

TOWN OF FAYAL
St. Louis County, Minnesota

ORDINANCE NO. 92-1

(Revised December 1999)

AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS, OR CAUSE OF BLIGHT WITHIN THE TOWN OF FAYAL; TO REGULATE THE GROWTH OF WEEDS AND GRASSES AND THE ACCUMULATION OF GARBAGE, REFUSE, AND OTHER MATERIALS UPON THE YARDS IN FAYAL TOWNSHIP; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

The Town Board of Fayal Township does hereby ordain as follows:

Section 1. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures, activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within Fayal Township and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

Section 2. Exterior Property Areas; Vacant Properties.

- a. Sanitation. All exterior properties and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.
- b. Junk automobiles and junk equipment. In any area not zoned for junk or salvage yards, the unscreened storage of junk automobiles and equipment in excess of three (3) unlicensed vehicles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the state of Minnesota, and is either a) unusable or inoperable because of lack of, or defects in, component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. The term "junk equipment" shall include equipment such as farm machinery, all terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning requirements.

Section 3 Exterior of Structures.

- a. The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair, and not present an offensive appearance to neighbors and to the traveling public.

- b. Every exterior wall shall be free of holes or breaks and all doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

Section 4 Storage areas. The storage of excessive or unreasonable amounts of hazardous or flammable materials shall be prohibited in areas not zoned for such use.

Section 5 Vacated Structures; vacant properties. The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and/or the owner of any structure which has been vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of such vacant property shall make said lands safe and secure by barricading or fencing the property, or by placing the lands in their natural unimproved conditions and removing all dangerous conditions. Upon failure of the owner to comply, the township may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Section 6 Enforcement Officer. The zoning officer of Fayal Township, his designee, Town Peace Officer, or any other persons designated by Town Board resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7 Inspection of structures, vacant properties, generally. The enforcement officer, upon written complaint or upon his or her own action, shall be authorized to make, or cause to be made, and properly document and record, inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his representative, shall be authorized to inspect any vacant areas and the exterior areas of any premises at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained.

Section 8 Compliance Order. Whenever the enforcement officer determines that any structure or the premises fail to meet the provisions of this ordinance, the enforcement officer may issue a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations. The Compliance order shall:

- a) Be in writing.
- b) Describe the location and nature of the violations of this ordinance.
- c) Establish a time for the correction of such violation, which shall be at least ten (10) days;
- d) Notify of ability to appeal to the Town Board
- e) Be served upon the violator, either the owner, occupant, operator, or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:

- 1) Served upon him personally, or
- 2) Sent by registered or certified mail to that person's address or to the property address.

Section 9 Variance and Appeals. Appeals of interpretation or requests for variance shall be made in writing to the Town Board, and shall be filed with the Town Clerk's office within ten (10) days after receipt of the compliance order. The Town Board, at its discretion, may elect to hear appeals or requests for variance when made more than ten days after the receipt of compliance order, but such action by the board is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the board grants the appeal or variance prior to the completion of the enforcement activities. The board may grant variances in instances where the strict enforcement of the ordinance would cause undue hardship because of circumstances unique to the individual property under consideration and when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

Section 10 Growth of Weeds and grasses, and accumulation of garbage. The provisions of this section shall apply in addition to the previous sections of this ordinance.

a) Any weeds or grasses growing upon any developed, or developed portion of a lot or parcel of land within the Town of Fayal in which the weeds or grasses grow to a height greater than eight (8) inches or have gone or about to go to seed, other than grasses and plants on agricultural lands used as crop or forage, and all plants classified as noxious weeds, are a nuisance. The enforcement officer will determine if the plant growth under consideration is a nuisance under this provision. The owner and occupant shall abate or prevent such nuisance on such property.

b) The accumulation of garbage, refuse, and other materials upon any lot or parcel within the Town of Fayal, exclusive of garbage, refuse, or other materials placed in containers for the purpose of garbage disposal is a nuisance. The owner and occupant shall abate or prevent such nuisance on such property.

c) In the event that any of the nuisances, described within this section occur within the Town of Fayal, the enforcement officer may give written notice to the owner and occupant requiring them to abate the nuisance within ten (10) days of receipt of the notice. Notice shall be served upon the owner/occupant personally, or sent by certified or registered mail to that person's address or to the property address. Owners of the property may be determined by any practicable means, including the records of the County Auditor, which shall be deemed to be conclusive. If the nuisance is not abated within the time prescribed as set forth in the notice, unless appeal or variance is granted by the Town Board, the Township may cause the weeds and grasses to be cut and removed at the expense of the owner/occupant, and may remove any garbage, refuse, or other materials accumulated on such property at the expense of the owner/occupant, and if not paid, the charge for such work shall be a special assessment against the property concerned.

