

PUBLIC SAFETY COMMITTEE

10-044-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 12-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING DEFINITIONS OF VIOLATION AND PROPERTY VIOLATION TO REFLECT THE UDC AND ADDING CHAPTER 5 AMUSEMENTS TO PROPERTY VIOLATIONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 12-2 of the Duluth City Code, 1959, as amended, is amended to read as follows:

Sec. 12-2. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings hereinafter ascribed to them:

(a) Administrator. The city's chief administrative officer or such person or persons designated in writing by him or her to administer the program;

(b) Appeals deposit. An amount equal to one-half of the amount of the penalty for any violation as set forth in the penalty schedule;

(c) Code. Any provision of the Duluth City Code, 1959, as amended, from time to time, of any uniform code adopted by reference pursuant to said code and any provision of Minnesota Statutes the violation of which constitutes a misdemeanor or a petty misdemeanor pursuant to said statutes except as prohibited by Minnesota Statutes Section 169.999 or other specific statutory prohibition;

(d) Citation. Any written citation issued to any person charged with any violation as hereinafter described;

(e) Corrective order. An order to correct any condition constituting a property violation issued in conjunction with any citation;

(f) Delivery of citation. Either the date that a citation is physically presented to a violator or a date three days after a

citation is deposited in the U.S. mail addressed to a violator as hereinafter provided for;

(g) Issuer. The person, authorized by Section 12-4 below to issue citations, who issues any citation for any violation;

(h) Hearing officer. The person or persons designated by the city attorney to hear and decide appeals from the issuance of any citation for any violation and to hear and decide appeals from any corrective order related to any property violation;

(i) Penalty schedule. The schedule of penalties for violations of the Code adopted by the city council as provided for in Section 12-6 below;

(j) Property violations. Those violations which pertain to the existence or nonexistence of conditions on or pertaining to real property or personal property located on and having an impact on real property, which shall include such violations under the following chapters of the Code:

- (1) Chapter 5. Amusements;
- (~~2~~) Chapter 10. Buildings;
- (~~2~~) ~~Chapter 18. Erosion and Sediment Control;~~
- (3) Chapter 21. Fire Protection;
- (4) Chapter 24. Garbage and Other Solid Waste;
- (5) Chapter 28. Health and Sanitation;
- (6) Chapter 29. Hotels, Motels and Motor Courts;
- (7) Chapter 29A. Housing Code;
- (8) Chapter 30. Abandoned Property and Abandoned or Inoperative Vehicles;
- (9) Chapter 43. Sewers and Sewage Disposal;
- (~~10~~) ~~Chapter 44. Signs;~~
- (~~10~~)Chapter 44A. Skywalk System;

- (~~12~~11)Chapter 48. Water and Gas;
- (~~13~~12)Chapter 50. ~~Zoning~~ Unified Development;
- (~~14~~) ~~Chapter 51. Water Resource Management;~~

(k) Violation. Any violation of the Code, including but not limited to the following provisions of the Code:

- (1) Chapter 4. Airports;
- (2) Chapter 5. Amusements;
- (3) Chapter 6. Animals and Fowl;
- (4) Chapter 8. Beverages;
- (5) Chapter 9. Bicycles;
- (6) Chapter 10. Buildings;
- (7) Chapter 11. Cigarettes;
- (8) Chapter 15. Dances and Dance Halls;
- (~~9~~) ~~Chapter 18. Erosion and Sediment Control;~~
- (~~10~~9) Chapter 21. Fire Protection;
- (~~11~~10)Chapter 24. Garbage and Other Solid Waste;
- (~~12~~11)Chapter 25. Gasoline Filling Stations;
- (~~13~~12)Chapter 26. Harbors, Docks and Bridges;
- (~~14~~13)Chapter 27. Hawkers, Peddlers and Transient
Businesses;
- (~~15~~14)Chapter 28. Health and Sanitation;
- (~~16~~15)Chapter 29. Hotels, Motels and Motor Courts;
- (~~17~~16)Chapter 29A. Housing Code;
- (~~18~~17)Chapter 30. Abandoned Property and Abandoned or
Inoperative Vehicles;
- (~~19~~18)Chapter 33. Motor Vehicles and Traffic;
- (~~20~~19)Chapter 34. Offenses--Miscellaneous;
- (~~21~~20)Chapter 35. Parks and Recreation;
- (~~22~~21)Chapter 36. Pawnbrokers and Metal Dealers;

- (~~2322~~)Chapter 43. Sewers and Sewage Disposal;
- (~~24~~) ~~Chapter 44. Signs;~~
- (~~2523~~)Chapter 44A. Skywalk System;
- (~~2624~~)Chapter 45. Streets, Sidewalks and Public Grounds;
- (~~2725~~)Chapter 47. Vehicles for Hire;
- (~~2826~~)Chapter 48. Water and Gas;
- (~~2927~~)Chapter 49. Weapons;
- (~~3028~~)Chapter 50. ~~Zoning~~ Unified Development;
- (~~31~~) ~~Chapter 51. Water Resource Management;~~

(1) Violator. A person alleged to have committed a violation or to be legally responsible for the commission of a violation under this Chapter.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Attorney

BLDG SFTY/ATTY MAL:dma 8/30/2010

STATEMENT OF PURPOSE: This ordinance makes changes to the definition section of Chapter 12. It eliminates chapters 18, 44 and 51 from the definitions because those chapters were repealed as part of the enactment of the UDC. The reference to Chapter 50 has been changed to "Unified Development."

The ordinance also adds Chapter 5 Amusements to the definition of property violations. This addition will grant to enforcement officials the power to issue a directive to eliminate the condition giving rise to the property violation pursuant to Section 12-7(b).