

FLORENCE TOWNSHIP PROPERTY MAINTENANCE ORDINANCE (revised version approved by Town Board in November 2022)

THE BOARD OF SUPERVISORS OF FLORENCE TOWNSHIP, GOODHUE COUNTY, MINNESOTA (“the Board”), HEREBY ORDAINS:

SECTION 1: TITLE

This ordinance shall be known as the Florence Township Property Maintenance Ordinance (herein, the “Ordinance”).

SECTION 2: PURPOSE

Deteriorating or unkempt properties have a blighting effect on Florence Township, increasing the likelihood of break-ins, endangering children playing around them and providing 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 areas in which people reside in close proximity.

SECTION 3: DEFINITIONS

The definitions of words elsewhere defined in the Florence Township Zoning Ordinance are incorporated by reference. The following words are further defined for the purposes of the Ordinance.

HPC: The Florence Township Heritage Preservation Commission, an advisory committee established by the Township’s Board of Supervisors to review proposed construction and development in the Florence Township Historic District.

Junk vehicle: Any car, truck, van, recreational vehicle, motorcycle, snowmobile, or other vehicle or portion thereof (except watercraft) that has been in the same stationary position for more than 30 days and that meets at least one 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; not in sufficient repair for it to be capable of being operated on its own power; without a valid current registration or license; equal in value only to the fair market value of the scrap or parts in it.

Land used for agricultural purposes: Land used for tilling of the soil, the raising of field or tree crops, or animal husbandry, as a source of income, located in the A-1 or A-2 zoning districts.

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, rental agreement, or other permission given by the Owner or the Owner’s agent, and who has the right and duty to perform property maintenance upon the parcel of property they occupy.

Ordinance Enforcement Officer: A person appointed by the Board to inspect and provide findings to the Board and its designees for the enforcement of the Ordinance.

Owner: Any person holding an ownership interest in land in Florence Township upon which there are buildings, structures, fences, 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 be prima facie evidence of the ownership interest in such land. A person holding a vendor's interest in a sale by contract for deed of a property will not constitute an Owner for purposes of the Ordinance.

Property maintenance: Refers to the overall upkeep of property or land both for residential property and commercial real estate. Property maintenance includes: 1. General and specific repairs. 2. Cleaning services. 3. Installation of various fixtures. 4. Installation and upkeep of utilities such as plumbing, electrical and wiring. 5. Repairs of buildings, including but not limited to repair of damaged roofing, siding, or garage doors. 6. Cosmetic or aesthetic changes such as new paint.

Rubbish: Deteriorating or discarded articles considered useless or of little value, including but not limited to garbage, litter or refuse; fallen dead trees and brush; accumulated leaves or vegetation; wreckage from buildings or other structures; junk tires, broken or damaged fixtures, mattresses, boxes, crates, paper, cardboard, or other similar debris.

SECTION 4: LAND SUBJECT TO REGULATIONS

A. This Ordinance applies to the following property in the R-FHD-1 and the R-1 zoning districts:

1. Lots in a platted subdivision with a structure built upon them.
2. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots.
3. On parcels of land along residential improved streets, that portion of the parcel within one hundred sixty-five (165) feet of the adjoining street or the depth of the parcel, whichever is the less.

B. This Ordinance does not apply to land used for agricultural purposes.

SECTION 5: DUTY TO MAINTAIN PROPERTY

The Owner and Occupants of land to which this Ordinance applies shall not allow property to fall into disrepair or to have junk vehicles upon them. It shall be the duty of all Owners and Occupants of land located in Florence Township to which this Ordinance applies to keep their property in good repair, which includes residences, outbuildings, and fences. "Disrepair" as applied to housing shall mean to not be fit for human habitation. "Disrepair" as to other structures shall mean to no longer be fit for the purpose for which the structure was constructed.

SECTION 6: VIOLATIONS

It shall be unlawful for the Owner or Occupant of any property in the R-1 or R-FHD-1 districts to which this Ordinance applies to allow or maintain any accumulation of rubbish, junk vehicles, or to allow the property to remain in disrepair, or to allow rubbish to be a traffic or fire hazard.

SECTION 7: HISTORIC PROPERTIES

This Ordinance has particular application in the R-FHD-1 zoning district. Owners of contributing historic properties, and especially those registered in the National Register of Historic Places have a special duty to maintain their buildings' structural and architectural integrity and shall not allow their properties to remain in disrepair (i.e., fail to provide appropriate property maintenance and repairs). Examples of such disrepair include but are not limited to broken windows or doors, openings in a building's exterior envelope that allow the elements and animals to enter, and leaky roofs.

