

ORDINANCE NO. 303

Ordinance No. 299 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of the property, or for a period of 48 hours continuously or more after the consent of the owner or occupant has been revoked.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 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," or upon a business premises that has received a conditional use permit from the City of Casselton that specifically allows the business to store or accumulate trash, rubbish, junk, junk automobiles, or abandoned vehicles.

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 a business premises that has received a conditional use permit from the City of Casselton that specifically allows the business to store or accumulate trash, rubbish, junk, junk automobiles, or auto parts.

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. Notice to Remove Nuisances.

Except where otherwise provided in this chapter, if any person within the limits of the City of Casselton shall permit or suffer on his premises or premises of which he may be the occupant, any nuisance, the City Council, or such persons authorized by the City Council shall cause notice to be given such person, and to the property owner if different, to remove or abate such nuisance. The notice shall set forth specifically the nuisance to be removed and the period of time in which it must be removed. The time period allowed for abating the nuisance shall not be less than forty-eight (48) hours after notice shall be given, provided, however, that the time period may be less if the nuisance has caused or may cause death or injury to any person within the City of Casselton. Provided further, that the provisions of this section shall in no way abrogate (repeal) or restrict any emergency authority granted to the City Council or other emergency authority delegated to and exercised by persons duly authorized by the city Council.

Section 8. Failure to Remove - Prosecution.

If any person, as owner or occupant of any lot or tenement, after notice as provided in Section 7, neglects or refuses to remove or abate the nuisance, the person giving such notice shall notify the City Attorney, who may commence prosecution of the offense in the Casselton Municipal Court or seek injunctive relief in any courts of the State of North Dakota. The Casselton Municipal Judge shall have authority to issue fines and order removal of nuisances.

Section 9. Failure to Remove – Civil Penalty.

The City official, or an authorized agent of the City, who sent notice of removal or abatement of a nuisance, may, in addition to the remedies set out in the previous

section, if the nuisance is not abated within the time period set out in the notice, send notice to the violator, and the property owner if different, of a hearing to be held by the City Council to determine whether or not City Officials should be directed to abate the nuisance. The violator must be given five (5) days written notice of the time of the hearing. If at that hearing the Council determines that City Officials should abate the nuisance, the Council shall direct the nuisance to be abated, specifying who will abate the nuisance, and direct that all costs and expenses incurred in that abatement shall be assessed against the property concerned by the City Auditor. Provided, however, if the City Official determines that the nuisance presents a clear and present danger of injury or death to a person in Casselton, that official can direct City Officials to abate the nuisance immediately without the need for Council action. Once each year, after written notice to all violators, the City Council shall review all such assessments and hear all complaints against the same and approve the assessments as finally determined by the City Council. Such special assessments shall then be certified to the County Auditor and be placed upon the tax roll for that year and to be collected as other taxes. The decision of the City Council or City Official to abate the nuisance in no way relieves the violator of prosecution under the prior section.

Section 10. 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 11. Authorized Persons.

The City Council, or any person designated by the City Council, is hereby authorized by the City Council to send out notices and take other actions as set out in this chapter to abate nuisances.

Section 12. Severability

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 13. Effective Date.

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

FIRST READING: February 5, 2018
SECOND READING: March 5, 2018
PUBLICATION: March 14, 2018

Lee Anderson, Mayor

ATTEST:

Sheila Klevgard, City Auditor