

CHAPTER 30.

ABANDONED PROPERTY AND ABANDONED OR INOPERATIVE VEHICLES.

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Article I. Abandoned Property.

Sec. 30-1. Definitions.

As used in this Article, the following terms shall mean as follows:

- (a) Abandoned property. Tangible personal property which has been left unprotected from the elements. Such property shall also include, wrecked, derelict, inoperative, or partially dismantled trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements. Abandoned property does not mean or include an abandoned motor vehicle;
- (b) Public property. Lands and improvements owned by the United States government, the state of Minnesota, the county of St. Louis, or the city of Duluth, lying within said city, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property;
- (c) Enforcement officer. The building official of the city of Duluth or any member or members of his staff authorized by the said building official to enforce the provisions of this Chapter. (Ord. No. 7602, 11-20-1967, § 1; Ord. No. 7945, 9-18-1972, § 1; Ord. No. 9323, 12-16-1996, § 1. Ord. No. 10895, 7-29-2024)

Sec. 30-2. Unlawful storage of abandoned property.

No person shall place or leave or cause to be placed or left any abandoned property on public property within the city, or to place, leave, keep or store or cause or permit to be placed, left, kept or stored any abandoned property on private property within the city except as permitted by Chapter 50 of this Code. (Ord. No. 7602, 11-20-1967, § 1; Ord. No. 7945, 9-18-1972, § 2; Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-3. Procedure for removal of abandoned property from public property.

Whenever the enforcement officer shall ascertain that an article or articles of abandoned property is present on public property within the city, he shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This property, to-wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within seven days from the date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of the city of Duluth. Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the owner of the property, and if such is reasonably available to the enforcement officer, he shall mail a copy of such notice to the owner on or before the date of posting.

If at the end of seven days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles from public property or shown reasonable cause for failure so to do, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such article or articles shall be retained by the city of Duluth to be applied against the cost of removal and destruction thereof. (Ord. No. 7602, 11-20-1967, § 1; Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-4. Procedure for removal of abandoned property from private property.

Whenever the enforcement officer shall ascertain that an article or articles of abandoned property are present on private property within the city in violation of Section 30-3, the enforcement officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

This property, to-wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth Section violated) and must be removed within seven days from date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of the city of Duluth. Dated this: (setting forth date of posing of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall mail a copy of the notice to the owner of the real property upon which the abandoned articles are located as shown by the real estate tax records on or before the date of posting of such notice.

If at the end of seven days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles and complied with the regulation cited in the notice, the enforcement officer may cause the article or articles of abandoned property to be removed or destroyed, and the salvage value, if any, of such article or articles shall be retained by the city of Duluth to be applied against the cost of removal and destruction thereof. (Ord. No. 7602, 11-20-1967, § 1; Ord. No. 9323, 12-16-1996, § 1.)

Article II. Abandoned and Inoperative Vehicles.

Sec. 30-5. Declaration of public nuisance.

The presence, accumulation, or improper storage of abandoned motor vehicles on real property and the public streets and highways of this city is hereby found to create an unsightly condition tending to reduce the value of real property, to invite plundering, to create fire and safety hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and outside storage of such motor vehicles is further found to promote blight and deterioration in the

community and may violate the zoning regulations of the city in many instances. It is further found that such abandoned motor vehicles are often in the nature of rubbish, litter, and unsightly debris. Therefore, the accumulation and storage of such motor vehicles on real property, except as hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or other ordinances of this city or by state law. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-6. Definitions.

The following words and terms when used in this Article, shall have the following meanings:

Abandoned vehicle. Any motor vehicle which is determined by the enforcement officer to be inoperative or to which the last registered owner of record has relinquished dominion and control or which does not have attached to it current license plates or tabs as required by state law, and which is not stored in accordance with this Code.

Enforcement officer. The building official or the building official's designee or any police officer of the city.

Inoperative vehicle. Any motor vehicle which cannot be driven or propelled under its own power in its existing condition or which cannot be driven or propelled under its own power in a safe manner because of its wrecked, junked, or partially dismantled condition.

Motor vehicle. A motor vehicle, as defined in Section 33-1 of this Code.

Real property. Any land within the city which is not a public street, highway, or right-of-way. (Ord. No. 9323, 12-16-96, § 1.)

Sec. 30-7. Open storage of abandoned vehicles.

No person shall park, store, or leave or permit the parking, storing or leaving of any abandoned vehicle upon any real property, including private property, within the city for a period of 14 successive days, unless such vehicle is completely enclosed in a building or unless such vehicle is so stored or parked on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-8. Notice to remove.

(a) Whenever the enforcement officer ascertains that an abandoned vehicle is present on real property within the city, he shall cause notice to be placed upon such abandoned vehicle using substantially the following words:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED MOTOR VEHICLE AND TO THE OWNER OR PERSON(S) IN LAWFUL POSSESSION OR CONTROL OF THIS LAND. This vehicle (setting forth a brief description), located at (setting forth a brief description of the location), is improperly stored, and its present storage will be in violation of Section 30-8 of the City Code on (setting forth a date 14 days from the date of this notice) unless such vehicle is removed and stored within a building or opaque screened area pursuant to Section 30-8. Failure to remove and store said vehicle is a misdemeanor. In addition, this vehicle may be removed and disposed of in accordance with the provisions of Minnesota Statutes Chapter 168B;

(b) The notice set forth in subsection (a) of this Section shall not be less than eight inches by ten inches and shall be sufficiently weatherproofed to withstand normal exposure to the elements;

(c) In addition to the posting, the enforcement officers shall mail on the day of posting or on the day immediately following, a copy of the written notice to the last registered owner of said vehicle and to the owner or persons in lawful possession of the real property upon which the vehicle is located. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-9. Failure to remove.

Failure by the owner of the motor vehicle or owner or person in lawful possession of the real property upon which the vehicle is located to remove and store the motor vehicle after notice has been

given and the 14 day period has expired, shall constitute a misdemeanor. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-10. Abatement, removal and disposition.

(a) Abatement and removal by city. If the registered owner of any motor vehicle which is in violation of this Article or if the owner or person in lawful possession or control of the property upon which such vehicle is located shall fail, neglect or refuse to remove or house such vehicle in accordance with the notice, the motor vehicle shall be deemed abandoned and the enforcement officer may remove and dispose of such vehicle;

(b) Removal and disposal of abandoned vehicles. The removal and disposal of said vehicles shall be made in accordance with the provisions set forth in Minnesota Statutes Chapter 168B. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-11. Entry for removal or abatement.

Any person, at the direction of the enforcement officer, is hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this Article. It is unlawful for any person to interfere with or hinder such person so authorized to enter upon private property in the performance of these duties. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-12. Prohibition on streets, highways, or rights-of-way.

It is unlawful for any person to do the following:

(a) Park or leave an inoperative vehicle in the right-of-way of public streets, provided that a reasonable time, not to exceed 24 hours from the time of disability, is permitted for the removal or servicing of a disabled motor vehicle;

(b) Store abandoned property as defined in this Chapter or solid waste as defined in Chapter 24 for more than seven days in a motor vehicle or trailer parked on a street, or on private property, outside of a garage in any district zoned residential or suburban under Chapter 50 of this Code. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-13. Restoration of vehicles.

Notwithstanding provisions of this Chapter to the contrary, one motor vehicle that is being kept for restoration purposes may be stored on each residential parcel of land if:

(a) The motor vehicle is kept under a tarp or is kept behind opaque visual screening; and

(b) Substantial and verifiable progress is made toward the restoration of the vehicle beginning within 180 days after it is parked on the lot and continuing thereafter until the restoration is completed. (Ord. No. 9323, 12-16-1996, § 1.)

Sec. 30-14. Appeals.

Any person aggrieved by a decision of the enforcement officer in the enforcement of this Chapter may appeal the decision to the building appeal board in the manner set forth in Section 10-5 of this Code. (Ord. No. 9323, 12-16-1996, § 1.)