

TITLE XV: LAND USAGE

CHAPTER 158: PROPERTY MAINTENANCE

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§ 158.01 PURPOSE AND POLICY.

(A) *Purpose and policy.*

(1) This chapter provides a practical method to regulate the maintenance and use of existing properties and buildings within the City of Hastings for the purpose of protecting the public health, safety and welfare.

(2) This chapter:

- (a) Establishes minimum standards for maintenance property and buildings; and
- (b) Provides for administration and enforcement.

(B) *Intent.* The Council finds there exists in the city numerous properties which are substandard in 1 or more important features of structure or appearance. Such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight. Adequate protection of public health, safety and welfare requires the establishment and enforcement of minimum property maintenance standards. The City Council intends that this chapter be an integral part of the city's program of health, safety, building and land use regulation. This chapter is to be construed liberally, in conjunction with other provisions of the City Code, to give effect to the policy, purpose and objectives of this section, but is not construed to modify, amend or otherwise alter the provisions of the City Code relating to health, safety, structure or land use regulation. (Prior Code, § 18.01)

§ 158.02 DEFINITIONS.

The following terms as used in this subchapter shall have the meaning stated:

APPROVED. As approved by the Property Maintenance Inspector.

BOARD OF APPEALS. The City Council of the City of Hastings.

CARPORT. A shelter for an automobile, consisting of a roof extended from the side of a building, sometimes with an additional wall.

COMMERCIAL VEHICLES/EQUIPMENT. Includes but is not limited to backhoes, dump trucks, landscaping equipment, skid steers, wood chippers, cube or box type trailers or trucks, tow trucks, tractor trailers, semi-trailers, farm trailers, custom service vehicles, such as, but not limited to, well-drilling machines, wood- sawing machines, cement mixers, rock crushers, road grader, ditch digger, grading equipment; typical household or property maintenance service vehicles, any service vehicle engaged in a business which includes the repairing or servicing of vehicles, snow removal and road maintenance equipment and vehicles and all trailers designed for, or frequently used to transport any of the above.

DETERIORATED. Materials or conditions that are substandard and are in need of repair or replacement.

EXTERIOR SURFACE. Any surface exposed to weather conditions.

FAILED PAINT. Paint which is cracked, flaked, blistered, pealed, chalked, scaled over 20% or more of any wall surface or fence surface, or has failed to provide a protective surface for the base material.

FULLY SCREENED. Enclosed by use of a wall, fence or partition to hide the view of an object or property so as not to be readily visible from adjacent property.

HAZARDOUS TREES or BRUSH. Any tree(s) or brush that jeopardizes the structural integrity of a building, fence or structure or endangers human safety.

LOT. A separate parcel, tract or area of land undivided by any public street or approved private road, established by plat, metes and bounds subdivision, or otherwise permitted by law, and occupied or intended to be developed for and occupied by a principal building or group of buildings or accessory buildings, or utilized for a principle uses and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this city code for such building, use or development.

MISCELLANEOUS MATERIAL. **MISCELLANEOUS MATERIAL** includes, but is not limited to, wood pallets and miscellaneous construction materials, glass, wire, metal items, vehicle or bicycle parts, tires, gasoline cans, plastic containers, indoor furniture, cookware or other items meant for indoor use, propane tanks, used oil, used antifreeze, paper, wrappings, cardboard, tin cans, leaves, yard clippings, bricks, batteries, plaster, cement and mattresses.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways. It includes any vehicle propelled or drawn by a self-propelled vehicle.

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, including motor scooter and bicycles with motor attached, other than those vehicles defined as motorized bicycles.

MOTORIZED BICYCLES. A bicycle that is propelled by a motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of 2 brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with no more than 1% grade in any direction when the motor is engaged.

ORDER TO REPAIR. An order from the City of Hastings to a property owner that requires maintenance or repairs to be done to correct a Property Maintenance Ordinance violation.

OWNER'S AGENT. A person with written permission from the owner, legal guardian or power of attorney, able to represent the owner's interests.

PASSENGER VEHICLES. Passenger automobile, pick-up truck, van, self-propelled recreational vehicle motorcycle, motorized bicycle, school bus or farm truck.

