contracted City Planner; Wendy Busch, City Clerk

- 1) Call to Order
The meeting was called to order by Chair Wallerich at 6:00 p.m.
- 2) Approval of Minutes
 - a) Minutes 10-8-2024

Motion made by Ozzie Goodman, seconded by Jeff Sulla to approve the meeting minutes as drafted.

Vote: 4 - 0 Adopted - Unanimously

Other: Richard Heffner (ABSENT)

Sara Carrels (ABSENT)

Sharon Burke (ABSENT)

3) Changes or Additions to Agenda
There were no changes or additions to the agenda.

4) Public Comment
There was no public comment that was unrelated to the three public hearings.

5) Public Hearings

a) Wabasha County Fairground CUP

City Planner Trisko provided background information. She reviewed the current zoning of the property under discussion. She detailed the permitted and conditional uses in that zone, noting that the fairgrounds has no overlay zone and has been operating as a legal nonconforming use. She stated that the Wabasha County Fair Board is requesting a CUP for year-round private entertainment and recreational facility uses and provided a definition of this type of use. She discussed parking considerations, hours of operation, anticipated grandstand seating, outdoor lighting, and utilities. She noted that there are no permanent restroom facilities on the property. She referenced a deed restriction relating to the original property gift. She discussed access to the site and recommended full or partial closure of a secondary access drive, due to the proximity of a nearby home. She relayed feedback from public safety staff. Commission members commented regarding the need for an additional access during the Wabasha County Fair.

City Planner Trisko stated that parking standards would be exceeded. She discussed an outdoor recreational facility - Coffee Mill Ski Area - along with residential and commercial properties in the area. She discussed how other fairgrounds are zoned and utilized. In addition to restricting access during rental events, she suggested screening or fencing from nearby homes.

City Planner Trisko referenced a list of recommended conditions of approval, in addition to consideration of an IUP (interim use permit) as opposed to a CUP.

Chair Wallerich reviewed the public hearing procedure and opened the public hearing for this item at 6:16 p.m.

Barbara Petit introduced herself as the President of the Wabasha County Fair Board. She clarified that the fairgrounds consists of three parcels, with one parcel originally being gifted to the 4-H but later purchased by the Fair Board. She discussed two access gates, noting that these can be closed during events. She discussed lighting and speakers.

Brenda Walgrave, Coulee Way, stated that she lives next to the fairgrounds. She discussed past issues with drainage, noting that these have been addressed. She stated that she and her neighbors have concerns about increased traffic, with backups preventing access to their homes and leading to increased wear and tear on the streets.. She asked about alternate access routes. Chair Wallerich requested clarification of the concerns. Ms. Walgrave provided additional information and also referenced noise concerns that have been expressed.

No one else spoke during the public hearing. Chair Wallerich closed the public hearing at 6:22 p.m.

City Planner Trisko referenced a checklist. Chair Wallerich reviewed concerns and a list of recommended conditions of approval to address these concerns. Commissioner Sulla suggested limiting the frequency of events and not allowing events to go past 10 p.m. He expressed concerns about the proposal, including noise, landscaping obstructing views of the bluffs, and potential detrimental property value impacts. Commissioner Sulla also expressed agreement with considering an IUP as opposed to a CUP. When asked about the number of events that are anticipated, Wabasha

Fair Board President. Petit indicated that events would primarily be held during the summer months.

When asked about limiting the number of events, City Planner Trisko stated that this could be a condition of approving the IUP. She also suggested no parking along Coulee Way to help eliminate traffic concerns. Chair Wallerich stated that conditions could be revisited. He recommended up to 4 events per month during the months of April through October. Hours of operation, access, tree plantings, and dust control were discussed. City Planner Trisko reviewed the list of conditions of approval of the IUP, as discussed.

Motion made by Scott Durand, seconded by Ozzie Goodman to approve the IUP, with the conditions as discussed,

Vote: 3 - 1 Adopted

NAY: Jeff Sulla

Other: Richard Heffner (ABSENT)

Sara Carrels (ABSENT)

Sharon Burke (ABSENT)

b) Cannabis Ordinance Public Hearing

City Planner Trisko referenced past discussion and noted that nothing has changed in the interim. She referenced the Wabasha County ordinance and reviewed the process of recommending additional conditions. City Clerk Busch provided information relating to the licensing process. City Planner Trisko stated that the Planning Commission can submit a summary of the discussion to Wabasha County along with any recommendations. It was noted that Wabasha County is not required to incorporate the recommendations into the ordinance language.

Chair Wallerich opened the public hearing for this item at 6:40 p.m.

Kay Kay, Wabasha resident, stated her understanding that it is up to the City to establish the intended zones for cannabis use. She stated her opinion that more information is needed to establish or contain these zones. She provided cannabis use statistics and discussed how other states and cities are regulating cannabis.

No one else spoke during the public hearing. Chair Wallerich closed the public hearing at 6:45 p.m.

City Planner Trisko and City Clerk Busch provided additional information from the legislation relating to the minimum number of cannabis businesses that would be allowed in Wabasha County. The ordinance language, the recommended zones for these uses - limited to the Downtown core - and other restrictions were reviewed. It was stated that Wabasha County intends to only allow the minimum number of cannabis dispensaries. Potential regulations relating to the minimum distance between competing businesses and other potential conditions were discussed. The enforcement of zoning restrictions was discussed. Commissioners expressed concerns about the lack of guidance from the State.

Motion made by Scott Durand, seconded by Jeff Sulla to approve recommendations relating to the Wabasha County cannabis ordinance, including limiting cannabis businesses to the Downtown core area and other zoning restrictions.

Vote: 4 - 0 Adopted - Unanimously

Other: Richard Heffner (ABSENT)

Sara Carrels (ABSENT)

Sharon Burke (ABSENT)

- c) Outdoor Wood Burner Public Hearing
City Planner Trisko provided background information, referenced past Planning Commission discussion, and reviewed the proposed ordinance language prohibiting the use of outdoor wood burners in certain zones.

Chair Wallerich opened the public hearing for this item at 6:59 p.m. No one spoke during the public hearing. Chair Wallerich closed the public hearing at 7:00 p.m.

Motion made by Jeff Sulla, seconded by Ozzie Goodman to recommend approval of the zoning text amendment relating to outdoor wood burners, as drafted.