Section 11 Enforcement and Penalties. Violation of any provision of this ordinance, and failure to comply with the notice provided by this ordinance within the time allowed shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute a separate offense. Further, the provisions of this ordinance may be enforced by injunctive relief.

Section 12 This Ordinance Supersedes Town of Fayal Ordinance 92-1 adopted 7 July 1992

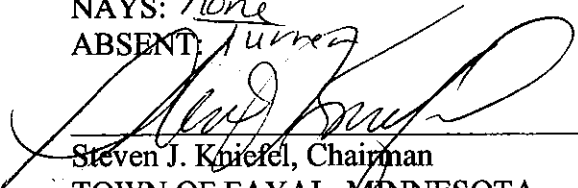
Section 13 This ordinance shall be in effect from and after its passage and publication.

Adoption of the foregoing Ordinance 92-1s moved by Kriefel seconded by Tammaro and it was adopted this 21 day of December 1999 on the following vote:

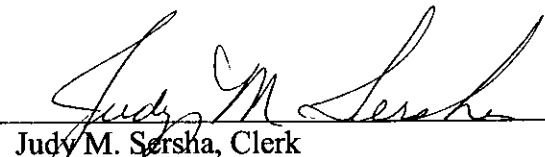
AYES: Kriefel, Tammaro, Ojanpa, Bratt

NAYS: none

ABSENT: Turner

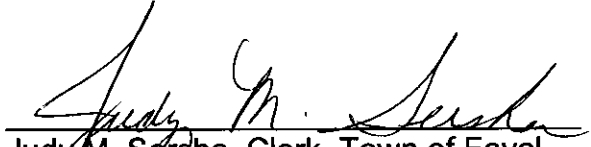


Steven J. Kriefel, Chairman
TOWN OF FAYAL, MINNESOTA



Judy M. Sersha, Clerk
TOWN OF FAYAL, MINNESOTA

Ordinance 92-1 was published according to law on November 20, 2000



Judy M. Sersha, Clerk, Town of Fayal

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

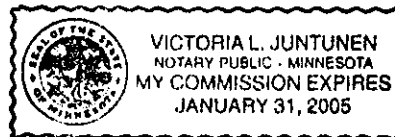
(B) The printed Town of Fayal-Ordinance No 92-1 which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Monday, the 20th day of November, 2000; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

*abcdefghijklmnopqrstuvwxyz

Victoria L. Juntunen

BY: Eileen Rioux

Subscribed and sworn to before me on this 20th day of November, 2000. Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ \$11.55 (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter \$ \$11.55 (Line, word, or inch rate)
(3) Rate actually charged for the above matter \$ \$10.30 (Line, word, or inch rate)

TOWN OF FAYAL St. Louis County, Minnesota

ORDINANCE NO. 92-1 (Revised December 1999) AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSE OF BLIGHT WITHIN THE TOWN OF FAYAL; TO REGULATE THE GROWTH OF WEEDS AND GRASSES AND THE ACCUMULATION OF GARBAGE, REFUSE, AND OTHER MATERIALS UPON THE YARDS IN FAYAL TOWNSHIP; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

The Town Board of Fayal Township does hereby ordain as follows:

Section 1. Causes of Blight of Blighting Factors. It is hereby determined that the uses, structures, activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within Fayal Township and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

Section 2. Exterior Property Areas; Vacant Properties.

- a. Sanitation. All exterior properties and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.
b. Junk automobiles and junk equipment. In

Section 5. Vacated Structures; vacant properties.