PICK-UP TRUCK. Any truck with a manufacturers nominal rated carrying capacity of 3/4 ton or less, commonly known as a pick-up truck.

PROPERTY MAINTENANCE INSPECTOR. The person or persons who have been authorized by the Hastings City Council to enforce the Property Maintenance Ordinance which shall include the Building Official and the Supervisor of Inspections and Code Enforcement.

RECREATIONAL VEHICLES/EQUIPMENT. Motorized or non-motorized; includes but is not limited to boats, boat trailers, travel trailers, pick-up campers and coaches, tent campers, tent trailers, canoes, motor homes, jet skies, all-terrain vehicles, go-karts, mud trucks, stock cars, stock car trailers, buses, snowmobiles, snowmobile trailers, jet ski trailers, truck toppers, and enclosed box trailers, whether occupied or not with equipment or vehicles, and all trailers designed for or frequently used to transport any of the above.

SEMI-TRAILER. **SEMI-TRAILER** means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

SPECIFIC AREA. One part or piece of a larger surface or assembly.

TRAILER. Trailer means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle.

TRUCK-TRACTOR. Also known as a **TRACTOR-TRAILER**, a **TRUCK-TRACTOR** is a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weigh of the vehicle and load drawn.

VAN. Any vehicle of box-like design with no barrier or separation between the operators and the remainder of the cargo-carrying area, and with a manufacturers nominal rated capacity of 3/4 tons or less.

VEHICLE. Any motor vehicle, passenger vehicle, recreational vehicle/equipment or commercial vehicle/equipment.

VIOLATION NOTICE. Notice in writing given to the owner of record of a violation of the City of Hastings Property Maintenance Ordinance. (Prior Code, § 18.02)

§ 158.03 ENFORCEMENT.

(A) *Enforcement.* The Hastings City Council shall authorize the Inspections and Code Enforcement staff as assigned by the Supervisor of Inspections and Code Enforcement to enforce this chapter under the title of Property Maintenance Inspector.

(B) *Inspections.* The Property Maintenance Inspector shall make inspections and take any such action as may be required to enforce the provisions of this chapter.

(C) *Right of entry.* Whenever the Property Maintenance Inspector has reasonable cause to believe that there may exist in any building or on any property any condition that is in violation of this chapter, the Property Maintenance Inspector may enter the building or property at reasonable times to make inspections or to perform any duty required to administer said chapter. The Property Maintenance Inspector shall first present proper credentials and request entry. If the property is unoccupied the inspector shall mail notice to the owner of record by certified mail 7 days prior to inspection. If entry is refused the building inspector shall have recourse to every remedy provided by law to secure entry, including the right to secure a proper inspection warrant.

(D) *Violations.* When a property or building is in violation of this ordinance, the property owner of record shall be issued a Notice of Violation and Compliance Order in writing to include the following information:

- (1) A description of the property sufficient for identification.
- (2) Description of the violation(s) and the action required to remedy the violation(s).
- (3) Provision of reasonable time to perform any remedy to be completed.
- (4) Notice of any action that may be taken by the city if repairs are not made in a reasonable time period.
- (5) Notice of any right of appeal.

(E) *Appeals.* Any person aggrieved by a violation notice and order to make repairs to property shall have the right to appeal. The Board may uphold the violation; void all violations; or, change any described violation by adding violations, removing violations or changing the order to repair.

(F) *Appeal procedure.* Any property owner or owner's agent that has been served with a violation notice and an order to repair shall have the right to appeal the order to the Board of Appeals and Adjustments within 30 days after receiving the compliance order. All appeals shall be made to the Supervisor of Inspections and Code Enforcement in writing with any information to substantiate the appeal. The appeal shall be considered by the Board of Appeals and Adjustments under provisions established for consideration of the appeals under § 30.02. (Prior Code, § 18.03)

§ 158.04 PROPERTY MAINTENANCE REQUIREMENTS.

(A) *Abandoned and non-operational motor vehicles.* It is unlawful to park or store on any property within the city any abandoned or non-operational or unlicensed motor vehicle, unless housed within a building which complies with City Code.

