

Ordinance No. 53

An ordinance amending ordinance number 53 adopted on 7 August 1978 regulating junk cars.

The City Council of the City of Medicine Lake do ordain as follows:

Ordinance No. 53 adopted on 7 August 1978 regulating junk cars is amended to read:

Title: Junk Car, Nuisance Vehicles, and Nuisance Recreational Vehicles

Section 01: Purpose of Ordinance

The outside parking and storage of junk cars and certain recreational vehicles is declared to be a public nuisance when it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and (d) otherwise adversely affects property values and neighborhood patterns.

Section 02: Definitions

The following definitions shall apply in the interpretation and enforcement of this section.

- (i) "Junk car" means any vehicle which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind or which is not properly licensed for operation within the State of Minnesota or by the State of Minnesota, unless special permission has been granted by the Council.
- (ii) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (iii) "Property" shall mean any real property within the City which is not a street or highway.
- (iv) "Street" or "highway" shall mean the entire width between the boundary lines of every way publicly maintained roadway when any part thereof is open to the use of the public for purposes of vehicular travel.
- (v) "Vehicle" or "recreational vehicle" means a motor vehicle or trailer as defined in Minn. Stat. 168.002, as amended, boats, all-terrain vehicles as

defined in Minn. Stat. 84.92, subd. 8, and snowmobiles but excluding small utility trailers that are clearly designed to be used for general yard and garden purposes.

Section 03: Parking or Abandonment of Junk Cars Prohibited

- (i) No person shall park, keep, place, store or abandon any junk car or vehicle on a public street, highway, roadway or alley within the City.
- (ii) No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junk car, vehicle or recreational vehicle, as defined herein and determined to be a nuisance, to remain on such property for more than 2 weeks.
- (iii) This section shall not apply to the following:
 - (a) To a vehicle or recreational vehicle in an enclosed building
 - (b) To a vehicle or recreational vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operations of such business enterprise.
 - (c) To a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or its agent.
 - (d) To vehicles or recreational vehicles (including watercraft) that are used seasonally and are owned by a person who resides on the property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
 - (e) To utility trailers that do not require licensing by the State of Minnesota Department of Motor Vehicles.

Section 04: Abatement.

- (i) **Impounding.** A police officer, sheriff, or other authorized person may order a vehicle constituting a public nuisance to be immediately removed and impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.
- (ii) **Sale.** Notice and sale of a vehicle impounded under this ordinance will be conducted in accordance with Minn. Stat. chapter 168B, governing the sale of abandoned motor vehicles.

Section 05: Right of Way Obstructions

It shall be unlawful to park for storage a recreational vehicle within four feet (4') of the driven portion of the City of Medicine Lake roadways. No construction will be allowed within the City of Medicine Lake road right of way without a permit. This will include any temporary objects or fences (except mail boxes) used as a deterrent of motor vehicles.

Section 06: This ordinance becomes effective from and after its passage and publication.

Adopted by the City Council of Medicine Lake on this 7th day of July, 2014.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk