

THE TOWNSHIP OF FLORENCE, GOODHUE COUNTY, MINNESOTA ORDAINS:

SECTION 1. Title and Applicable Seasons

This ordinance shall be known and cited as the Florence Township Property Maintenance Ordinance, and shall be applicable and in full force and effect from the adoption of this ordinance.

SECTION 2. Purpose

The Township hereby finds that unkempt properties can have a blighting effect on neighborhoods and can provide a refuge for rodents, vermin and insects. The purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of Florence Township by regulating property maintenance in certain areas of the township in which people reside in close proximity.

SECTION 3. Definitions

Property Maintenance: Property maintenance refers to the overall upkeep of real property or land. It may refer to the maintenance of either private residential property or commercial real estate. Property maintenance is usually performed by the property owner, although in many cases the owner may hire a maintenance company to perform the tasks.

Property maintenance services can include:

1. General and specific repairs
2. Cleaning services
3. Installation of various fixtures
4. Installation and upkeep of utilities such as plumbing, electrical, wiring, etc..
5. Structural repairs or re-installation of damaged roofing or garage doors
6. Cosmetic or aesthetic changes such as a new paint job

C. Property maintenance is sometimes included under the term “property management”. However, property management may often refer to other responsibilities such as landlord duties. Property maintenance can also overlap heavily with local health and safety codes.

D. Trash: old or discarded articles that are considered useless or of little value..

E. Inoperable motorized vehicle: As per MRSC, means any car, truck, van, recreational vehicle, motorcycle, snowmobile or other vehicle typically powered by an engine, excepting watercraft, that has been in a stationary position for more than 30 calendar days, is apparently inoperable or requires

repairs in order to be operable, or is unable to move a distance of 20 feet under its own power on a flat surface. "Inoperable motorized vehicle" may include vehicles that do not meet the definition of "junk vehicle."

F. "Junk vehicle" is a vehicle or portion thereof that meets three or more of the following criteria:
Extensively damaged, such damage including but not limited to any of the following: broken window or windshield; or missing wheels, tires, motor, or transmission;

2. Apparently inoperable;

a. Without a valid current registration or license;

b. Equal in value only to the fair market value of the scrap/parts in it.

L. Weeds : Weeds including grass over eight (8) inches in height, other than that part of a vegetable or flower garden, is regarded as a common nuisance.

M. Owner: any person holding an ownership interest in land in the Township of Florence upon which there are buildings, structures, fences in violation of the fence ordinance, junk vehicles, implements, yard waste, debris, and tall grass. . For the purposes of this Ordinance, the name and address listed on the Township tax assessment roll shall indicate ownership interest in such land.

N. Occupant: any person who has the right to occupy a parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof

O. Land Used for Agriculture: outside of the residential area-the use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

SECTION 4. Land Subject to Regulations

A. This ordinance applies to the following:

1. Lots in a platted subdivision with a structure.

2. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots, or;

3. On parcels of land along residential improved streets in common usage within the township, to a depth of one hundred sixty five (165) feet or the depth of the ownership, whichever is the lesser. This needs to be adjusted according to average lot size in Frontenac.

B. This ordinance does not apply to:

1. Land used for agricultural purposes.

2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.

3. Naturally wooded areas, regulated wetlands, prairie or meadows.
4. Areas designated as undeveloped open space as platted.

SECTION 5. Duty to Maintain Property

The owner and/or occupants of Residential land to which this ordinance applies shall not allow property to fall into disrepair, junk vehicle storage, or tall grass or weeds to grow over eight inches (8") in height throughout the growing season, including grass and weeds in the right-of-way. It shall be the duty of all owners and/or occupants of land located in Florence Township to keep property in good repair, which includes residences, outbuildings, fences and to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance, which are growing upon said property, before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health. On an undeveloped lot, tall grass and weeds must be cut back at a distance of at least thirty (30) feet from the roadway so as to allow a clear line of site.

SECTION 6. Unlawful Acts

It shall be unlawful for the owner and/or occupant of any Residential lot or parcel of land to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any accumulation of property in disrepair, or junk vehicles/implements or growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any of the above or brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Growth of grass to a length greater than eight (8) inches shall be considered to be a nuisance for the purposes of this section.

SECTION 7. Enforcement

- A. **Enforcement Officer.** This Ordinance shall be enforced by such persons who shall be so designated by the Township Board, who shall for purposes of this ordinance be the Florence Township Ordinance Enforcement Officer (OEO).
- B. **Right of Entry.** The Ordinance enforcement officer and his or her authorized representatives are hereby empowered to enter upon any residential premises or land in Florence Township for the purpose of inspecting, removing of and/or recommending destruction of buildings, fences, other structures, junk vehicles, implements, and tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or person while they are engaged in carrying out the provisions of this ordinance.
- C. **Violation Notice.** After inspection, if any property is determined to be in violation of this ordinance, a Violation Notice will be sent to the property owner and/or occupant of said premises via registered mail, in which the name appears in the last local assessment record of the Township. The notice shall be sent by both first class and/or by posting a copy of said notice on the property. The first

notice shall give the property owner 45 days from the date of the notice to make necessary building or fence repairs, remove junk vehicles, implements, yard waste, debris and cut the tall grass and weeds.

Section 8. Penalties

A. Failure to Comply. If the repairs/removal of buildings or structures, fences, removal of junk vehicles, implements, yard waste, debris or tall grass and weeds are not executed within 45 days the OEO shall have the authority to contact the Goodhue County Sheriff to enforce this ordinance and issue a \$150.00 citation. If the maintenance has not been completed in the next 30 days, an additional \$200.00 citation will be issued. If the maintenance has not been completed in the following 30 days, the owner will be notified of the maintenance work to be ordered by the County, The Township of Florence, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the maintenance of property in violation of this ordinance.

B. Assessment of costs. All expenses such as destroying unsafe structures, towing of junk vehicles, implements, yard waste or debris removal, and cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid by the owners of such land thereof per residential parcel,. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes.

Section 9. Declaration of Nuisance

Any violation of any provision of this Ordinance is hereby declared to be a nuisance and the Township may seek enforcement of the Ordinance by suit for injunction, damages, including Criminal prosecution or other appropriate legal action, against a nuisance, at the expense of the property owner under Minnesota Law for this including reasonable attorney fees. Any such civil action shall be in addition to any prosecution for violations of this Ordinance as a Township Civil Infraction. Commencement of any such proceedings shall not constitute an election of remedies.

Section 10. Severability

The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

Section 11. Effective Date

This ordinance shall be published as required by law and shall take effect immediately after its enactment and publication.

Enacted at a regular meeting of Florence Township Board held on this day of:

Mike Blair, Supervisor

Susan Eisenmenger, Clerk

DRAFT