

ORDINANCE NO. 279

Ordinance No. 98 is hereby amended to read as follows:

AN ORDINANCE REGULATING THE STORAGE AND ACCUMULATION OF JUNK, TRASH, RUBBISH, JUNK AUTOMOBILES, ABANDONED VEHICLES AND BUILDING MATERIALS ON PRIVATE PROPERTY: THE MAINTENANCE OF BLIGHTED STRUCTURES AND OTHER BLIGHTING FACTORS OR CAUSES OF BLIGHT AND DETERIORATION WITHIN THE CITY OF CASSELTON, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF CASSELTON, NORTH DAKOTA.

Section 1. The following words or terms when used herein shall be deemed to have the meanings set forth below:

- (a). The term "junk" shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or any other appliances, remnants of wood, metal, or any other cast off material of any kind, whether or not the same could be put to any reasonable use.
- (b). The term "junk Automobiles" shall include, without limitation, any motor vehicle which is not licensed for use upon the highways of the State of North Dakota for a period in excess of 60 days, and shall also include, whether licensed or not, any motor vehicle which is, inoperative for any reason for a period in excess of 60 days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
- (c). The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 hours continuously or more after the consent of the owner or occupant has been revoked.
- (d). The term "blighted structure" shall include, without limitation, any dwelling, garage, or out, building, or any factory, shop, store, warehouse or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deteriorations is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.
- (e). The term "building materials" shall include, without limitation, lumber, bricks, concrete, or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws,

or any other materials used in constructing any structure.

- (f). The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.
- (g). The terms "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.
- (h). **The term "approved fence" is an enclosed fence which shelters vehicles from view only on a business premises. The approved fence must be approved in advance of construction by the city of council with the business owner designating the kind of fence to be used, and the area where it is to be located. Once approved, the business may shelter vehicles in the fenced area without violating the terms of this ordinance.**

Section 2. Storage of Junk, Junk Automobiles, etc., Contrary to Public Health and Safety.

It is hereby determined that the storage or accumulation of trash, junk, junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the City of Casselton tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and it is contrary to the public peace, health, safety and general welfare of the community.

Section 3. Unlawful to Store or Accumulate Junk Automobiles, Etc.

It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles, or abandoned vehicles on any private property in the City of Casselton except within a completely enclosed building, **sheltered behind an "approved fence," on a business premises** or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.

Section 4. Unlawful to Dismantle Automobile Except on Business Premises.,

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.

Section 5. Unlawful to Maintain Blighted Structure.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Casselton, and unless such construction is completed within a reasonable time.

Section 6. Unlawful to Store Building Materials Except on Business Premises.

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except there such building materials are part of the stock in trade of a business located in said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City of Casselton, and unless such construction is completed within a reasonable time.

Section 7. Law Enforcement May Remove Junk or Abandoned Vehicles.

Law Enforcement may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having

notified, in writing, the owner or occupant of such property of its intention to do so at least 148 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by Law Enforcement shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

Section 8. Penalty.

Any person, firm or corporation violating any of the terms or provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed ninety days, or both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any of the provisions of this ordinance shall constitute a separate offense.

Section 9.

This ordinance and the various parts, sections and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid, by any court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this ordinance.

Section 10. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

FIRST READING: September 1, 2014

SECOND READING: October 6, 2014

PUBLICATION: October 15, 2014



Lee Anderson, Mayor

ATTEST:



Sheila Klevgard, City Auditor