Vote: 4 - 0 Adopted - Unanimously

Other: Richard Heffner (ABSENT)
Sara Carrels (ABSENT)
Sharon Burke (ABSENT)

- 6) Old Business
There was no old business.

- 7) New Business
There was no new business.

- 8) Board of Adjustment Business
There was no Board of Adjustment business.

- 9) Other Business
There was no other business.

- 10) Next Regular Meeting Date - December 10, 2024
The meeting agenda was discussed. City Clerk Busch discussed Commissioner terms.

- 11) Adjourn

Motion made by Ozzie Goodman, seconded by Scott Durand to adjourn the meeting. The meeting adjourned at 7:01 p.m.

Vote: 4 - 0 Adopted - Unanimously

Other: Richard Heffner (ABSENT)
Sara Carrels (ABSENT)
Sharon Burke (ABSENT)

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

6) 1)

Meeting Date: 02/11/2025

SUBJECT: Rezone 911 Phelps Ave

DEPARTMENT: Administration

TITLE:

Rezone 911 Phelps Ave

PURPOSE:

Please see the attached staff report from City Planner Kristi Trisko.

Attachments

Skoug Rezone Staff Report



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& MENK**

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MEMORANDUM

Date: January 29, 2025
To: Wabasha Planning Commission
From: Kristi Trisko, Wabasha Consultant Planner
Subject: Skoug Rezone – 911 Phelps Avenue

Meeting Date: February 11, 2025
Owner/Applicant: Michael Skoug
Location: 911 Phelps Avenue
Zone: R-2 and HC (Highway Commercial)
Land Use: Residential & Commercial
Lot Size: 0.58 Acres
Setbacks: No new exterior construction is requested as the current studio building does not meet the front or rear yard setbacks, so it is a legal non-conforming building.

Parking: Two (2) spaces for the additional residential unit which will be located in the existing garage.

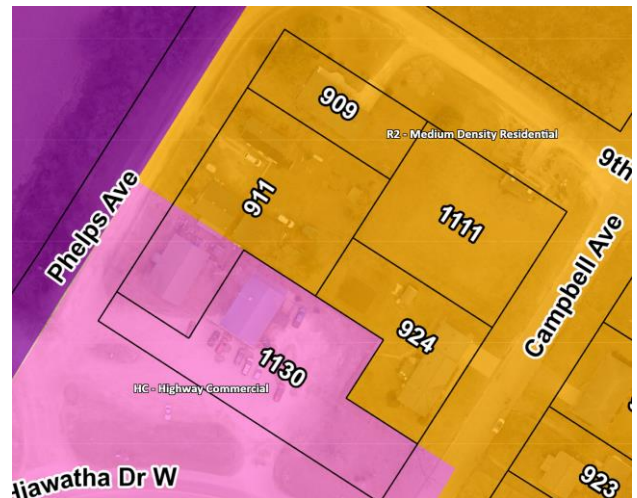


Figure 1 - Current Zoning

Existing Garage

Studio to be converted to a residential unit



Figure 2- Photo of Site

Proposed Rezone Amendment: Mr. Michael Skoug has requested a zone change for the south half of 911 Phelps from **HC – Highway Commercial to R2 - Medium Density Residential**, so that the entire parcel will be in the same zoning district and for the redevelopment of the studio facing Hiawatha Drive to a residential unit.

Legal Description: Section-30 Twp-111 Range-010 WABASHA (WABASHA CITY) Lot-003 Block-192 & LOT 6 & NWLY1/2 OF LOT 7 & NLY1/2 OF WLY1/2 OF LOT 10; BLK 192; Approximately 0.58 acres.

Parcel ID: R27.00562.00

Hearings and Neighborhood Notices: This requested rezone was posted in the Wabasha County Herald on Tuesday, January 28, 2025, and all neighbors within 350' of the property were notified at least 10 days prior to the public hearing scheduled for Tuesday, February 11, 2025.

Surrounding Land Uses: North and east of the site are single family homes and the City's well site, along 9th Street, is an institutional use. South of the site is Eagle Valley Café, a commercial restaurant. The site is surrounded by Phelps Ave, 9th Street, and Hiawatha Drive. See the Surrounding Land Use Exhibit below.



Figure 3 - Aerial - Land Uses of Site

Reason for the Rezone: Mr. Skoug would like to redevelop the existing studio along Phelps Avenue to a residential unit and to do so, will have to rezone because HC doesn't allow any residential uses except Hotel/Motel.

Staff Analysis: The current Land Use Plan (Chapter 8 of the Comprehensive Plan, updated in 2021) designated this block as commercial except for the back northeast corner which is institutional for the City's well. However, as you can see with the aerial, the parcels surrounding the site have remained residential and are compatible with the continued residential uses along Campbell Avenue. The Army Corp owns the remaining parcels to the west. As their properties are redeveloped in the distant future, careful planning will be necessary to make sure that the existing homes will be compatible with future uses on their site. However, as half of 911 Phelps was already zoned R-2 and has an existing residential use on it, I believe that

rezoning the southern half to match the northern half corrects an odd error in zoning for this site. In addition, given that current uses and zoning for this block, I am forwarding a city-driven request to also change the Land Use for this block from Commercial to Residential to further align the zoning and uses with the future land use designation of this block. Furthermore, to allow the existing studio to be modified on the interior only, converting from a commercial studio to a residential unit, helps to reduce the housing needs outlined in the Housing Study.

It is the staff's opinion that 911 Phelps Avenue, located adjacent to other single-family lots, is compatible with the current zoning pattern and uses and after the land use plan amendment driven by staff, will conform to the Land Use Plan as continued Medium Density Residential land uses, allowing the 1130 Hiawatha Drive, the Eagle Valley Café to remain a commercial zone and land use.