The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and/or the owner of any structure which has been vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public, and a public nuisance within the meaning of the ordinance. The owner of such vacant property shall make said lands safe and secure by barricading or fencing the property, or by placing the lands in their natural unimproved conditions and removing all dangerous conditions. Upon failure of the owner to comply, the township may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Section 6. Enforcement Officer. The zoning officer of Fayal Township, his designee, Town Peace Officer, or any other persons designated by Town Board resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7. Inspection of structures, vacant properties, generally. The enforcement officer, upon written complaint or upon his or her own action, shall be authorized to make, or cause to be made, and properly document and record, inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his representative, shall be authorized to inspect any vacant areas and the exterior areas of any premises at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained.

Section 8. Compliance Order. Whenever the enforcement officer determines that any structure or the premises fail to meet the provisions of

enforcement officer will determine if the plant growth under consideration is a nuisance under this provision. The owner and occupant shall abate or prevent such nuisance on such property.

- b) The accumulation of garbage, refuse, and other materials upon any lot or parcel within the Town of Fayal, exclusive of garbage, refuse, or other materials placed in containers for the purpose of garbage disposal is a nuisance. The owner and occupant shall abate or prevent such nuisance on such property.

c) In the event that any of the nuisances, described within the Town of Fayal, the enforcement officer may give written notice to the owner and occupant requiring them to abate the nuisance within ten (10) days of receipt of the notice. Notice shall be served upon the owner/occupant personally, or sent by certified or registered mail to that person's address or to the property address. Owners of the property may be determined by any practicable means, including the records of the County Auditor, which shall be deemed to be conclusive. If the nuisance is not abated within the time prescribed as set forth in the notice, unless appeal or variance is granted by the Town Board, the Township may cause the weeds and grasses to be cut and removed at the expense of the owner/occupant, and may remove any garbage, refuse, or other materials accumulated on such property at the expense of the owner/occupant, and if not paid, the charge for such work shall be a special assessment against the property concerned.

Section 11 Enforcement and Penalties. Violation of any provision of this ordinance, and failure to comply with the notice provided by this ordinance within the time allowed shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute a separate offense. Further, the provisions of this ordinance may be enforced by injunctive relief.

Section 12 This Ordinance Supersedes Town of Fayal Ordinance 92-1 adopted 7 July 1992.

Section 13 This ordinance shall be in effect from and after its passage and publication.

Adoption of the foregoing Ordinance 92-1 was moved by Kniefel seconded by Tammaro and it was adopted this 21 day of December 1999 on the following vote:

Original

TOWN OF FAYAL BLIGHT ORDINANCE
Adopted 7 July 1992

9-2-1

AN ORDINANCE TO PREVENT, REDUCE, OR ELIMINATE BLIGHT, BLIGHTING FACTORS, OR CAUSE OF BLIGHT WITHIN THE TOWN OF FAYAL; TO REGULATE THE GROWTH OF WEEDS AND GRASSES AND THE ACCUMULATION OF GARBAGE, REFUSE, AND OTHER MATERIALS UPON THE YARDS IN FAYAL TOWNSHIP; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

The Town Board of Fayal Township does hereby ordain as follows:

Section 1. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures, activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within Fayal Township and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

Section 2. Exterior Property Areas; Vacant Properties.

a) Sanitation. All exterior properties and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

b) Junk automobiles and junk equipment. In any area not zoned for junk or salvage yards, the unscreened storage of junk automobiles and equipment in excess of one (1) unlicensed vehicle is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the state of Minnesota, and is either a) unusable or inoperable because of lack of, or defects in, component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. The term "junk equipment" shall include equipment such as farm machinery, all terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This

TOWN OF FAYAL BLIGHT ORDINANCE
Adopted 7 July 1992

regulation is in addition to any zoning requirements.

Section 3 Exterior of Structures.

a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair, and not present an offensive appearance to neighbors and to the traveling public.

b) Every exterior wall shall be free of holes or breaks and all doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

Section 4 Storage areas. The storage of excessive or unreasonable amounts of hazardous or flammable materials shall be prohibited in areas not zoned for such use.