SECTION 8: DECLARATION OF NUISANCE

Any violation of any provision of this Ordinance is hereby declared to be a public nuisance. In addition to the enforcement procedures described above, the Board may seek enforcement by suit for injunction, damages, including criminal prosecution or other appropriate legal action at the expense of the property owner under Minnesota law, 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 9: ENFORCEMENT

In the event of a violation of the Ordinance occurring, the following procedure may be followed by the Board for enforcement of the Ordinance, unless exigent circumstances require otherwise:

A. First Notice. The Board shall send to the property's Owner a notice by U.S registered or certified mail, return receipt requested, or such other delivery method that will allow verification of receipt by the property's Owner that describes the violation(s) and orders that they be corrected within 45 days of the date of the notice being sent. The Board will cause the notice to be copied to the Planning Commission, the HPC and the Township's attorney, but the failure to do so is not a precondition for the enforcement of the Ordinance.

B. If the violations are not addressed within 45 days, the Board may do the following:

1. Inspection and right of entry: Appoint a Supervisor or other Ordinance Enforcement Officer to inspect the property in violation, including entering the property for purposes of verifying and documenting the violation of the Ordinance. No person shall molest or interfere with such person or persons while they are engaged in performing these duties.
2. Second Violation Notice: After inspection, the appointed Ordinance Enforcement Officer will report their findings to the Board. If the Board determines that of the property continues to be in violation of this Ordinance, a second violation notice will be sent to the Owner and any Occupant of the property by hand-delivery, registered or certified mail, return receipt requested, or such other method of delivery that will allow verification of receipt by the Owner. A copy of the notice shall also be posted on the property. The second violation notice shall be copied to the Planning Commission, the HPC and the Township's attorney, but the failure to do so will not be a precondition to enforcement. This second violation notice shall list the uncorrected violations, invite the Owner to appear before the Board to within 45 days of the notice being sent to the Owner, and advise the Owner if the violations are not corrected, or if the Board does not grant additional time for their correction upon request of the Owner, the Board may proceed to employ any or all of the remedies and penalties in the Ordinance to require compliance with it.

SECTION 10: PENALTIES

Violations of this Ordinance that remain uncorrected after the expiration of the time period for correction stated above may be penalized and abated as a public nuisance and a health and safety hazard, as follows:

A. Penalties. Any person who violates the Ordinance and fails to correct the violation within the time periods noted above shall be guilty of a misdemeanor and upon conviction therefore shall be punishable in accordance with Minnesota law, along with responsibility for all costs and attorney fees for the prosecution thereof. In addition, the Board may issue citations for violations with reasonable fines in the amount to be determined from time to time, including per diem fines for each day that a violation continues to remain uncorrected.

B. Abatement Procedure and Assessment of Costs.

1. If the Owner of the violating premises fails to abate the violations within the time stated above, in addition to or instead of the penalties stated above, the Township, by and through its authorized personnel, may enter upon that property and abate the violation by any reasonable means, including the contracting with a private person to do so. Any expenses incurred by the Township in the abatement of a public health and safety hazard under this Section shall be a service charge that is the responsibility of the Owner. Expenses may include but not be limited to destroying or stabilizing deteriorating or unsafe structures, towing of junk vehicles, implements, yard waste or debris removal, including 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 necessary or convenient to carry out the requirements of this Ordinance. The Owner will be notified of the work that the Township intends to carry out no less than fourteen days prior to the work commencing. Florence Township, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the remediation.

2. If such expenses billed to the Owner are not paid within sixty days of the Owner being invoiced, these expenses may be assessed against the property and collected as provided for service charges under Minnesota Statute Section 366.012, including the attorney's fees expended for that purpose.

SECTION 11: FINANCIAL HARDSHIP

The Board may, upon reasonable proof of financial hardship to a violating Owner, reduce, extend, or otherwise ameliorate the penalties and costs for the enforcement of the Ordinance. "Financial hardship" shall mean that the cost of compliance with the Ordinance or abatement of the violation may cause the Owner to lose the property upon foreclosure of the Township's service charges assessed to it. Property owners facing financial hardship may be eligible for grants or low-interest loans. Information about such aid can be found on the website of the Minnesota State Historic Preservation Office:

<https://mn.gov/admin/shpo/registration/nrhp/nrfaqs/>

SECTION 12: SEVERABILITY

The provisions of this Ordinance are declared to be separate and severable. 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. The Board hereby declares that it

intends to pass each section, subsection, clause, and phrase of this Ordinance irrespective of the fact that any other section, subsection, sentence, clause, or phrase be declared unconstitutional or beyond its power to enact.

SECTION 13: EFFECTIVE DATE

This Ordinance shall be effective immediately upon the formalities for its enactment required by law being completed.

Enacted at a regular meeting of the Florence Township Board held on this ____ day of November 2023:

Mike Blair, Supervisor

Susan Eisenmenger, Clerk