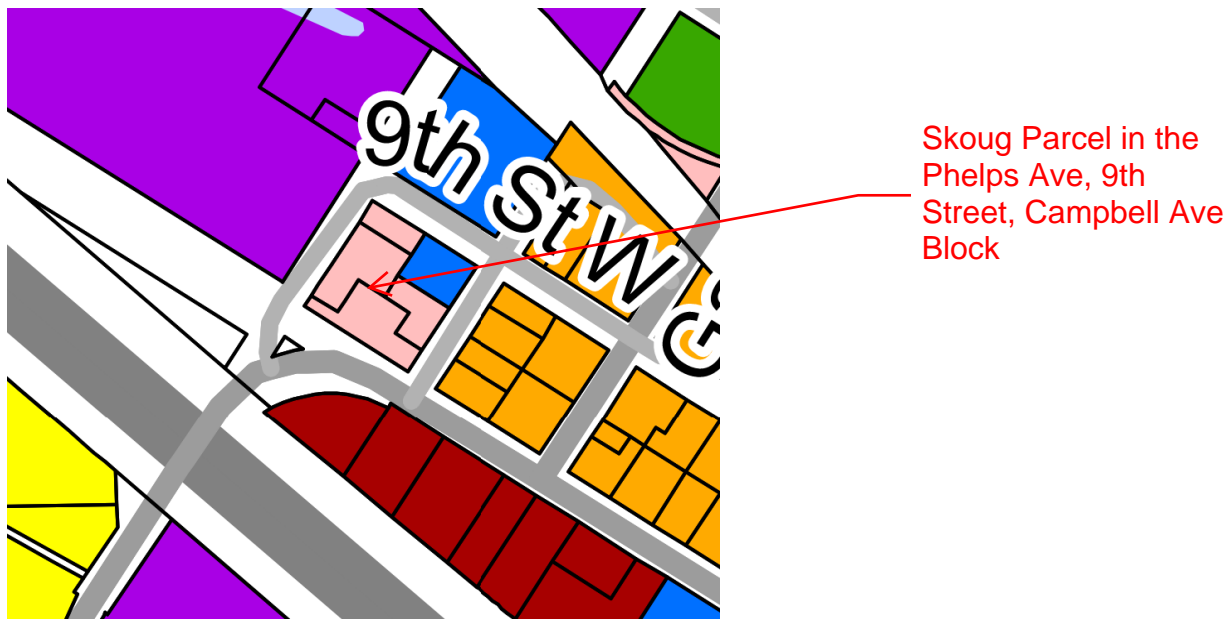


Figure 4 – Current Land Use



Figure 5 - Staff Suggested Land Use Amendment

Amending the Ordinance: Amendments to the Zoning Ordinance (text or map) may be initiated by the City Council, the Planning Commission, or by an affected property owner for the purpose of carrying out the policies and goals of the Comprehensive Plan and promoting the public health, safety, morals, and general welfare of the community.” (305.04 Subd. 7). While the Planning Commission holds the public hearing, City Council adopts all ordinances (and modifications to existing ordinances). All ordinances must be heard by City Council at least two times (City Charter Section 4.05). The City Council’s introduction to the rezone request and land use plan amendment changes will occur at their March 4, 2025, meeting if recommended by the Planning Commission. The final approval may occur at the April 1, 2025, meeting. Staff suggest that the Planning Commission consider findings of fact to support or deny the proposed changes in their recommendation to City Council. The following contains draft language for such a purpose.

Sample Motions to Recommend Requested Changes

Whereas, the surrounding existing single family uses and R-2 zoning are compatible with the requested R-2 zone, and;

Whereas, the northern half of this parcel is already zoned R-2, and

Whereas, Phelps Avenue and 9th Street are existing local roadways currently adjacent to single family uses, and has the existing city services to support an additional residential unit, and;

Whereas, the City-driven land use plan amendment to alter the land use for the three other residential parcels in this block from commercial to residential will create greater conformity with the uses, existing zoning districts, and land use designation, and;

Whereas, the requested use will follow the standards in the Zoning Ordinance by not expanding the legal non-conformity of the building’s front and rear yard setbacks while redeveloping the building for a needed residential use.

NOW THEREFORE, The Planning Commission recommends to the City Council the amendment to Section 305 of City Code, rezoning Parcel R27.00562.00 from HC to R-2.

Planning Commission

6) 2)

Meeting Date: 02/11/2025

SUBJECT: Land Use Plan Amendment

DEPARTMENT: Administration

TITLE:

Land Use Plan Amendment

PURPOSE:

See the attached staff report from City Planner Kristi Trisko.

Attachments

LUPA Staff Report

MEMORANDUM

Date: January 29, 2025
To: Wabasha Planning Commission
From: Kristi Trisko, Wabasha Consultant Planner
Subject: Land Use Plan Amendment – Phelps, 9th, Campbell Block from Commercial to Medium Density Residential

Meeting Date: February 11, 2025
Owner/Applicant: City of Wabasha
Location: 909 and 911 Phelps Avenue & 924 Campbell Avenue
Zone: R-2 & HC (HC requested to be downzoned to R-2 by owners)
Land Use: Residential
Lots: R27.00562.00, R27.00562.01, R27.00562.12

Legal Descriptions:

R27.00562.01 – 909 Phelps Avenue

Sect-30 Twp-111 Range-010 WABASHA (WABASHA CITY) Lot-002 Block-192; Approximately 0.21 acres.

R27.00562.00 – 911 Phelps Avenue

Sect-30 Twp-111 Range-010 WABASHA (WABASHA CITY) Lot-003 Block-192 & LOT 6 & NWLY1/2 OF LOT 7 & NLY1/2 OF WLY1/2 OF LOT 10; BLK 192; Approximately 0.58 acres.

R27.00562.12 – 924 Campbell Avenue

Sect-30 Twp-111 Range-010 WABASHA (WABASHA CITY) Lot-005 Block-192& SELY1/2 OF LOT 8 BLK 192; Approximately 0.31 acres.

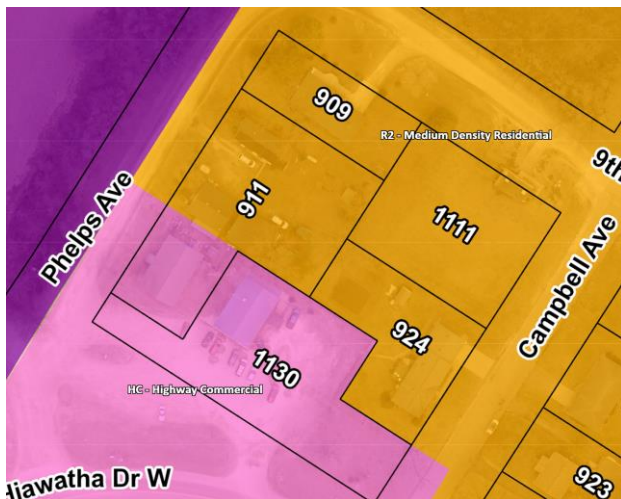


Figure 1 - Current Zoning

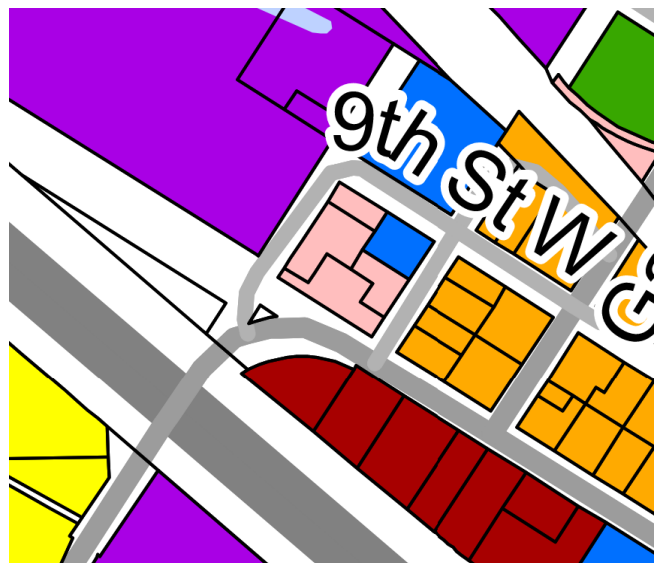


Figure 2 – Current Land Use

Proposed Land Use Plan Amendment: City staff recommend that the following parcels of land in the Land Use Plan be changed from **Commercial** to **Medium Density Residential**: 911 and 909 Phelps Avenue and 924 Campbell Avenue. By amending the land use designations for these three (3) parcels, the parcels will align with the single-family uses, residential zoning district, and continued future intended use of these parcels.

Hearings and Neighborhood Notices: This requested land use plan amendment was posted in the Wabasha County Herald on Tuesday, January 28, 2025, and all neighbors within 350' of the property were notified at least 10 days prior to the public hearing scheduled for Tuesday, February 11, 2025.

Surrounding Land Uses: North and east of the site are single family homes and the City's well site, along 9th Street, is an institutional use. South of the site is Eagle Valley Café, a commercial restaurant. The site is surrounded by Phelps Ave, 9th Street, and Hiawatha Drive. See the Surrounding Land Use Exhibit below.

Affected Homeowners Meeting/Thoughts: I reached out to all three homeowners to discuss their future plans and to determine if they had any conflicts with the land use plan amendment. None of the homeowners had any issues with the recommended LUPA. The Glomski's would like to potentially request a home occupation use in the future, but that would be allowed based on their zoning district as the land currently is zoned R-2. A land use plan amendment will not change a future home occupation use for them.



Figure 2 - Aerial - Land Uses of Site

Staff Analysis: The current Land Use Plan (Chapter 8 of the Comprehensive Plan, updated in 2021) designated this block as commercial except for the back northeast corner which is institutional for the City's well. However, as you can see from the aerial, the parcels surrounding the site have remained residential and are compatible with the continued residential uses along Campbell Avenue. The Army Corp owns the remaining parcels to the west. As their properties are redeveloped in the distant future, careful planning will be necessary to make sure that the existing homes will be compatible with future uses on their site. The proposed LUPA for this block from Commercial to Residential also aligns the zoning and current and future residential uses of this block. Furthermore, allowing the existing studio to be modified on the interior only, converting from a commercial studio to a residential unit, helps to reduce the housing needs outlined in the Housing Study.

It is the staff's opinion that the LUPA of the three (3) parcels located at 909 and 911 Phelps Avenue and 924 Campbell Avenue from commercial to medium density residential, located adjacent to other single-family uses are compatible with the current zoning pattern and uses within the block and with the surrounding blocks to the east. The City's well property at 1111 9th Street will remain institutional and the Eagle Valley Café at 1130 Hiawatha Drive will remain commercial. See Figure 4 below for the proposed LUPA exhibit.



Figure 4 - Staff Suggested Land Use Amendment

Preparation of Comprehensive Plan. It shall be the duty of the Planning Commission to prepare and recommend to the City Council for adoption a Comprehensive Plan for the physical development of the city as allowed and regulated under M.S. Ch. 462, as it may be amended from time to time. The Planning Commission shall periodically review the plan and recommend amendments to the City Council as allowed under state statute.

Sample Motion to Recommend Requested Changes

Whereas, the surrounding existing single family uses and R-2 zoning are compatible with the requested land use plan amendment and;

Whereas, Phelps Avenue and 9th Street are existing local roadways currently adjacent to single family uses, and have the existing city services to support medium density residential uses, and;

Whereas, the requested land use amendment will follow housing goals and policies within the Comprehensive Plan and address the housing demands as outlined in the “key findings” in the Wabasha Housing Study adopted in June, 2023.

NOW THEREFORE, The Planning Commission recommends to City Council that they review and approve an amendment of the Land Use Plan to change the land use designation from Commercial to Medium Density Residential for the following parcels: R27.00562.01, R27.00562.00, R27.00562.12.

Timing: As staff have other land use plan designation change and Comprehensive Plan updates to be made concerning the Athletic Field to be reviewed by the Planning Commission in March, we will hold this recommendation until all Comprehensive Plan changes are ready for City Council, most likely to be scheduled for their April meeting, if that is acceptable for the Planning Commission.

Planning Commission

8) 1)

Meeting Date: 02/11/2025

SUBJECT: Nuisance Ordinance, Zoning Ordinance Suggested Changes

DEPARTMENT: Administration

TITLE:

Nuisance Ordinance, Zoning Ordinance Suggested Changes

PURPOSE:

Attachments

Staff Memo



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& MENK**

Real People. Real Solutions.

MEMORANDUM

Date: February 4, 2025
To: Planning Commission
From: Kristi Trisko, AICP, PMP
Subject: Updated Nuisance Ordinance, Zoning Ordinance Suggested Changes

Memo to City Council:

Per City Council's request, I have researched and attached a draft update to the City's nuisance ordinance. This ordinance should be reviewed by city staff and Mike Flaherty prior to City Council's formal "First Read". The draft ordinance clarifies, expands, and updates nuisances largely following the League of Minnesota Cities suggested model ordinance covering nuisance issues in the following categories:

- ✓ public nuisance affecting health
- ✓ morals and decency
- ✓ peace and safety
- ✓ noise
- ✓ parking and storage
- ✓ inoperable motor vehicles

The updated ordinance also substantially updates the abatement procedure and enforcement process, outlining the details for property owner notice, appeal process, cost recovery, assessment, serving notices, removal of the nuisance by the City, and penalties.