Section 5 Vacated Structures; vacant properties. The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and/or the owner of any structure which has been vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of such vacant property shall make said lands safe and secure by barricading or fencing the property, or by placing the lands in their natural unimproved conditions and removing all dangerous conditions. Upon failure of the owner to comply, the township may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Section 6 Enforcement Officer. The zoning officer of Fayal Township, or his designee or any other persons designated by the Town Board resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7 Inspection of structures, vacant properties, generally. The enforcement officer, upon written complaint or upon his or her own action, shall be authorized to make, or cause to be made, and properly document and record, inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his representative, shall be authorized to inspect any vacant areas and the exterior areas of any premises at any reasonable time for the purpose of performing his duties

TOWN OF FAYAL BLIGHT ORDINANCE
Adopted 7 July 1992

under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained.

Section 8 Compliance Order. Whenever the enforcement officer determines that any structure or the premises fail to meet the provisions of this ordinance, the enforcement officer may issue a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations. The Compliance order shall:

- a) Be in writing.
- b) Describe the location and nature of the violations of this ordinance.
- c) Establish a time for the correction of such violation, which shall be at least ten (10) days;
- d) Notify of ability to appeal to the Planning and Zoning Commission;
- e) Be served upon the violator, either the owner, occupant, operator, or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:
 - 1) Served upon him personally, or
 - 2) Sent by registered or certified mail to that person's address or to the property address.

Section 9 Variance and Appeals. Appeals of interpretation or requests of variance shall be made in writing to the Planning and Zoning Commission, and shall be filed with the Town Clerk's office within ten (10) days after receipt of the compliance order. The Planning and Zoning Commission, at its discretion, may elect to hear appeals or requests for variance when made more than ten days after the receipt of compliance order, but such action by the commission is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the commission grants the appeal or variance prior to the completion of the enforcement activities. The commission may grant variances in instances where the strict enforcement of the ordinance would cause undue hardship because of circumstances unique to the individual property under consideration and when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

Section 10 Growth of Weeds and grasses, and accumulation of garbage. The provisions of this section shall apply in addition to

TOWN OF FAYAL, BLIGHT ORDINANCE
Adopted 7 July 1992

the previous sections of this ordinance.

a) Any weeds or grasses growing upon any developed, or developed portion of a lot or parcel of land within the Town of Fayal in which the weeds or grasses grow to a height greater than eight (8) inches or have gone or about to go to seed, other than grasses and plants on agricultural lands used as crop or forage, and all plants classified as noxious weeds, are a nuisance. The enforcement officer will determine if the plant growth under consideration is a nuisance under this provision. The owner and occupant shall abate or prevent such nuisance on such property.

b) The accumulation of garbage, refuse, and other materials upon any lot or parcel within the Town of Fayal, exclusive of garbage, refuse, or other materials placed in containers for the purpose of garbage disposal is a nuisance. The owner and occupant shall abate or prevent such nuisance on such property.

c) In the event that any of the nuisances, described within this section occur within the Town of Fayal, the enforcement officer may give written notice to the owner and occupant requiring them to abate the nuisance within ten (10) days of receipt of the notice. Notice shall be served upon the owner/occupant personally, or sent by certified or registered mail to that person's address or to the property address. Owners of the property may be determined by any practicable means, including the records of the County Auditor, which shall be deemed to be conclusive. If the nuisance is not abated within the time prescribed as set forth in the notice, unless appeal or variance is granted by the Planning and Zoning Commission, the Township may cause the weeds and grasses to be cut and removed at the expense of the owner/occupant, and may remove any garbage, refuse, or other materials accumulated on such property at the expense of the owner/occupant, and if not paid, the charge for such work shall be a special assessment against the property concerned.

Section 11 Enforcement and Penalties. Violation of any provision of this ordinance, and failure to comply with the notice provided by this ordinance within the time allowed shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute a separate offense. Further, the provisions of this ordinance may be enforced by injunctive relief.

Section 12 This ordinance shall be in effect from and after its passage and publication.

TOWN OF FAYAL BLIGHT ORDINANCE
Adopted 7 July 1992

Passed by the Fayal Township Board of Supervisors this 7th
day of July, 1992.

Samy G. Wilson
Chairman, Fayal Board of Supervisors

Roberta M. Zattoni
Clerk, Town of Fayal

