

**CITY OF NEW HOPE
SUMMARY OF
ORDINANCE NO. 18-25
AN ORDINANCE AMENDING
NEW HOPE CITY CODE
§§1-2, 2-60, 4-3(D), 9-11(A)
- ABATEMENT OF PUBLIC
NUISANCES AND OTHER
CODE VIOLATIONS
INCLUDING IMPOUNDING
OF VEHICLES OR
RECREATIONAL VEHICLES
AS ALTERNATIVE
ENFORCEMENT OPTION**

The following is a summary of Ordinance No. 18-25 which is hereby approved this 13th day of November, 2018 by the New Hope City Council for official publication. The Council hereby determines this summary ordinance clearly informs the public of the intent and effect of Ordinance No. 18-25. A printed copy of the entire text of Ordinance 18-25 is available for inspection at the office of the New Hope City Clerk. The entire text of Ordinance 18-25 is also posted and available for inspection at the New Hope Ice Arena and on the City's internet web site.

1. Certain minor revisions are made throughout by changing the term "applicant" to "registrant."

2. Section 1 of the Ordinance amends Section 1-2 of the New Hope City Code by inserting a definition for "Abatement."

3. Section 2 of the Ordinance amends Section 2-60 Administrative fines enforcement program of the New Hope City Code, with the following specific substantive changes:

a. Inserting the following phrase in the Purpose section: "and/or actions by the city to abate the violations including towing and/or impoundment of vehicles or recreational vehicles."

b. Inserting in General provisions that "Abatement Procedures" are an option of the city in enforcing administrative offenses and charging the violator for such corrective action.

c. Adding abatement of the offense as an optional enforcement action in Administrative citation procedures and Payment subsection.

d. Adding the phrase "and/or abatement actions" to Recovery of civil penalties.

e. Increasing the time period before late fees will be imposed on unpaid fines to thirty days and increasing the late fee to 40 percent.

f. Increasing the fine for subsequent violations to 100 percent of the initial fine.

g. Including a policy statement that the correction or abatement of certain public nuisances or other Code violations is in the public interest in the subsection entitled Abatement of public nuisances or other Code violations.

h. Adding language regarding the city's periodic inspection to determine whether any public nuisances or other Code violations exist, including investigation of all reports of public nuisances.

i. Adding language which provides for an order requiring abatement of the public nuisance or other Code violation.

j. Stating the procedure for pursuing an abatement action including:

i. Initial administrative notice which requires the issue be corrected within seven days.

ii. First administrative citation which requires the issue be corrected within seven days. Language regarding possibility of towing a vehicle in the event of a vehicular offense is also included.

iii. Second administrative citation which requires the violator to correct the violation within seven days. The citation will state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. Upon expiration of the time required by the second administrative citation, the city may immediately abate the nuisance unless a request for a hearing has been timely filed.

k. Stating procedure which allows any property owner who feels aggrieved by an administrative notice or citation to request a hearing pursuant to section 2-60(d)(3) and (e). A violator may also seek judicial or administrative review of the hearing officer's order prior to the city undertaking the abatement action.

l. Adding language which provides for the recovery of civil penalties for costs of abatement including assessment of a lien against the property.

m. Stating the prohibition against interference with the city while engaged in the performance of abatement-related duties.

n. Stating circumstances which allow the city to undertake immediate abatement of any condition that poses an imminent and serious hazard to human life or safety.

o. Adding language for the process of Removal and impoundment of vehicles or recreational vehicles from private property, including:

i. City's Authority to impound vehicle or recreational vehicle if following issuance of citation and failure of owner to cure the violation or request a hearing.

ii. Notice of and procedure for impounding shall comply with the Code sections 6-3 and 6-4. Reclaiming vehicle or recreational vehicle subject to provisions of Section 6-4(e).

iii. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle or recreational vehicle from liability for any fine or penalty for the violations of this or any other law or provisions of this Code.

4. Section 3 of the Ordinance amends Section 4-3(d) of the New Hope City Code as follows:

a. "Purpose" is amended to insert the sentence: Certain conditions as stated herein constitute a public nuisance and may be subject to administrative citation, civil penalty, abatement order, and/or charge of a misdemeanor.

b. The Refuse and Exterior storage sections are combined and revised to add the following language:

i. The storage or accumulation of junk, refuse, and debris or items not intended for exterior use shall not be allowed. This includes, but is not limited to, appliances, upholstered furniture, waste fill, garbage, recyclables, inoperable or unlicensed vehicles or recreational vehicles, vehicle parts, fluids and accessories, hazardous waste, maintenance equipment, bagged yard waste, and yard waste piles consisting of twigs, branches, or leaves not meeting the definition of a compost site as defined by section 1-2 of this Code. The storage of such items affects public peace and/or safety and constitutes a public nuisance which may be subject to administrative citation, civil penalty, abatement order, and/or charge of a misdemeanor.

ii. All passenger vehicles including, but not limited to, cars, station wagons, trucks, motorized vehicles, trailers, campers that are licensed by the state and capable of movement under their own power. Such vehicles may not exceed a gross vehicle weight of 12,000 pounds (must have "A" through "F" sticker on license plate) in the R-1, R-2, R-3, R-4, R-5 and R-O districts. Vehicles incapable of movement under their own power, partially dismantled, used for repair or replacement parts or salvage of any kind, or unlicensed may not be parked or stored outside for a period in excess of seven consecutive days.

1. Vehicles not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of seven consecutive days shall be removed from premises in the city.

2. In the R-1, R-2, R-3, R-4, R-5 and R-B zoning districts, the following commercial vehicles and equipment may be stored or parked in a building if said storage or parking does not utilize a minimum required parking space for the property per section 4-3(e)(10) of this Code and the vehicle or equipment is owned by a resident of the property. However, in no event may such vehicles and equipment be stored or parked outside as exterior storage in the R-1, R-2, R-3, R-4, R-5 and R-B zoning districts:

i. Farm tractors and equipment.

ii. Military vehicles, including but not limited to, half-tracks, troop transports and tanks.

iii. Semi-tractors or trailers.

iv. Snow plow units detached from a truck or vehicle used to plow snow.

v. Skid loaders.

vi. Any commercial vehicles or trailers not defined as recreational vehicles with a registered or licensed gross vehicle weight greater than 12,000 pounds ("G" through "T" or "X" sticker on license plate).

c. Clarifying that front, side and rear yard storage of recreational equipment or vehicles "not otherwise prohibited from exterior storage in this section" shall meet the stated standards.

d. Stating that fences used for screening purposes be erected in accordance with Section 4-3(d)(3) of this Code.

e. Clarifying that construction and landscaping material currently being used for an active project on the premises is permitted under the Code.

5. Section 4 of the Ordinance inserts the following phrase to clarify that the accumulation of waste storage is prohibited under Section 9-11(a) of the New Hope City Code: "All exterior property and premises shall be kept free from any accumulation of waste."

6. All other changes not mentioned in this summary ordinance are grammatical corrections or insignificant in nature not changing the substance of the affected section.

7. Section 5 makes Ordinance No. 18-25 effective upon publication of this Summary of Ordinance No. 18-25.

Dated this 13th day of November, 2018.

Kathi Hemken, Mayor

Attest:

Valerie Leone, City Clerk

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