The following City's nuisance and outdoor storage codes were reviewed: Austin, Blue Earth, Chatfield, Elgin, Hayfield, Kellogg, Kenyon, Lake City, Lanesboro, Lewiston, Maple Grove, Millville, Owatonna, Plainview, Rochester, Winona, Woodbury, Zumbro Falls, and Zumbrota.

Action from City Council

1. Provide direction to staff, consultants, and Mike Flaherty to continue to review, refine, and prepare a recommended final nuisance ordinance update for City Council's review and potential adoption.
2. Request that the Planning Commission review and possibly amend the zoning ordinance to clarify junkyards, open sales, mixes use, and outdoor storage standards.

Zoning Review of the Binner Properties:

Nuisance:

Through my review of the nineteen nuisance ordinances and outdoor storage standards from surrounding cities, largely in Southeast Minnesota and the League of Minnesota City's model nuisance ordinance, the three Binner parcels would be designated as a nuisance in all city codes researched.

Use:

As a residential and home occupation/commercial use, not an active commercial business with incidental outdoor merchandise, the Binner properties would only fall into a mixed use rather than a traditional commercial use as defined below and should meet screening performance standards for their storage in a similar manner as the other researched city codes.

Outdoor Storage:

All other researched codes with outdoor storage standards require screening with fence or landscaping if storage is visible to public roadways or residential properties if not part of an active business with incidental outdoor merchandise or vehicle dealerships attached to a commercial business with typical indoor offices, sales space, employees and off-street parking. I.E. a typical Ford dealership or incidental merchandise from a hardware store that is visible by streets but largely locked and/or lit at night to keep secure or brought in nightly.

Given that the Binner parcels, currently a residential and home occupation/commercial use are visible on three sides by public roadways; 5th Grant Boulevard West, Gambia Avenue, and the public alley as well as surrounded by residential parcels, all outdoor storage should be required to be screened with a fence or solid landscaped hedge from three sides of the properties.

Performance Standards:

Performance Standards found in Section 162.085 of the Wabasha City Code outlines more than 23 sections of standards covering a wide range of topics to help uses to be more compatible with their surrounding land uses. Home occupations, minimum housing standards, fences and walls, major traffic generators, and solar gardens are just a few of these standards. Outdoor storage should be added to this section and direction provided that will require screening for site storage.

I will work with the Planning Commission to add performance standards for outdoor storage to Section 162.085 and update the use chart for open sales and mixed uses and all other uses that contain an outdoor sales or storage component to be conditionally approvable to allow for a careful review of all incidental outdoor sales and/or storage within the City. Minnesota State Statute allows for the review of existing and future uses to conform to performance standards that are applied to all similar uses.

Planning Commission Zoning Ordinance Review:

- ✓ **Junkyard Definition:** We should clarify that a junkyard is NOT an allowed use. See recommended change in RED text below:

JUNKYARD. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk and ancillary business offices. A *JUNKYARD* does not include such uses conducted entirely in an enclosed building. A junkyard is not an allowed use in the City of Wabasha.

- ✓ **Open Sales** use is a bit underdefined in my opinion. I would recommend that we tighten up that language AND change the planning process from **permitted to a CUP/IUP** for all zones so that the Planning Commission can place reasonable conditions on all “open sales” yards and pull the permit if it becomes a “junkyard”.

Open Sales, service, rental lot: An outdoor space for display and/or sales of **automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products**, materials or merchandise where the majority of product are located and business can occur within a permanent structure. **(IUP's in TDC, GC, HC, and I Zones)**

RETAIL USES									
	RC	RRLA	RRGT	R-I	R-2	TDC	GC	HC	I
Contractor yard							P	P	P
Open sales, service, rentals lot						C	P	P	P

- ✓ **Mixed Use “Use Definition:** A mix of more than one principal use per lot or parcel including different types of residential (single- and multi-family) and/or mix of residential, commercial and/or institutional uses. Mixed use only defines residential uses in the Miscellaneous Section, not the residential section and doesn't provide any suggestions for MIXED residential/commercial and/or industrial uses or standards like intensities or densities, square footage requirements. Etc.

MISCELLANEOUS USES									
	RC	RRLA	RRGT	R-I	R-2	TDC	GC	HC	I
Mixed use with permitted < 4 dwelling units					C	P	P		
Mixed use with any permitted > 5 dwelling units						C	C		

- ✓ Performance Standard Additional Section: **Outdoor Storage**

Winona – All outdoor storage areas adjacent or across the street from any residential use, residential zoning district, or public street, park, plaza shall be screened from such areas by a solid board fence not less than 6 feet high.

Kenyon – 520.05. Exterior storage. Subdivision 1. In residential districts, materials and equipment must be stored within a building or be fully screened so as not be visible from adjoining properties, except for the following in good order: laundry drying, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of passenger automobiles and pickup trucks and firewood.

Subd. 2. Existing uses must comply with this provision within six months after the effective date of this code..

Subd. 3. In all districts, the city may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a

depreciating effect upon nearby property values, or impairs scenic views or constitutes a nuisance.

Subd. 4. Recreational vehicles.

a) For purposes of this subdivision, recreational vehicles include but are not limited to boats, boat trailers, pickup campers and coaches, motorized dwellings, fish houses, tent trailers, cars licensed as pioneer or classic vehicles, race cars, all-terrain vehicles, and similar vehicles.

b) Recreational vehicles must not be used as a dwelling unit for a period exceeding 14 days.

c) Recreation vehicles and equipment parked or stored outside must be in a safe, operable condition and exhibit current license or registration plates or tags if the vehicle is one for which a license or registration plate is required by law for its operation.

d) Recreational vehicles must not be parked or stored over or upon a bikeway, pathway, or sidewalk.