(B) *Parking and storage of vehicles.*

(1) It is unlawful to park or store on a residential lot, outside of a building that complies with city code, vehicles in excess of the amount permitted by this division.

(2) In the Agricultural and R-1 Zoned Residential Districts, it is unlawful to park or store more than a combined total of 5 vehicles outside of a structure on a lot. Of these 5 no more than 2 may be of the recreational vehicle/equipment category or the commercial vehicle/equipment category, combined.

(3) In R-2, R-3, R-4, R-5 Residential Districts, it is unlawful to park or store on a residential lot more than a combined total of 3 vehicles per residential dwelling unit outside of an enclosed structure on any lot. Of these 3, only 1 may be of the recreational vehicle/equipment or commercial vehicle/equipment category.

(4) For those allowed in this division, the following conditions shall apply:

(a) No recreational vehicle/equipment or commercial vehicle/equipment shall be parked or stored at the street end of a driveway within the boulevard portion of the public right-of-way.

(b) No more than 1 currently licensed recreational vehicle/equipment or commercial vehicle/equipment may be parked in a driveway on a residential lot and it must also be 8 feet or less in height.

(c) One currently licensed recreational vehicle/equipment or commercial vehicle/equipment may be parked on the lot behind the nearest portion of the building closest to a street.

(d) No motor vehicles, passenger vehicles, recreational vehicles/equipment or commercial vehicles/equipment shall be used for the purpose of a residence and/or housekeeping, in any zoning district, unless approved by the City.

(e) Except as provided in (B)(4)(b) above, no commercial vehicles/equipment may be parked or stored on a residential lot outside of a structure, except while work is being performed at the property.

(f) Except as provided in (B)(4)(b) above, recreational vehicles/equipment can be parked in a driveway for a period not to exceed 72 hours for the purpose of loading and unloading.

(C) *Storage of miscellaneous materials and equipment.*

(1) *Screened.* All miscellaneous materials and equipment not enclosed within an approved shelter or approved cover, shall be fully screened so as not to be visible from adjoining properties.

(2) *Exceptions.* Hot tubs, clothes lines, playground type equipment, construction, agricultural, landscaping materials or equipment currently being used to perform work on the premise.

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(D) *Grass and weeds on private property.*

(1) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city to allow any vegetation such as weeds or grass growing upon any such lot or parcel or land to grow to a height greater than 12 inches or to allow such weeds or grass to go to seed.

(2) If any such owner, occupant or agent fails to comply with this height limitation and after notice given by the Property Maintenance Inspector, or his or her agent, has not complied within 72 hours of such notice, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The city shall certify to the Dakota County Auditor, a statement of cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes. (Ord. 513, passed 4-22-2004)

(E) *Trees, brush, shrubs on private property.*

(1) Any tree, shrub or brush that grows against any building or fence which represents a hazard to the structural integrity of said building or fence shall be removed or trimmed to prevent damage.

(2) Trees, tree limbs, brush or shrubs that are dead, damaged and hazardous by nature shall be removed and disposed of in a legal manner.

(F) *Electrical wires, fixtures, and devices on private property.*

(1) No electrical wires shall hang less than 10 feet above the ground or 12 feet from a driveway surface.

(2) Loose hanging electrical fixtures, wires and devices shall be repaired, replaced or properly abandoned.

(G) *Storm water runoff.* Storm water runoff from roofs, decks, yards and other surfaces shall drain so as not to represent a hazard to other properties or stain, discolor or degrade siding and other building surfaces.

(H) *Repair and maintenance of existing buildings.* All buildings within the city shall be maintained as indicated below. Existing uses shall comply with these provisions within 12 months following passage of this chapter.

(1) *All surfaces in general.*

(a) All exterior surfaces shall be of material manufactured or processed specifically for use in weather exposed location.

(b) All surfaces must be kept reasonably weather tight and rodent proof.

(c) Exterior wood, not decay resistant by processed or natural means must be protected by paint, stain or other approved treatment and applied as approved for use by the manufacturer.

(d) Exterior surfaces shall be maintained free of cracks, tears, breaks from deterioration or neglect.

