

Town of Duluth

Prohibition Against Keeping of Junk Motor Vehicles and Junk Property in Plain View

Ordinance No. 111496

Purpose and Powers

Excessive amounts of junk motor vehicles and junk property in open view constitute a hazard to the health and welfare of the people of the Town of Duluth in that such junk can harbor and attract vermin and present physical dangers to the safety and well-being of children and other citizens. Excessive amounts of junk motor vehicles and junk property in open view are a blight on the landscape, adversely affect the environment, and adversely affect property values of nearby neighbors and of the township as a whole.

The Town of Duluth has power pursuant to Chapter 476 of the Laws of 1971 by ordinance (1) to prevent the bringing, depositing, or leaving within the town of any unwholesome substance, (2) to require owners or occupants of lands to remove any unwholesome substances, and (3) in default thereof to provide for its removal at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment. The Town of Duluth also has power, pursuant to that same Chapter, (1) to provide for or regulate the disposal of garbage and other refuse, (2) to by ordinance define nuisances and provide for their prevention and abatement, and (3) to provide for the general welfare.

In light of these problems and these powers, the Board of Supervisors of the Town of Duluth passes this ordinance.

Definitions

“Junk Motor Vehicle” means a motor vehicle that (1) does not display current license plates or (2) is not in an operable condition.

“Junk Property” means wrecked, inoperable, partially dismantled, or abandoned property other than motor vehicles that has no value other than nominal salvage value.

The term shall include by way of example (but not be limited to) the following items if wrecked, inoperable, partially dismantled or abandoned and having no value other than nominal salvage value—vehicles, not required to be licensed, refrigerators, washing machines, dishwashers, furnaces, appliances, plumbing fixtures, and furniture.

“Motor Vehicle” means a motor vehicle, either as defined in section 169.01 or any other vehicle propelled or designed to be propelled by a motor which can be licensed, including but not limited to cars, trucks, buses, all-terrain vehicles, trailers, tractors, and motorcycles. Farm machinery, farm equipment and farm implements shall not be considered a “motor vehicle” nor “junk property”.

“Open View” means that the junk motor vehicle or junk property can be seen with the unaided eye from any public road or public road easement, including any town road, county road, state road, or otherwise.

“Person” means a natural person and any legal entity such as a corporation, partnership, or association.

“Responsible Authority” means peace officers of the Town of Duluth or any other person authorized by the Board of Supervisors or the Planning and Zoning Commission of the Town of Duluth to enforce this ordinance.

Prohibitions

1. No person shall allow or permit the storage of more than two junk motor vehicles in open view on any property that the person owns or occupies within the Town of Duluth.

2. No person shall allow or permit the storage of more than five items of junk property in open view on any property that the person owns or occupies within the Town of Duluth.

The storage within the Town of Duluth of more than two junk motor vehicles in open view or more than five items of junk property in open view is hereby declared to be a public nuisance.

Enforcement

Upon observing a condition prohibited by this ordinance, the responsible authority shall issue a warning to the owner or occupant, and inform the owner or occupant that the owner or occupant will be given a reasonable time not to exceed 21 days in which to correct or cure the prohibited condition.

If, within a reasonable time, the violator has not cured or corrected the violation, the responsible authority shall issue a citation for a violation of this ordinance. Alternatively, the Town of Duluth may seek enforcement of the ordinance in any other legal means.

Exception

Any owner or occupant, upon receiving a warning to correct or cure a prohibited condition may file with the Town Clerk a written request for a hearing before the Town Board. The request for the hearing must be filed prior to the expiration of the time given in the warning for correcting or curing the prohibited condition. If a request for a hearing is filed, all enforcement is stayed until the time of the hearing, which shall be at the next regular Town Board meeting or, at the discretion of the board, at a duly noted special meeting. At the hearing, the Board may take any action or grant any relief it deems appropriate, including revoking the warning, extending the time to cure or correct the condition, agreeing to an owner or occupant's plan for correcting the condition, or reinstating the warning and the instruction to correct and cure the condition in a given time frame, not less than seven days after the hearing.

Penalties

The penalty for a violation of this ordinance is \$100 for each violation, and \$200 for any second, subsequent, or continuing violation.

If an owner or occupant does not cure or correct a violation the town may also provide for the removal of the junk motor vehicles or junk property at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment or, alternatively, may instruct the town attorney to seek injunctive relief against the owner or occupant.

Coordination With Zoning Ordinance

Nothing in the Town of Duluth's Zoning Ordinance shall be construed as inconsistent with this ordinance and, to the extent that there may be an inconsistency, the provisions of this ordinance shall supersede the provisions of the Zoning Ordinance.

BOARD OF SUPERVISORS, TOWN OF DULUTH
By: Richard Bakke, Chairperson

I hereby certify that this ordinance
Was enacted by the Town of Duluth on
The 1st day of May, 1997.

Ann Cox, Clerk of Town of Duluth