Lewiston:

Screening Requirements. Prior to issuance of any zoning or building permit for any commercial, business or industrial use, an applicant shall agree to provide adequate screening to reduce or eliminate possible nuisance-like effects of the proposed use such as noise, glare, dust, and the view of parking or storage areas and signs, if the use would share a common lot line with any residential district (R-1 or R-2). Such screening shall include a fence, not less than six feet nor more than eight feet in height, which is designed in a manner compatible with both the proposed building and any fences or the immediately adjacent outside covering of homes or other buildings in the residential district. The fence shall be located within the five-foot strip immediately adjoining the common lot line. The screening may also, in the discretion of the City Council upon recommendation of the Planning Commission, include required planting of trees, bushes, and other plant materials designed to provide a minimum year-round opaque barrier of 80% at the time of maturity. Nothing herein shall prevent the use of existing trees, walls of the proposed building or sodded and maintained earthen berms from being used as a substitute for fencing. Provided they offer the same buffer and sight relief from parking lots and nuisance-like effects of the proposed use and are approved by the Council.

Millville: Fences To Be Required In Certain Areas: Sight obscuring fences shall be required along the boundary line in the following cases:

1. 1. All commercial and industrial developments having a common lot line with property used for residential purposes shall require the construction of a seven foot (7') high-sight obscuring masonry or tight board fence; or
2. Said fence shall be reduced to thirty six inches (36") in height inside the front yard setback area (on all corner lots) forty eight inches (48") (on all interior lots) of the residential property. It shall be the responsibility of the developer/builder or owner of the denser development to erect the fence.

- F. Fences Not Otherwise Identified: The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the commission, the fence does not impair the intent and purpose of this section.

Zumbrota – Screening Required: Any lot line adjoining a Residential District shall be screened with a solid fence or shrubbery at least five (5) feet in height.

ORDINANCE NO. 91.00

AN ORDINANCE AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF WABASHA, MINNESOTA

The City Council of WABASHA, Minnesota ordains:

91.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DETERIORATED STRUCTURES. Any structure or part of any structure which because of fire, wind or other disaster, or physical deterioration is no longer habitable, nor useful.

JUNK/RUBBISH. Any material or substance stored in the open or not enclosed in a building which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended, including, but not limited to: refuse; empty cans; bottles; debris; used furniture; unused appliances; machinery parts; motor vehicle parts; remnants of wood; decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.

JUNK CARS. Any unlicensed, unregistered or inoperable vehicle stored in the open.

UNSAFE BUILDINGS. Any building or structure which is structurally unsafe, does not provide adequate egress, is dangerous to human life or constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment. (Prior Code, § 1225.01)

91.16. PUBLIC NUISANCE PROHIBITION.

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For the purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Does any other act or omission declared by law or this ordinance to be a public nuisance.

91.17. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

- A. The exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Accumulation of manure, refuse, or other debris;
- F. Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

- H. All noxious weeds and other rank growths of vegetation upon public or private property;
- I. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- J. All public exposure of people having a contagious disease; and
- K. Any offensive trade or business as defined by statute not operating under local license

91.18. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- B. Betting, bookmaking, and all apparatus used in those occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- E. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

91.19. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

- A. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall.
- B. All limbs, trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.
- E. All unnecessary and annoying vibrations.
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
- G. Radio aerials or television antennae erected or maintained in a dangerous manner.
- H. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.
- J. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- K. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.

- L. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- M. Wastewater cast upon or permitted to flow upon streets or other public properties.
- N. Accumulations in the open of discarded or disused machinery, junk cars, junk, or rubbish, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.
- O. Any well, hole, or similar excavation that is left uncovered or in such other conditions as to constitute a hazard to any child or other person coming on the premises where it is located.
- P. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
- Q. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.
- R. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- S. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.
- T. Any deteriorated or unsafe building or structure which have not been maintained in a safe and healthy condition under Minnesota State Building Code.
- T. All other conditions or things that are likely to cause injury to the person or property of another.

91.20. NOISE VIOLATIONS.

- A. **Prohibited noises.** The following are declared to be nuisances affecting public health, safety, peace, or welfare:
 - 1. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. (this general prohibition is not limited by any specific restrictions provided in this ordinance). "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.
 - 2. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
 - 3. Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, between the hours of 10:00 p.m. and 6:00 a.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

91.21. NUISANCE PARKING AND STORAGE.

- A. Declaration of nuisance. The outside parking and storage on any property of large numbers of vehicles, materials, supplies, or equipment not customarily used for the permitted purpose of the site in violation of the requirements set forth below is declared to be a public nuisance because it:
 - 1. Obstructs views on streets and private property,

2. Creates cluttered and otherwise unsightly areas,
3. Prevents the full use of public streets for parking,
4. Decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and
5. Otherwise adversely affects property values and neighborhood patterns.

B. Unlawful parking and storage.

1. A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of property unless more than one hundred (100) feet back from the front property line.
2. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on any property, unless shielded from public view and all other properties by a fence or landscaped screen unless outdoor sales is approved by the City.
3. A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 - a. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of the non-residential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
 - b. Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.
 - c. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

91.22. INOPERABLE MOTOR VEHICLES.

- A. **Declaration of nuisance.** Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.
- B. **Inoperable motor vehicles.** It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time.
- C. **Screening.** This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaints from a resident of the city. Privacy fencing is permissible.

91.23. ABATEMENT OF NUISANCES.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to

inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

91.24. ABATEMENT PROCEDURE.

- A. **Standard Abatement.** Unless a different procedure is specifically authorized by this code or other applicable law, and except as otherwise provided under clauses (b), (c), and (d) below, the following procedure shall apply to abatement of public nuisances.
1. **Notice.** When the City Administrator or the City Administrator designee responsible for enforcement, including but not limited to the Police Chief, the Fire Chief, the Building Official, City Inspectors, and Police Officers, determines that a public nuisance is being maintained or exists on real property in the City, the City Administrator the City Administrator's designee shall notify in writing the owner and occupant or other responsible party of that fact and order that the nuisance be terminated and abated. The notice shall be served upon the owner of the real property and the occupant, if other than the owner, either personally or by first class mail supported by an affidavit of mailing sent to the last known address of the owner and occupant of the property. Failure of the party to receive the notice does not invalidate the service of the notice. Notice to the owner shall be satisfied by notice to the person listed as the taxpayer on the County's tax records. A notice tag shall also be posted on the real property in a conspicuous place at or near the entrance to the dwelling/building situated on the real property where the dwelling/building number or address is displayed. If the real property is not occupied, the owner is unknown, or no other responsible party can be reasonably identified, notice may be served by posting it on the property for a period of at least 72 hours. The notice must state:
 - a. The property location of the public nuisance
 - b. The nature of the public nuisance, with reference to the appropriate code provision(s);
 - c. The corrective action that must be taken to abate the nuisance and a reasonable amount of time within which the nuisance is to be abated;
 - d. That if the owner, occupant, or other responsible party does not comply with the notice within the time specified, the City may provide for abating the nuisance itself by entering upon the property and taking the corrective actions identified in the notice following the appeal period;
 - e. that the owner, occupant, or other responsible party has the right to appeal the designation as a public nuisance by submitting a request in writing to the City Clerk before the earlier of (i) the date by which abatement of the identified nuisance must be completed as stated in the notice, or (ii) seven calendar days after service of the notice, whichever is sooner; and
 - f. that the City may assess its costs incurred in abating the nuisance against the property in accordance with this section and applicable law
 2. **Appeal.** The owner, occupant, or other responsible party served with a notice under paragraph (a)(1) above may appeal the nuisance designation to the City Council within the time provided in the notice by submitting a request to appeal in writing to the City Clerk. If

a timely appeal is submitted, the matter must be scheduled for a hearing before the City Council. A notice of the hearing must state the date, time, and location of the City Council hearing, must be served in the same manner as the abatement notice, and must be given at least ten days before the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance consistent with paragraph (a)(3). Failure to timely appeal constitutes waiver of such right to appeal and hearing upon the nuisance designation.

3. Abatement.

- a.** If the City Council, after hearing an appeal under paragraph (a)(2) orders abatement of the nuisance, or if no timely appeal is submitted and the nuisance is not abated as required in the notice of abatement within the deadline given in the notice of abatement, then the City may enter onto the property on which the nuisance exists and cause the same to be abated or removed by the City in any manner it deems appropriate in accordance with the corrective actions stated in the notice of abatement. Abatement may include, but shall not be limited to, removal, cleaning, painting of exterior surfaces, extermination, cutting, mowing, snow removal, grading, sewer repairs, water repairs, draining, securing, boarding unoccupied structures, barricading or fencing, removing dangerous portions of structures, junk, debris or materials, removal of equipment, materials, and vehicles, and demolition of dangerous structures or abandoned buildings in addition to any other corrective actions authorized by state law, regulations or ordinance. If deemed necessary by the City Administrator, the City may seek summary enforcement of the abatement order in the district court by causing a copy of the abatement order and notice of motion for summary enforcement to be served on the owner and occupant in the manner provided for service of a summons in a civil action, or alternatively obtain an administrative search and seizure warrant and abate the nuisance.
- b. Summary Abatement.** The City Administrator or the City Administrator's designee responsible for enforcement may provide for abating a public nuisance pursuant to paragraph (a)(3) without following the standard abatement procedure required in paragraphs (a)(1-2) above when
 - i. There is an immediate threat to the public health or safety;
 - ii. There is an immediate threat of serious property damage; or
 - iii. A public nuisance has been caused by private parties on public property.

If the City summarily abates the nuisance under this paragraph, the enforcing officer must reasonably attempt to notify the owner, occupant, or other responsible party of the intended summary abatement action in advance of such action, and thereafter must serve written notice of the owner's right to appeal the cost recovery for such summary abatement to the City Council in the manner required for service of the abatement notice required in paragraph (a)(1) above. An appeal of a summary abatement under this paragraph shall be limited to the issue of cost recovery by the City.

- c. Major Abatement.** When the City Administrator or the City Administrator's designee determines that the cost of abating a nuisance will exceed \$5,000 based on

a reasonable, good faith estimate determined by the City, the standard abatement procedure provided in paragraph (a) shall apply as altered in the following manner

- i. The abatement notice must provide that if the noticed party does not abate the nuisance as provided in the notice within the time specified in the notice, the matter will be referred to the City Council for a hearing.
- ii. The abatement notice must specify the date, time, and location of the hearing before the City Council.
- iii. The City must cause notice of the date, time, and location of the hearing before the City Council to be published at least ten days before the hearing and allow any parties who wish to be heard an opportunity to address the City Council during the hearing.

- d. **Abatement of Junk Motor Vehicle Nuisance.** The owner of the real property on which a junk motor vehicle is located shall be responsible to remove the junk motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within 10 days of a notice/demand by the City. The term “junk motor vehicle” is defined in section 32.01(b)(19).

Notice. The notice/demand shall be served upon the owner of the real property either personally or by first class mail, supported by an affidavit of mailing sent to the last known address of the person(s) listed as the taxpayer on the County’s tax records. If the registered owner of the junk motor vehicle can be ascertained, notice shall also be served on said person(s) in like manner. A notice tag shall also be posted on the real property in a conspicuous place at or near the entrance to the dwelling/building situated on the real property where the dwelling/building number or address is displayed. If the premises are not occupied, the registered owner is unknown, or no other responsible party can be reasonably identified, notice may be served by posting it on the front door of the property for a period of at least 72 hours before abatement action is taken by the City. The notice must state:

1. the property location of the junk motor vehicle and description of the junk vehicle;
2. the nature of the public nuisance, with reference to the appropriate code provision(s);
3. the corrective action that must be taken to abate the nuisance and the time (10 days) within which the nuisance is to be abated;
4. that if the real property owner or the registered owner of the junk motor vehicle does not comply with the notice within the 10-day time period specified, the City shall tow the junk motor vehicle from the property and impound the vehicle and dispose of the same in like manner as other impounded vehicles pursuant to applicable law, ordinances and City towing/impound contracts;
5. that the real property owner or the registered owner of the junk motor vehicle has the right to appeal the designation as a junk motor vehicle as provided in the notice/demand from the City by submitting a request in writing to the City Clerk before the earlier of (i) the date by which abatement of the identified nuisance must be completed as

stated in the notice, or (ii) seven calendar days after service of the notice/demand, whichever is sooner; and

6. that the City may assess its costs incurred in abating the nuisance against the real property in accordance with this section and applicable law.

- ii. **Appeal of Junk Motor Vehicle Nuisance Notice.** The owner of the real property or the registered owner of the junk motor vehicle served with a

notice/demand by the City under paragraph (d)(1) above may appeal the nuisance designation to the City Council within the time provided in the notice/demand by submitting a request to appeal in writing to the City Clerk. If a timely written appeal is submitted, the matter must be scheduled for a hearing before the City Council. A notice of the appeal hearing must state the date, time, and location of the City Council hearing, must be served in the same manner as the abatement notice, and must be given at least ten days before the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance consistent with paragraph (3). Failure to timely appeal constitutes a waiver of such right to appeal and hearing upon the nuisance designation.

- iii. **Abatement.** If the City Council, after hearing an appeal under paragraph (d)(2) orders abatement of the nuisance, or if no timely appeal is submitted and the nuisance is not abated within the deadline given in the notice/demand, then the City may enter onto the property on which the nuisance exists and tow and impound the junk motor vehicle and dispose of the same in like manner as other impounded vehicles pursuant to applicable law, ordinances and City towing/impound contracts.
- e. **Cost Recovery.** The owner of property on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the City for the cost of the abatement, including, without limitation, administrative costs, court fees and costs, consultant and/or contractor services fees and expenses, and attorneys' fees, if applicable. Unpaid charges constitute a lien against the premises where the abatement occurred on and after the date they were incurred. As soon as the abatement work has been completed and the cost determined, an appropriate official will prepare a bill for the cost and mail it to the owner or other responsible party for payment thereby. The amount is immediately due and payable to the City within 30 days of the date of the City's invoice.
- f. **Assessment.** If the cost of abatement, or any portion of it, has not been paid under paragraph (e) within 30 days after the date of the City's invoice, the Council may, at any time, certify the unpaid cost against the property to which the cost is attributable. Before certification against the property, reasonable notice of the impending certification and an opportunity to be heard by the Council must be given to the taxpayer of record. Failure of the taxpayer to receive the notice will not invalidate the certification. The Council may certify all unpaid costs so assessed to the county auditor for collection along with current property taxes in the following year or in annual installments, not exceeding ten, as the Council may determine in each case.
- g. **Remedy Not Exclusive.** Abatement action under this section does not preclude any other civil or criminal enforcement procedure.
- h. **"Weeds" Defined.** "Weeds" shall mean and include not only such noxious weeds as defined in Minnesota Rules 1505.0751, but also such undesirable, useless, uncultivated and troublesome plants as are commonly known as weeds to the general public and all pollen producing plants which are a hazard to hay fever sufferers.

- i. **Permitting or Maintaining Growth.** It shall be unlawful for any owner or occupant, if other than the owner, of any occupied or unoccupied lot or land or any part thereof, to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for 10 feet outside the property line if there be no curb, any growth of weeds and/or grass, brush or other rank vegetation to a greater height than 6 inches on the average or any accumulation of dead weeds, grass or brush which may conceal filthy deposits of garbage and refuse and provide harborage for rodents; provided, that in those blocks that are 25% developed or less, weeds, etc., shall be cut at least once during the growing season at the discretion of the weed inspector.
- j. **Duty of Owner and Occupant to Remove.** It shall be the duty of any owner and occupant, if other than the owner, of any lot or land or any part thereof, to cut and remove or cause to be cut and removed all such weeds and/or grass, brush and rank vegetation as often as may be necessary to comply with the provisions of this section; provided, that the cutting and removing of such weeds and/or grass, brush and rank vegetation at least once in every three weeks, between May 15 and September 15, shall be considered compliance with this chapter.
- k. **Publication of General Notice for Control and Eradication.** A general notice for the control and eradication of weeds and/or grass, brush and rank vegetation shall be published in the official newspaper on or before May 15 of each year. Failure of weed inspector to publish a general weed notice or to serve individual notices herein provided does not relieve any person from the necessity of full compliance with any and all provisions and regulations of this chapter. In all cases such published notice shall be deemed legal and sufficient notice.
- l. **Serving Notices.** Whenever the city weed inspector finds it necessary to secure prompt eradication or cutting and removal of weeds and/or grass, brush and rank vegetation in individual cases or in the event of failure to comply with the general published notice, the city weed inspector shall serve individual notices in writing upon the owner and occupant, if other than the owner, giving specific instructions when and how the weeds and/or grass, brush and rank vegetation are to be cut and removed. The notice shall be served upon the owner of the property and on the occupant, if other than the owner, either personally or by first class mail supported by an affidavit of mailing sent to the last known address of the owner and occupant of the property. A notice tag shall also be affixed to the door of any building situated on the property. Service on an owner living temporarily or permanently outside of the city whose property is vacant or unoccupied may be made by sending the notice by first class mail supported by an affidavit of mailing to the last known address of such person, to be ascertained, if necessary, from available public records.
- m. **Removal by City.** If any owner or occupant, if other than the owner, upon whom the individual notice is served, fails to comply with the notice either by refusal or neglect to cut and remove such weeds and/or grass, brush and rank vegetation within 7 days after service of such notice, the city weed inspector shall cause such weeds and/or grass, brush and rank vegetation to be cut and removed. Promptly

upon completion of the work of removal of the weeds and/or grass, brush and rank vegetation, the city administrator or his designated representative shall serve upon the owner by first class mail an itemized statement of the actual cost of such cutting and removal plus the actual cost of supervision, including cost of serving notice upon the person responsible for such cutting and removal; such statement to include an administrative fee as set forth in the Section 51.01 of this Code.. If the owner fails to pay, the city administrator shall submit to the city council the itemized accounting of costs and a recommendation that the city council by resolution authorize that an assessment be levied upon such lot or land in accordance with Minnesota Statutes, chapter 429.

The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the city treasurer; except, that no interest shall be charged if the entire assessment is paid within 30 days of the date of adoption of such assessment resolution.

- n. **Penalty.** Any person who shall fail, neglect or refuse to comply with the provisions of the individual notice delivered or sent to him or shall resist or obstruct the city weed inspector or person or persons hired by him to cut and remove weeds and/or grass, brush and rank vegetation, shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days.

91.27. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

91.28. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council of _____, Minnesota this _____ day of Month, Year.

Mayor

Attested:

City Clerk

Planning Commission

9) 1)

Meeting Date: 02/11/2025

SUBJECT: BOA Election of Officers

DEPARTMENT: Administration

TITLE:

The board should make nominations for both Chair and Vice Chair of the Board of Adjustment for the year 2025.

PURPOSE:
