

CITY OF MOUNTAIN LAKE, MN

ORDINANCE #2-20

AN ORDINANCE OF THE CITY OF MOUNTAIN LAKE AMENDING CHAPTER 8: SECTION 8.01. STORAGE, DEPOSIT, AND DISPOSAL OF REFUSE; STORAGE OF JUNK VEHICLES, HOUSEHOLD FURNISHINGS, AND APPLIANCES ON PUBLIC OR PRIVATE PROPERTY; ABANDONING OR STORING A VEHICLE; NUISANCE.

The City Council of the City of Mountain Lake ordains that *Section 8.01 be amended as follows:*

Added language is *italicized*.

Subdivision 1. Definitions. The following terms, as used in this Section, shall have the meanings state:

1. “Abandon” –A motor vehicle as defined in Minnesota State Statute 169.01 and has remained illegally on public or private property for more than 48 hours, is in an inoperable condition, lacking vital components.
2. “Commercial Establishment” – Any premises, where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.
3. “Inoperable” – Any motor vehicle as defined in Minnesota Statutes, Chapter 169.
4. “Junk Vehicle”
 - a. Any unlicensed or unregistered motor vehicle or any inoperable vehicle.
 - b. Is extensively damaged, with the damage including but not limited to things as broken or missing wheels, motor, drive train or transmission;
5. “Motor Vehicle” – A vehicle as defined in Minnesota Statutes, Chapter 169. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.
6. “Multiple Dwelling” – Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities in each.
7. “Lawfully Erected Building”, Shall follow the Minnesota State Building Code which provides for the Application, Administration, and Enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and or structures in the City; provides for the issuance of

permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

8. “Recycle materials or recyclables” – Materials that are separated from the mixed municipal solid waste for the purpose of recycling.
9. “Recycling” - The process of collecting and preparing recyclable materials and useable materials in the original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
10. “Recycling Collection” – The collection of recyclable materials from the residence or commercial dwelling in a manner specified by the City.
11. “Refuse” – All waste, garbage, rubbish, trash or debris of all kinds that accumulate, organic and inorganic, including but not limited to, food, food products, bottles, cans, glassware, paper or paper products, rags, discarded clothing and other household waste, tires, scrap metal, ash, trees, lawn clippings, animal waste and waste resulting from building construction or demolition. It does not include industrial waste, hazardous wastes, human waste or other waste managed as waste streams separate from mixed municipal solid waste. However, nothing herein shall prevent a homeowner from having a compost pile in his or her back yard if it is properly maintained so that it does not become a public nuisance, cause objectionable odors, or harbor rodents or vermin.
12. “Residential Dwelling” – Any single building consisting of one to four dwelling units with individual facilities for each unit.
13. “Vehicle” – Any motor vehicle or recreational vehicle or farm implement.
14. “Person” - ***For purposes of this section, persons responsible for compliance of this section shall include any person or legal entity in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise and owners of such vehicles regulated by this ordinance.***

Subdivision 2. Storage and Deposit of Refuse.

1. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five- to thirty- gallon metal or plastic containers with tight-fitting covers, or in bags or containers authorized by the City’s garbage contractor, which shall be maintained in a clean and sanitary condition; provided, however, that tree leaves weeds and grass clippings may be store in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds and no longer than four feet.

2. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted.
3. It is unlawful for any person to store refuse on commercial establishment premises for more than one week or at more frequent intervals if the City orders that it is necessary to protect the public health. Such storage shall be in containers as for residential dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted.
4. Unless the collector agrees to another location on the premises, waste must be deposited for collection adjacent to the street or alley that the collector will use. It must be in one place at ground level and off the traveled roadway. Waste may not remain adjacent to a street or alley for a period longer than twenty-four (24) hours if not collected and must be removed by the tenant, lessee, owner or occupant.
5. It is unlawful for any person to store organic refuse unless it is drained and wrapped.
6. A person must not deposit waste into a waster container owned by another without the other person’s prior permission.
7. A person must not permit waste to accumulate on property under that person’s control if it constitutes a nuisance by reason of appearance, odor, sanitation, or is a fire hazard.
8. It is unlawful for any person to deposit refuse from any source, rubbish, offal or the body of a dead animal, in any place other than a site approved by the City or other governmental agency with regulatory authority.
9. It is unlawful for any person to store, deposit or dispose of any refuse, which is in flames or heated to the point where it could cause the danger of fire in other refuse.
10. Operation of Sanitary Landfill or other Disposal Sites. The Council may, by resolution, adopt, and from time to time amend, adjust and revise such rules, regulations, rates and charges as it deems necessary or proper for the proper disposal of refuse at a sanitary landfill or other disposal sites. It may give notice of any such action, as it deems necessary.

Subdivision 3. Storage of Motor Vehicles and/or Junk Vehicles.

1. It is unlawful for any person to park or store any unlicensed, unregistered or inoperable motor vehicle, or parts or components thereof on any property, public or private, unless housed within a lawfully erected building.
2. It is unlawful for any person to utilize off street automobile parking space shall for open storage or for the storage of vehicles which are inoperable, for sale or for rent.

3. It is unlawful ***for any person*** to park or store any junk vehicle or parts or components thereof on any property, public or private, unless housed within a lawfully erected building. This section shall not apply to premises on which a junk dealer lawfully carries on such business.

Subdivision 4. Household Furnishings and Appliances.

1. It is unlawful ***for any person*** to store any household furnishings, appliances or parts or components thereof on any property, public or private, unless housed within a lawfully erected building.
2. It is unlawful for any person being the owner or in possession or control thereof, to store or dispose of an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, on his property in a manner accessible to children, without removing the doors, lids hinges, or latches.

Subdivision 5. Construction Materials.

It is unlawful ***for any person*** to store any lumber and construction materials, shingles, lawn pavers, decking materials or components thereof, on any property, public or private, unless housed within a lawfully erected building. This section shall not apply to lumber and construction materials if the occupant of the premises has a valid building permit.

Subdivision 6. Miscellaneous Waste.

1. **Waste Oil.** A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the MPCA.
2. **Household Waste.** All household hazardous wastes shall be disposed of through the Cottonwood County Household Hazardous Waste Program, or a facility designated by the Cottonwood County Board.
3. **Lead Acid Batteries.** A person may not place a lead acid batter in mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries are to be taken to a lead acid battery recycling facility.

Subdivision 7. Violation.

Any violation of this section is declared to be a nuisance and upon ten (10) days written notice to ***any person responsible for compliance and the owner*** of private premises on which such material is found, ***and after providing an opportunity to request a hearing, the City may remove the same and certify the cost of such removal as any other special assessment pursuant to the procedure set forth in Section 8.03, Subdivision 6.***

Passed by the City Council of Mountain Lake, Minnesota this 21st day of January, 2020.

Mike Nelson, Mayor

Attest:

Michael Schulte, City Administrator