(e) Exterior protective surfaces on all buildings shall be maintained in good repair so as to provide a sufficient covering and protection of structural members, insulation and interior finishes.

(f) All visible rot shall be deemed deteriorated and must be replaced or repaired.

(2) *Roof.*

(a) Roofs shall be maintained in a weather tight and water proof condition.

(b) Loose, broken and missing roofing materials shall be repaired or replaced as per manufacturers' recommendations. All repairs shall match original color, style and application as close as possible or as approved by the city.

(c) All roofing materials shall be applied to suitable base or sheathing according manufacturer's recommendations. Rotted or deteriorated structural members and sheathing shall be replaced prior to the installation of roofing materials.

(d) Severely deteriorated roofing materials shall be replaced. When 25% or more of granule mineral surface coating is missing from the surface of asphalt roofing products, the roofing shall be considered severely deteriorated.

(3) *Foundations.*

(a) All foundations shall be constructed of materials that are resistant to rot such as: concrete, stone, brick or FDN .60 CCA retention preservative treated lumber to a point 6 inches above the finished grade.

(b) All foundations shall be maintained to support the intended loads.

(c) All foundations shall be repaired if any brick, stone, block or other component has fallen out or has deteriorated.

(d) All foundations shall be deemed out of repair if more than 20% of mortar is loose or has fallen out.

(e) All foundations shall be rodent proof and shall not have cracks more than 1/4 inch in width.

(4) *Exterior walls, soffit, fascia and trim.*

(a) All surfaces shall be free of rot, damaged or missing pieces and shall provide complete weather protection.

(b) All exterior surfaces on which the paint has blistered, peeled, cracked, flaked, scaled or chalked away or has failed to provide a protective surface over any wall to an extent of 20% or more of surface area, including windows, doors, trim, rails, cornice, siding, fascia, soffit and other such areas shall be deemed to be out of repair and must be repainted with materials approved for use, applied per manufacturer's recommendations. Patching of existing painted areas shall be matched in color as close as possible.

(c) All missing trim pieces shall be replaced to match existing trim.

(5) *Exterior doors, windows.*

(a) All exterior doors and windows shall be set square in secured frames and fully operable. Doors and windows may be secured in a closed position if not necessary for egress or fire escape.

(b) All broken or missing glazing or screens shall be replaced in doors and windows with new glazing or screens. All broken or missing glazing in doors or areas subject to human impact shall be replaced with safety glass as approved by the Building Official or which meets UBC Standard No.

(c) Exterior paint must be maintained per as described herein.

(d) Exterior masonry or brick chimneys will be deemed to be out of repair if 10% or more of the pointing is loose, has fallen out or if any brick, masonry unit or stone is loose or fallen out.

(6) *Steps, sidewalks, porch, decks, etc.*

(a) All exterior steps, porches, decks, and sidewalks (located on private property) shall be repaired with decay resistant materials unless protected by a roof.

(b) All rotted or missing materials shall be repaired.

(c) Steps, porches, and decks shall be repaired if settlement has occurred at a rate of 1/2 inch in 1 foot.

(d) Cracked or buckled sidewalks (located on private property) with 1 inch difference in height between must be repaired.

(e) Exterior paint must be maintained as per division (H)(4)(d).

(7) *Fences.*

(a) Fences shall be deemed deteriorated if any of the following conditions occur: rotted, missing or broken parts, if they are unstable leaning or failed paint over more than 20% of any fence surface.

(b) Existing fences shall not be constructed with materials designed to cause an injury such as fencing charged with electricity or barbwire.

(c) Fences may not cause a hazard by blocking a drivers view of an oncoming vehicle or pedestrian. (Prior Code, § 18.04) (Ord. 418, 2nd Series, passed 11-3-1997; Res. 1-9-00 passed 1-18-2000; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-10, 3rd Series, passed 8-18-2008) (Ord. 2014-12 3rd Series, Adopted on 5-19-14)

§ 158.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall separately for each and every violation and non-compliance, respectively, be guilty of a misdemeanor. The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior Code, § 18.05) (Ord. 418, 2nd Series, passed 11-3-1997; Res. 1-9-00 passed 1-18-2000)