

PURCHASING AND LICENSING COMMITTEE

09-034-0

ORDINANCE NO. _____

AN ORDINANCE REGULATING RUBBISH AND TALL GRASS, AMENDING
SECTIONS 24-6 AND 24-37 OF THE DULUTH CITY CODE.

BY COUNCILORS KRAUSE AND ECKENBERG:

The city of Duluth does ordain:

Section 1. That Section 24-6 of Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 24-6. Nuisances, rubbish, tall grass, offensive conditions and health hazards.

(a) No owner shall permit any odorous, offensive or unsightly accumulation of manure or solid waste to remain on his property or any street, alley or highway abutting such property.

The accumulation of any such odorous, offensive or unsightly substance on any property or in the streets, alleys or highways abutting the property shall be and constitute evidence that such accumulation was placed there by the owner and such owner shall be held responsible for the failure of the removal of such accumulation;

(b) Offensive conditions and vegetation. No owner, agent or occupant of any privately owned lands or premises shall establish upon, or permit upon, the owner's premises any noxious weeds as are defined in Section 18.171 of the Minnesota State Statutes, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Any weeds or grass growing upon any lot or parcel of land in the city to a greater height than ten inches or which have gone or are about to go to seed are hereby declared to be a nuisance

condition and dangerous to the health, safety and good order of the city. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which the solid waste compliance officer can demonstrate constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when the solid waste compliance officer can demonstrate that trees, brush and plant growth, due to location and manner of growth constitutes a hazard to the public or may cause injury or damage to persons or property, it shall constitute a nuisance condition. This Section 24-6 does not regulate or prohibit compost or composting as set out in MSA Section 18C.005, nor cultivation of beach grass, ornamental grasses or sedges of any height intended for perennial garden displays and recognized as suitable for such use by the University of Minnesota extension service, nor the establishment of a natural area that is not a lawn and is intended to allow the natural vegetation and trees to exist in a state similar to the native forest or prairie environment nor special purpose plantings intended to generate specific environmental benefits such as in a watergarden.

Section 2. That Section 24-37 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 24-37. ~~Same~~ Notice to owner--abatement of nuisances.

(a) Whenever the solid waste compliance officer shall deem it necessary to remove, at the expense of the owner, any solid waste, abandoned property as defined in Chapter 30 of this Code, yard waste, tires, automobile batteries, manure, dead animals or parts thereof as provided in the preceding Section, the solid waste compliance officer shall personally serve a written notice upon the owner or agent of the property affected, or, if the owner or his agent cannot be found, by posting said notice on the premises

setting forth the fact that such removal has been ordered and granting the owner or agent a reasonable period of time for the completion of such removal. Such time allowance shall in no case be less than 24 hours;

(b) Abatement of offensive conditions and vegetation. When there exists on private property a condition which is in violation of Section 24-6, a notice to remove the offensive matter or correct the nuisance condition shall be served personally or may be served by mail. Such notice shall describe the matter to be removed and require removal thereof within a reasonable period of time not to exceed 30 days, not to include Saturdays, Sundays or holidays following the service of notice. If at the end of said period of time following the service of such notice, the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition. All costs, including an appropriate administrative fee, as determined by the city, incurred by the city for the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one sum or up to ten equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this Section. In cases where there have been two authorized removals of offensive conditions and/or vegetation at a given site within a 12 month period, the third and subsequent abatement assessments shall have a double administrative fee until such time as no authorizations are required for a period of 12 months.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

CCREQ/ATTY GBJ:cjk 6/3/2009

STATEMENT OF PURPOSE: This ordinance sets standards and enforcement procedures for trees, shrubs, long grass, yard waste and solid objects.