

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 19-

**AN ORDINANCE AMENDING WEST ST. PAUL CITY CODE SECTION 94.18
REGARDING UNSHELTERED STORAGE, JUNK, AND INOPERABLE OR
ABANDONED MOTOR VEHICLES**

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 94.18 is hereby amended as follows:

94.18 UNSHELTERED STORAGE, ~~JUNK~~, AND INOPERABLE OR ABANDONED MOTOR VEHICLES.

(A) General.

(1) Purpose. The purpose of this section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, ~~junk~~ or personal property of any kind or made to be a danger to the public health and safety. The use of tarps shall not be considered an acceptable form of shelter.

(2) Declaration. The unsheltered storage of these property items throughout the city tend to impede traffic in the streets, interfere with the enjoyment of and reduce the value of public and private property, invite plundering, create fire hazards and other safety and health hazards to children as well as adults, interfere with the comfort and well-being of the public, and create, extend and aggravate urban blight. The Council declares that, in order to protect the public health, safety and welfare from such conditions, these conditions must be regulated, abated and prohibited.

(B) Prohibition of unsheltered storage ~~and junk.~~ For purposes of this section, UNSHELTERED STORAGE, includes but is not limited to: machinery, implements, equipment, or personal property, worn out or discarded material, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public.

~~—(1) General rule. No person may place, permit, store, allow, maintain or leave machinery, implements, equipment, junk or personal property of any kind upon an open space area of any premises located anywhere in the city.~~

~~—(2) Definition. For purposes of this section, JUNK means worn out or discarded material including but not limited to, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris,~~

~~brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public.~~

(C) Wood storage.

(1) On residential zoned property no person shall keep or store wood or allow wood to be kept or stored outside on property owned or controlled by that person, unless said wood is kept or stored in compliance with the provisions of this section.

(2) The wood storage regulations of this section shall not apply to:

(a) Persons having property on which new construction is taking place and the wood on said property is used for said construction, unless the wood has remained on the property for more than 30 days and is not a permanent part of the new construction at the end of that time; and

(b) Persons storing or keeping wood on property when said wood is stored within an enclosed structure which otherwise conforms to the zoning requirements of the district.

(3) Wood stored or kept in the city shall be stored or kept as follows:

(a) In neat and secure stacks (maximum of four stacks), each of which shall be no higher than five feet; with the combined wood stacks not exceeding a volume equal to five feet high by ten feet wide by 25 feet long.

(b) Unless screened by a solid fence or wall, stacks shall not be closer than five feet from the property line.

(c) The wood stacks shall not be infested or inhabited with rats, rodents, vermin, or insects noxious or dangerous to persons or property.

(d) The wood shall not be stored or kept in the front yard or yard that is commonly considered the front yard of any lot.

(e) Temporary storage of logs for up to 30 days outside of the required areas of setback from the property lines and street is allowed for the purpose of cutting and splitting logs to a size usable in the residence's wood burning device.

(4) Public nuisance. A person who creates, maintains, permits or allows a condition on property in violation of this section will be deemed to have created a public nuisance subject to abatement as provided in City Code § 94.15 and other penalties described in this code.

(D) Prohibition of inoperable or abandoned motor vehicles.

(1) No person may place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the city any inoperable or abandoned vehicle for more than seven days.

(2) Exceptions.

(a) In a residential zoned district, inoperable or abandoned vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless the vehicle is kept entirely within an enclosed building.

(b) In a business or industrial zoned district, inoperable or abandoned vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless adequately screened, or three days on a business or industrial property that is not an auto repair establishment. Adequate screening will require the keeping of the vehicles within a building, tight fence at least five feet in height, or within an earth-toned or neutral colored opaque cover that was specifically designed and manufactured for that purpose and which completely encloses such vehicle. Any inoperable or abandoned vehicle legally kept in a business or industrial zoning district for more than seven days must be at least 100 feet from a public highway or residential building.

(3) Definition. For purpose of this section, an INOPERABLE OR ABANDONED VEHICLE has the following meaning:

(a) A vehicle that does not have valid current vehicle license and registration;

(b) A vehicle that lacks essential parts that would render it operable; or

(c) A vehicle that is in a rusted, wrecked, extensively damaged, partially dismantled or junked condition.

(4) Notice. If a vehicle fails to meet any of the above requirements, the owner or possessor of the vehicle will be responsible to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten business days of receipt of a written demand by the City. In the event the owner or possessor of the vehicle cannot be located, then it will be the responsibility of the owner of the premises to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten working days of receipt of the written demand by the City.

(5) Impoundment of vehicles. The City may take into custody and impound any vehicle or vehicles in violation of this section, following the expiration of the notice.

(6) Disposition of impounded vehicles. In all cases of impoundment described above, the City will serve a notice on the owner of the property, by registered or certified mail or by personal service, informing the owner of the right to reclaim the vehicles within 15 days of the date of the notice, and stating that in the event the owner does not reclaim the vehicle, the city may dispose or sell the vehicle. The owner or lienholder may reclaim the vehicle upon payment

of all towing, storage and administrative costs by the City. If the vehicle is not reclaimed, it may be disposed of at auction or sale. The City will be reimbursed for towing, storing and administrative costs from the proceeds of the sale. Any remainder must be held for 90 days and then will be deposited in the City's General Fund.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment removes the word "junk" and the definition of "junk" from the language by including all references to junk as unsheltered storage.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this ____ day of _____ 2019.

Attest:

David J. Napier, Mayor

Shirley R Buecksler, City Clerk