

**CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO. 401**

**AN ORDINANCE AMENDING SECTION 12-5 OF THE MENDOTA HEIGHTS  
CITY CODE, KNOWN AS THE ZONING ORDINANCE, BY PROVIDING FOR  
THE REGULATION OF PROPERTY MAINTENANCE**

The City Council of the City of Mendota Heights hereby ordains:

**Section 1.**

Section 12-5 is hereby amended to add the following:

**CHAPTER 5**

**RESIDENTIAL PROPERTY MAINTENANCE**

**SECTION:**

- 12-5-1: Findings and Purpose Statement
- 12-5-2: Definitions
- 12-5-3: Building and Structure Appearance and Maintenance Requirements
- 12-5-4: Exterior Property Public Health and Safety Requirements
- 12-5-5: Firewood Storage
- 12-5-6: Other Outdoor Storage
- 12-5-7: Accumulations and Hazardous Material
- 12-5-8: Rubbish and Garbage
- 12-5-9: Storm Drainage
- 12-5-10: Abatement Procedures

12-5-1: **FINDINGS AND PURPOSE STATEMENT:**

The City Council finds that it is in the best interest of the City to protect the public health, safety, and general welfare of its citizens. To this end, the City believes that by adoption of these residential property maintenance regulations, it will further the following objectives:

- A. To preserve the value of residential property within the City;
- B. To protect the character and stability of neighborhoods within the City;
- C. To provide for minimum standards of maintenance for residential property within the City and ensure compliance;

- D. To cause correction to conditions on residential property that do not comply with the standards of maintenance established herein.
- E. Assist in identification and correction of dangerous or life threatening conditions that may be identified within the City.
- F. Provide a mechanism to mitigate potential public health issues identified within the City.

12-5-2: **DEFINITIONS:** As used herein, the following words shall have the following meanings:

Accessory Structure: Shall have the meaning stated in the zoning regulations of this code (Title 12). Accessory buildings or structures shall include, but are not limited to: decks, porches, detached garages, and sheds.

Building: Shall have the meaning stated in the zoning regulations of this code (Title 12). Buildings shall include, but are not limited to: dwellings, offices, warehouses, and stores.

Garage, Attached: A garage attached to the principal structure.

Garage, Detached: A garage detached from the principal structure.

Natural Area: Any property managed for the development of indigenous prairie and/or forest plants, intended to exist in a wild or natural condition, according to a written plan.

Property: Developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.

Structure: Shall have the meaning stated in the zoning regulations of this code (Title 12).

Vehicles: Shall have the meaning stated in the zoning regulations of this code (Title 12) and shall include trailers, boats, watercraft, “ski-doo’s”, snowmobiles, 4-wheelers, and ATVs.

All terms not defined herein above shall have the meaning assigned to them in Section 12-1B of the Code of the City of Mendota heights. If a conflict arises as to the definition of any term between this ordinance and Section 12-1B of the City Code, the definition in Section 12-1B shall control.

12-5-3: **BUILDING AND STRUCTURE APPEARANCE AND MAINTENANCE REQUIREMENTS:**

A. Any building or structure, including an accessory structure, is a public nuisance if its exterior does not comply with the following requirements:

1. All exterior property shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.
2. All dwellings, garages and other residential accessory buildings shall have complete siding. No part of any exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting siding. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay-resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the City.

12-5-4: **EXTERIOR PROPERTY PUBLIC HEALTH AND SAFETY REQUIREMENTS:**

A. Any building or structure in the City that is found by an authorized employee or agent of the City to be dangerous to public safety; or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:

1. Damaged by fire, storm, or vandalism;
2. Defective Chimneys or stovepipes;
3. Dilapidated condition or decay; or
4. Any other defect endangering the public safety; or health.

B. Any structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation or unsafe to the public by the City.

C. Whenever any building has been declared unfit for human habitation or unsafe to the public, the City may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

12-5-5:           **FIREWOOD STORAGE:**

A. The term firewood shall mean split wood or unsplit wood logs cut into lengths not exceeding three feet for the purpose of burning in a fireplace or as a recreational fire on the property.

B. Firewood shall be kept or stored outdoors in accordance with the following requirements.

1. Firewood shall be stored or kept in a neat and secure stack (maximum of two cords, defined as 128 cubic feet per cord), which shall be no higher than five feet.

2. Unless screened by a fence or wall, stacks shall be no closer than five feet to the property line.

3. The firewood stacks shall not be allowed to become infested with rats, rodents, or vermin.

4. Fallen, uncut trees shall be removed or cut up into firewood as soon as it is practicable, not to exceed 90 days. The City Council may extend this period, upon written request by the property owner, for an additional 90 days. This requirement may be waived by the Code Enforcement Officer where it is determined that due to natural environmental conditions, the trees do not present a hazard or nuisance.

12-5-6: **OTHER OUTDOOR STORAGE:**

Except provided for herein or as specifically allowed within the specific zoning districts established by Title 12, all materials and equipment shall be stored within a structure.

A. Exceptions:

1. Clothesline poles and lines, play equipment, garden equipment, patio furniture, and trampolines.
2. Not more than four (4) currently licensed and operable vehicles, including trailers, may be parked or stored on property outside a structure on single-family residential lots. All such parking and/or storage shall be allowed as follows:
  - a. In the front yard, provided they are kept on an established driveway, entirely on the vehicle owner's property. Except as provided herein, recreational vehicles may not be parked or stored on public property or street right-of-way.
  - a. In the rear yard not closer than ten feet (10') from the rear lot line, five feet (5') from the side lot lines, and not within drainage and utility easements.
  - b. On a corner lot or through lot, not closer than twenty feet (20') from the property line abutting the street side of the lot and not within drainage and utility easements. Where such parking and/or storage is to be located within side or rear yards of corner or through lots, such side or rear yard shall be screened with landscaping and/or fencing from the public street.
  - c. All vehicles must be parked on concrete or bituminous pavement.
3. Construction and landscaping material, which shall be consumed or used on the Property within the next thirty (30) days and kept in a neat, workman like fashion
4. Off-street parking of motor vehicles as specified in the respective zoning districts.
5. Temporary storage pods used to temporarily store items during house remodeling shall be kept on the driveway for a period not to exceed ninety (90) days except by CUP application for major remodeling.

6. No pallets shall be stored on the property seven days after they are no longer used.

12-5-7: **ACCUMULATIONS AND HAZARDOUS MATERIAL**

- A. Accumulations: Rubbish, garbage, or other hazardous and dangerous materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- B. Hazardous material: Hazardous substances, refuse, pollutants and contaminants, as those terms are defined by Federal, state, and local laws, shall not be accumulated or stored unless storage complies with the applicable requirements of all laws, rules and ordinances pertaining to the activity, including, but not limited to the City's building code and the City's fire prevention code.

12-5-8: **RUBBISH AND GARBAGE**

- A. Accumulation of Rubbish and Garbage: All exterior property, and the interior of every structure, shall be free from any unreasonable accumulation of rubbish and garbage causing a nuisance.
- B. Disposal of Rubbish: Every occupant of a structure shall reasonably store and dispose of all rubbish and garbage in a clean and sanitary manner in accordance with all laws.
  1. Screening: Garbage and recycling containers shall be either (1) stored inside a dwelling or other residential accessory structures not visible from the public street or adjoining neighbors; or (2) stored outside fully screened by landscaping or fencing materials keeping the garbage and recycling containers from being visible from the public street or adjoining neighbors.
- C. Curbside Collection: Appliances, furniture and similar items shall not be left outside for collection and disposal for more than seventy-two (72) hours. Appliances not awaiting collection and disposal shall not be placed outside.
- D. Garbage cans may be put out for collection the night before and must be retrieved the next evening.

12-5-9: **STORM DRAINAGE**

- A. General: Stormwater runoff and drainage of roofs and other hard surfaced areas, yards, courts, and other open areas on the Property shall not be allowed to occur in a manner that creates a public nuisance.

12-5-10: **ABATEMENT PROCEDURES:**

- A. Enforcement Officials: The City Council shall enforce the provisions of this Chapter and may by resolution delegate to various officers or agencies power to enforce particular provisions of this Chapter, including the power to inspect private Property.
- B. Notice To Abate: Whenever, in the judgment of City Council or the officer charged with enforcement of this ordinance, it is determined that a violation hereof is being maintained or exists within the City, such officer shall notify in writing the person committing or maintaining such violation and the owner of the Property and require them to remedy such violation and to remove such conditions or remedy such defects. Such written notice shall be delivered to the person committing or maintaining violation and the owner of the property or may be delivered by mail. If the property is not occupied and the address of the owner is unknown, service on the owner may be accomplished in the manner specified for service in Rule 4 in the Minnesota Rules of Civil Procedure, except in the case of an emergency and then in such case, service shall be accomplished after posting such notice for twenty four (24) hours. Such notice shall require the owner or occupant of the Property, or both, to take corrective steps within a time as defined by the officer charged with enforcement to remedy such violations, such steps and time to be designated in the notice, but the maximum time to remedy a violation after service of such notice shall not exceed one hundred and twenty (120) days. In the case of severe financial or physical hardship, the Council may grant an extension to the time limit. Said violation shall be corrected “immediately” in the case of imminent danger to the public health, safety, or welfare. Service of notice may be proven by filing an affidavit of service in the office of the City Clerk setting forth the manner and time thereof.

- C. Report of Failure to Abate: When notice so given is not complied with, such noncompliance shall be reported forthwith to the City for such action as may be necessary and deemed advisable to abate and enjoin further continuation of such nuisance, including referring the matter to the City's Prosecuting Attorney to pursue a judicial remedy on behalf of the City. A violation of this Ordinance shall be subject to a penalty as provided in Section 1-4-1 of the City Code.
- D. Abatement By City: In the event the City chooses to abate said violation, the City shall adopt a resolution setting forth the specific details of the corrective matters to be taken. A copy of the resolution shall be sent to the property owner by certified mail and if the violation is not abated within ten (10) days of the mailing of said resolution, the City shall take all actions necessary to abate said violation, keeping accurate records of the cost of the same.
- E. Costs to Owner: The Finance Director shall prepare a bill and mail it to the owner of the Property for the costs incurred by the City, including but not limited to administrative costs, attorney fees and costs and the costs of any outside contractor engaged by the City to correct such violation, and thereupon the amount shall be immediately due and payable to the City (the "Bill").
- F. Costs A Special Tax: If the Bill is not paid to the City within twenty (20) days after the mailing of the Bill, the City Clerk shall extend the costs of abating the violation as a special tax against the Property upon which the violation was located, and such special tax shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special taxes are certified and collected. The City Council may specify an additional penalty for such special tax collections.

**Section 2.**

This Ordinance shall take effect and be in full force from and after its passage and publication.

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, Mayor

ATTEST:

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, City Clerk

AYES:  
NAYS: