

CHAPTER 8. NUISANCES

Section 800 - General Nuisances

800.01 Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty does any of the following shall be guilty of maintaining a public nuisance, which is a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided.

800.02 Public Nuisance Affecting Health. The following shall be declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. Pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within 24 hours after death;
- E. Accumulation of manure, tin cans, bottles, trash, ashes, solid waste, garbage, appliances, bulky waste, recyclables and yard wastes or debris of any nature or description;
- F. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All noxious weeds including all weeds defined by the State Commissioner of Agriculture to be injurious to public health, roads, crops, livestock and other property;
- I. Dense smoke, noxious fumes or odors, gas and soot, or cinders, in unreasonable quantities;
- J. All public exposure of persons having a contagious disease;
- K. The placing of the contents of any cesspools septic tank, privy vault, or garbage can upon the surface of public or private property;
- L. Any offensive trade or business as defined by statute not licensed by the City;
- M. The placing of solid waste, garbage, other refuse, white goods, appliances, bulky waste, recyclables and yard wastes in the front yard of any property for a period longer than 24 hours prior to a scheduled commercial pickup of the trash.

800.03 Public Nuisances Affecting Peace and Safety. The following shall be declared to be nuisances affecting peace and safety:

- A. All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards, or other obstructions which prevents persons from leaving a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. All unnecessary noises and annoying vibrations;
- E. Obstructions and excavations affecting the ordinary use by the public streets, alleys, sidewalks, or public grounds except under such conditions as shall be permitted by this Code or other applicable law;
- F. Radio aerials or television antennae erected or maintained in a dangerous manner;
- G. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- H. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained in a sound condition;
- I. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk. The placing of snow on any public street or right-of-way;
- J. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- L. Waste water cast upon or permitted to flow upon streets or other public property;
- M. Any vehicle or equipment that is required to be licensed in the State of Minnesota that is partially dismantled, non-operating, wrecked, junked or discarded, or any part thereof, on property within the City for a period of over 72 hours unless within an enclosed building. The storage on the premises of a single vehicle with current registration, proof of insurance and license, which may reasonably be put into operating condition within twenty-four (24) hours, shall not be considered a nuisance. This Section shall not apply to automotive related commercial businesses in areas of the City zoned for commercial or industrial use;
- N. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- O. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch through accumulation of trash or other materials;

- P. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over the substances;
- Q. The depositing of paper, liter, debris, garbage or refuse on a public right-of-way or on adjacent private property, or the throwing of any such matter from a motor vehicle;
- R. Building or alterations to buildings made or erected in violation of the State Building Code, the State Plumbing Code, or the State Fire Code;
- S. Placing driveway entrances or culverts, or doing or failing to do any other act which alters or affects the drainage, surface, or grade of a public street or alley, including, but not limited to: permitting soils, sand or other materials to be washed off of a driveway and onto any public roadway or drainage easement in such a manner as those materials remain on the roadway or drainage easement or are washed into the storm drainage system;
- T. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, lumber, wood, or other material, or the growth of vegetation, weeds, or noxious weeds at large or among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or in a manner creating a fire, health, or safety hazards from such accumulation. Weeds shall mean and include not only such noxious weeds as are defined in M.S. § 18.77, Subd. 8, such as annual, biennial, or perennial plants that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property, but shall also include such nuisance and troublesome plants as well as rank vegetable growth which exhales unpleasant or noxious odors and also high in rank vegetable growth that may conceal filthy deposits;
- U. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof;
- V. Any building or other structure which presents a more than ordinary dangerous fire hazard in the vicinity in which it is located;
- W. Any building or other structure which is in such a dilapidated condition and along with its appurtenances for a continuous period of two (2) years has not been completed as that term is defined in Chapter 11 of this Code;
- X. All other conditions or things, which are likely to cause injury to the person or property of anyone.

800.04 Chronic, Aggregated or Repeated Nuisance Offense.

- A. Whenever any property owner commits more than two violations in one year, or three violations in two years, or four violations in three years, of either Section 800.02 or Section 800.03, herein, it shall be deemed a chronic, aggregated or repeated nuisance violation and a violation of this Section.
- B. Any person convicted of violating this section by committing a third nuisance in violation of Newport Code Section 800.02 or 800.03, within one year of a prior conviction, shall be subject to a penalty of up to 90 days in jail and no less than a \$500 fine.
- C. Any person convicted of violating this section by committing a fourth nuisance in violation of Newport Code Section 800.02 or 800.03 within two years of three prior convictions shall be subject to a penalty of up to 90 days in jail and no less than a \$750 fine.”

- D. Any person convicted of violating this section by committing a fifth nuisance in violation of Newport Code Section 800.02 or 800.03 within three years of four prior convictions shall be subject to a penalty of up to 90 days in jail and no less than a \$900 fine.

800.05 Duties of City Officers. The Health Officer shall enforce the provisions of this Section with reference to nuisances affecting public health. The Police Department shall enforce the provisions relating to nuisances affecting public safety and shall assist the other designated officers in the enforcement of other provisions of this Chapter. The officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

800.06 Abatement.

Subd. 1 General. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of the fact and order that the nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice shall be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance shall be abated; provided the time for abatement shall not exceed 10 days in the case of noxious weeds. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter the Council, after notice and hearing, may cause the nuisance to be abated by the City.

Subd. 2 Emergency Abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

Subd. 3 Costs of Abatement. The cost of the abatement may be assessed as a current service against the property upon which or which created the nuisance pursuant to this Code.

Section 810 - Tree Diseases

810.01 Policy Findings. The Council has determined that the health of the trees within the municipal limits is threatened by fatal tree diseases. It is further determined that the loss of trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It shall be declared to be the intention of the Council to control and prevent the spread of tree diseases, and this Section shall be enacted for that purpose.

810.02 Forester.

Subd. 1 Position Created. The powers and duties of the City Forester as provided by this Chapter shall be conferred on the Public Works Supervisor.

Subd. 2 Duties. It shall be the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of tree diseases. The Forester shall recommend to the Council the details of a program for the control of tree diseases, and perform the duties incident to such a program adopted by the Council.

810.03 Program. It shall be the intention of the Council to conduct a program of plant pest control pursuant

to the authority granted by Minnesota Statutes 18.022. This program is directed specifically at the control and elimination of tree diseases, and is undertaken at the recommendation of the Commissioner of Agriculture. The Forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

810.04 Nuisance Declared. The following shall be declared to be public nuisances whenever they may be found within the City:

- A. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm Disease fungus, *Ceratocystis Ulmi* (Buisman) Moreau, or which harbors any of the elm bark beetles, *Scolytus multistriatus* (eich.) or *Hylurgopinus rufipes* (March).
- B. Any elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
- C. Any living or standing oak tree or part thereof infected to any degree with the oak wilt disease fungus *Ceraloiystis fogacearum*.
- D. Any dead oak trees or part thereof which in the opinion of the Forester constitutes a hazard, including but not limited to logs, branches, stumps, firewood, or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.
- E. Any other shade trees with an epidemic disease.

810.05 Abatement. It shall be unlawful for any person to permit any public nuisance as defined in Subsection 810.04 to remain on any premises owned or controlled by him or her within the City. The nuisance may be abated in the manner prescribed by Subsections 810.08-810.13.

810.06 Inspection and Investigation. The Forester shall inspect all premises and places with the City as often as practicable to determine whether any condition described in Subsections 810.04 and 810.05 of this Section exists thereon. He or she shall investigate all reported incidents of diseased trees.

810.07 Entry on Private Premises. The Forester or his or her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her under this Chapter.

810.08 Diagnosis. The Forester shall, upon finding conditions indicating disease infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner of Agriculture. Except as provided in Subsections 810.10 through 810.12, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

810.09 Abatement of Tree Disease Nuisances. In abating the nuisances defined in Subsections 810.04 and 810.05, the Forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of tree diseases. The abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

810.10 Procedures for Removal of Infected Trees and Wood.

Subd. 1 Ordinary Procedure. Whenever the Forester finds with reasonable certainty that the infestation defined in Subsections 810.04 and 810.05 exists in any tree or wood in any public or private place in the City, he or she shall proceed as follows:

- A. If the Forester finds that the danger of infestation of the tree(s) is not imminent because of dormancy, he or she will determine a specified time as to when the nuisance shall be abated according to the infestation and dormant season. The abutting property owner and/or the owner of the property upon which the tree is located will be notified of the specified time by certified mail.

The Forester shall immediately report the action to the Council, and after the expiration of the time limited by the notice he or she may abate the nuisance by:

1. Abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429.101, or
2. Abating the nuisance as provided in Subsection 810.11.

Subd. 2 Immediate Action. If the Forester finds with reasonable certainty that immediate action is required to prevent the spread of the disease, he or she shall proceed to abate the nuisance forthwith. He or she shall report the action immediately to the Council and to the owner of the property where the nuisance is located.

810.11 Council Action. Upon receipt of the Forester's report required by Subsection 810.10, Subd. 1, the Council shall by resolution order the nuisance abated. Before action shall be taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the property affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At the hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work of day labor or by contract.

810.12 Records. The Forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the Clerk-Administrator. All work done for each assessments shall be made stating and certifying the description of land, lots, parcels involved and the amount chargeable to each.

810.13 Assessments. On or before November 30 of each year the Clerk-Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

810.14 Treatment. Whenever the Forester determines that any tree or wood within the City is infected with disease, he or she may spray or otherwise treat all nearby high value trees, with an effective disease destroying agent. Spraying and other treatment activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his or her agents whenever possible. The notice provisions of Subsection 810.11 apply to spraying and treatment operations conducted under this Section.

810.15 Transporting Wood Prohibited. It shall be unlawful for any person to transport within the City and any diseased wood or any bark-bearing elm or oak wood without having first obtained permission from the

Forester. The Forester shall grant such permission only when the purpose of this Section shall be served thereby by minimizing the risk of spread of the disease.

810.16 Interference Prohibited. It shall be unlawful for any person to prevent, delay or interfere with the Forester or his or her agents while they are engaged in the performance of duties imposed by Subsections 810.01-810.16.

Section 811 – Building and Property Maintenance

811.01 Title: Section 811, Subdivisions 811.01 through 811.11 herein, shall be known and may be cited as the “Building and Property Maintenance Ordinance” or “this Ordinance” hereafter.

811.02 Legislative Finding: It is hereby found that there exists and may in the future exist in the City, structures used for human habitation which for reasons of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare, to correct and prevent the existence of such adverse conditions to achieve and maintain such levels of residential, commercial, and industrial environmental quality as will protect and promote public health, safety, and general welfare, it is found that the establishment and enforcement of minimum building and property standards are required.

811.03 Purpose: The purpose of this code is to protect, preserve and promote the public health, safety, and the general welfare of the people of the city, to prevent building conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying dwellings within the city, to promote and encourage property lawn maintenance, and set standards for an adequate level of maintenance to preserve the value of land and buildings throughout the city; and to provide for the administration and enforcement thereof.

811.04 Discrimination and Privacy: This code is to be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, this code is not intended to interfere with personal policy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships, and in enacting and enforcing this code, the city neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the city to the provisions of this code.

811.05 Definition: For the purpose of this code, the terms defined in this section have the meanings given to them.

- A. **Building** means a structure erected for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind.
- B. **Dwelling** means a building, or portion thereof, designed or used for residential or business occupancy, including one-family dwellings, two-family dwellings, and multi-family dwellings. Whenever the word “dwellings” is used in this code, it shall be construed as though it was followed by the words “or any part thereof”.
- C. **Dwelling Unit** means one room or rooms connected together constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities. Whenever the term “dwelling units” is used in this code it is to be construed as though it was followed by the words “or any part thereof”.

- D. **Enforcement Officer** means a person designated by the City Administrator to administer and enforce this code, or his or her designee.
- E. **Garbage** means putrescible animal and vegetable wastes, including those resulting from the handling, preparation, cooking, and consumption of food.
- F. **Habitable** means fit to be lived in.
- G. **Nuisance** means:
1. A public nuisance known as such under common law or in equity or recognized by Minnesota Statutes or the City Code.
 2. A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This included, but is not limited to, any abandoned wells, shafts, basements, or excavations, abandoned refrigerators in a hazardous condition; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences, or debris which may become a hazard for inquisitive minors.
 3. Overcrowding a room with occupants.
 4. Insufficient ventilation or illumination.
 5. Inadequate or unsanitary sewage or plumbing facilities.
 6. Uncleanliness.
 7. Any situation or activity, which renders air, food, or drink unwholesome or detrimental to the health of human beings.
 8. Any conditions, which are offensive or has a blighting influence on the community.
 9. Any other activity or situation that is dangerous to human life or is detrimental to health.
- H. **Occupancy** means taking or possessing of something.
- I. **Owner** means a person who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of, any dwelling or dwelling unit within the City as owner, employee, or agent of the owner, or as trustee or guardian of the estate of person of the title holder. A person representing the actual owner must comply with the provisions of this code to the same extent as the owner.
- J. **Public Area** means those areas, which are normally open to the general public or the occupants of more than one dwelling unit of a multiple family dwelling.
- K. **Residence** means a place of habitat.
- L. **Responsible Party** means a party who is one or more of the following:

1. Agent;
2. Designee or collector of rents;
3. Holder of a contract for deed;
4. Receiver, executer, or trustee;
5. Lessee;
6. Other person, firm, or corporation exercising control over a party.

M. **Rodent or Vermin Harborage** means a place where rodents or vermin are liable to live, nest, or seek shelter.

N. **Solid Waste** has the meaning set forth in Minnesota Statutes, section 116.06, subdivision 22(1)(9) but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, and household hazardous waste items.

O. **Structure** means anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. Whenever the word “structure” is used in this code, it shall be construed as though it was followed by the words “or any part thereof”.

P. **Yard** means all ground, lawn, court, walk, driveway, or other space constituting part of the same premises.

811.06 Responsibility of Owners and Occupants: The owner of a dwelling is responsible for the maintenance of structures and for meeting the provisions of this code, unless otherwise noted.

A. Joint Responsibility of Occupants and Owner

1. An owner, agent or occupant of a dwelling may not allow the accumulation of dirt or filth on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public.
2. An owner, agent or occupant of a dwelling may not allow the accumulation of solid waste or garbage on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public. The area of solid waste control and disposal is covered in the Newport City Code, section 440.01 through 440.10, it requires that garbage be collected at least once a week from residences and it also requires that all solid waste be stored in containers between times of pickup.
3. An owner, agent or occupant may not allow formation of rodent harborage in or about the premises occupied or controlled.
4. The occupant of a dwelling containing a single dwelling unit is responsible for the extermination of rodents, insects or vermin on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit is responsible for such extermination whenever the dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused

by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination is the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof is the responsibility of the owner.

811.07 Public Nuisance Defined: Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of violating this ordinance.

A. Maintains or permits an unfavorable building appearance or level of maintenance.

1. Buildings, structures and fences which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) decrease adjoining landowners and occupants enjoyment of their property and neighborhood and (b) may adversely affect property values and neighborhood patterns.
2. Standards:
 - a. Any building, structure, or fence is a public nuisance if it does not comply with the following requirements:
 - i. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timber.
 - ii. Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface shall have peeling, cracked, chipped, or otherwise deteriorated surface finish on more than twenty (20) percent of:
 - a. Any one wall or other flat surface;
 - b. All door and window moldings, eaves, gutters, and similar projections on any one side or surface.
 - iii. No glass, including windows and exterior light fixtures, shall be broken or cracked and no seams shall be torn or separated from moldings.
 - iv. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
 - v. All cornices, moldings, lintels, sills, bay or dormer windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - vi. Roof structures shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - vii. Chimney, antennae, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or roof.

- viii. Premises shall be graded and maintained so as to drain water away from occupied structures and minimize the accumulation of water on such premises.
- ix. Every residential premise shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by paving with asphalt, concrete or by such other suitable means as shall be approved by the city official.
- x. All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment.
- xi. It shall be unlawful to permit a refrigerator or other container, sufficiently large enough to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.

B. Maintains or permits buildings or structures which endanger public safety, health or property within the City.

1. Any building or structure in the City which is found by the City Building Inspector or Fire Marshall, or their designee, to be dangerous to public Safety, health or property by reason of:
 - a. Damage by fire;
 - b. Defective chimneys or stovepipes;
 - c. Dilapidated condition or decay;
 - d. Defective electrical wiring;
 - e. Defective gas installations;
 - f. Defective heating apparatus;
 - g. Defective sewage disposal system or plumbing;
 - h. Any other defect endangering the public safety, health, or other property.

are hereby declared to be a public nuisance.

2. Any building which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provisions for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare to the occupants or of the public, may be declared unfit for human habitation. Whenever any building has been declared unfit for human habitation, the enforcement officer shall order same vacated within a reasonable time and shall post a placard on the property which shall (1) be in writing, (2) include a description of the property sufficient for identification, (3) include a statement of a reason or reasons why it is being issued, (4) include a description of the repairs and improvements required

to bring the dwelling into compliance with the provisions of this ordinance, and (5) include a statement of time allowed to correct the violations.

C. Maintains or permits garbage or refuse to be placed or stored in yards.

1. To enhance the safety of residents, no solid waste, garbage, refuse, appliances, bulky waste, recyclables and yard wastes shall be placed in yards or properties in the City. Woodpiles, and/or lumber may be stored and stacked in an orderly manner not visible from the street.

D. Special Provision – Lawn Maintenance

1. **Preamble:** There are a variety of landscapes in the City, which diversify and add a richness to the quality of life. Certain areas in the City have been left, or allowed to go, unmaintained. They have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property, which appears neglected, may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:
 - a. Undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation.
 - b. Vegetation which causes allergic reactions, such as ragweed, may develop.
 - c. Tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.
2. **Definitions:** For the purpose of this section the following words shall have the meanings specified below:
 - a. **Meadow Vegetation** is grasses and flowering and broad leaf plants which are native to, or adapted to, the State of Minnesota, which are commonly found in meadow and prairie plan communities, except weeds.
 - b. **Noxious Weeds** shall be those plants which are determined from time to time to be noxious weeds pursuant to Minnesota Statute 18.171, subdivision 5.
 - c. **Regularly Cut** means mowing or otherwise cutting the vegetation so that it does not exceed eight (8) inches.
 - d. **Turf Grasses** are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, and rye grass blends, and non-woody vegetation interspersed with them.
 - e. **Weeds** include all noxious weeds, buffalobur, common cocklebur, crabgrass, dandelions, jimsonweed, quackgrass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in

question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation which does not comply with this plan are weeds.

3. **Maintenance Standard:** The minimum standard in this section applies to property which has been developed with a building as defined in the Building Code, including vacant property combined with developed property for this purpose, and a parcel of property which has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.
 - a. All turf grasses and weeds must not exceed a height of eight (8) inches, measured from the base at ground level to the tip of each stalk , stem, blade, or leaf.
 - b. This requirement does not apply to the following:
 - i. A wetland or floodplain designated on the official zoning map or any other available wetland inventory maps on file with the City.
 - ii. A drainage pond or ditch, which stores or conveys storm water.
 - iii. A pasture which is (a) currently being used for the exercise or feeding of permitted farm animals, (b) physically surrounded by a permanent fence which separates the pasture from property used for other purposes, (c) at least four (4) acres in size for first farm animal and one additional acre for each additional farm animal, and (d) undeveloped with an habitable buildings.
 - iv. An area in which the land and vegetation appear not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination.
 - v. An area established with meadow vegetation if:
 - aa. The prior vegetation is eliminated and the meadow vegetation is planted through transplants or seed by human or mechanical means.
 - bb. The area is cut at least once per year to a height of eight (8) inches, if weeds cover more than 25% of the area.
 - cc. A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. The sign is required only if the vegetation is in an area likely to be seen by the public. This sign shall be in addition to any sign permitted by the sign ordinance but shall be no smaller than ten (10) inches square, no larger than one (1) square foot, and no higher than three (3) feet tall. The sign is no longer required when weeds cover 25% or less of the area.
 - c. Noxious weed control is covered under the Newport City Code, section 800.02. This ordinance states that notwithstanding, any provision of this Chapter to the contrary, noxious weeds growing upon any lot or parcel of property, regardless of height, zoning classification

or area on the parcel upon which they are growing, are hereby declared to be a nuisance and dangerous to the health and safety of the City.

E. Special Provision – Parking Maintenance/Driveways

1. It shall be the joint responsibility of the operator and owner of any principal use to maintain, in a neat and aesthetic manner, the parking space, access way, driveway, landscaping and required fences and walls.
2. If, at the determination of the City Engineer and/or Public Work Department, an unpaved driveway has been documented to be discharging sediment causing pavement damage, public nuisance or other safety issues, the property owner will be required to install, at no expense to the City, a sediment control device outside the street Right-of-Way. The sediment control device shall be designed to effectively eliminate the discharge of any sediment particle larger than a #40 sieve size on to the street Right-of-Way.
3. Driveways and parking spaces must meet the following standards:
 - a. Must be paved with asphalt, concrete or other material as approved by the City Engineer, except for properties whose main access is on a non-paved roadway. Per Section 1371.11, Subd. 3, no person shall apply any coal-tar based sealer to any driveway, parking lot, or other surface within the City.
 - b. Shall be designed to provide an adequate means of access to a public alley or street and shall be so located as to cause the least interference with traffic movement.
 - c. Driveways for residential uses shall not exceed 24 feet in width at the curb line and property line.
 - d. Driveways for commercial, office or industrial uses shall not exceed 32 feet in width at the curb line and property line.
 - e. All driveway widths shall be measured at the property line and curb line, not the roadway and shall be 40' in length or to the garage, measured from the curb line, whichever is less.
 - f. Driveways must meet the setback requirements located in Section 1330.06, Subd. 1(D) of the City Code.
 - g. Driveways abutting a public street must have a minimum of a three (3) foot landscaped separation between any adjacent driveways. That area between the property line and the curb line or edge of pavement shall be the responsibility of the property owner to pave and maintain.
4. Prior to the sale or property title transfer non-paved driveways shall be paved according to the standards in Section 811.07(E)(3), except for properties whose main access is on a non-paved roadway.

811.08 Violation of Provisions.

- A. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

- B. When the City, upon information or belief, has reason to suspect or believe that a violation of this Chapter has occurred, it may take such steps as may be reasonable and appropriate for the protection of the public health and safety of its citizens, including abatement of the condition or conduct. The City may, in the enforcement of this Chapter, undertake to obtain such search warrants, judicial and administrative, and conduct such inspections as might otherwise be allowed in the enforcement of criminal laws in the State of Minnesota.

811.09 Enforcement.

- A. It shall be the duty of the City Council to enforce the provisions of this ordinance and the City Council may delegate to other officers or agencies, power to enforce particular provisions of this section, including the power to inspect private premises, and the officers charged with the enforcement, or his or her designee, of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

811.10 Abatement Procedure.

- A. **Abatement.** Whenever the officer who is charged with enforcement determines that a public nuisance is being maintained or exists on property in the City, the officer shall notify in writing the property owner and occupant or other responsible part of the fact and order that the nuisance be terminated and abated. Notice shall be served in person or by mail. Notice to the owner shall be satisfied by return receipt from the person listed as the taxpayer on the County's tax record. If the property is not occupied, the owner is unknown, or no other responsible party can be reasonably identified, notice may be served by posting it on the property. The written notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding twenty (20) days, within which the nuisance is to be abated with the first notice, ten (10) days with the second notice, and five (5) days with the final notice. If the owner, occupant, or other responsible party does not comply with the notice within the time specified, the City Council may, after notice to the owner and occupant or other responsible party, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer and shall be at least ten (10) days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least Forty-five (45) days shall elapse between the day of posting and the hearing.
- B. **Summary Abatement.** The enforcement officer, or his or her designee, may provide for abating a public nuisance without following the procedures required in paragraph A. above when:
 - aa. There is an immediate threat to the public health or safety.
 - bb. There is an immediate threat of serious property damage.
 - cc. A public nuisance has been caused by private parties on public property.

If the enforcement officer abates the nuisance pursuant to this section, the officer must reasonably attempt to notify the owner, occupant, or other responsible party of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

- C. **Hazardous and Substandard Buildings:** In appropriate cases the City may elect to enforce the provisions of this ordinance pursuant to Minnesota Statutes, Section 463.15–462.26.
- D. **Cost Recovery.** The owner of property on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally responsible to the City for the cost abatement, including administrative costs and any other expenses incurred by the City while performing the work. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner or other responsible party. Thereupon, the amount shall be immediately due and payable at the office of the City Clerk.
- E. **Assessment.** If the cost, or any portion of it, has not been paid under Subdivision 4, within thirty (30) days after the date of the bill, the unpaid cost may be certified against the property to which the cost is attributable in accordance with Minnesota Statutes, Chapter 429. Before the unpaid costs are certified against the property, the property owner must be given notice and hearing as required by Minnesota Statute 429.069.
- F. **Penalty.** Any person in violation of any of the provisions in this Chapter shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.
- G. **Hindrance.** Any person hindering the efforts of City officials to investigate possible violations of this ordinance shall be guilty of a misdemeanor.
- H. **Conflict of Ordinance.** In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code in this City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Chapter which established a lower standard for the promotion and protection of the health and safety of the people, the provision of this Chapter shall be deemed to prevail. The determination of the applicability of this Chapter in light of the above rules of interpretation shall be made by the City and its determination shall be final.

811.11 Effective Date.

1. This ordinance is effective the day following its publication.
2. Adopted by the City Council of the City of Newport, MN. this 19th day of December 2002.

SECTION 820 – Clandestine Drug Lab Sites and Chemical Dump Sites

820.01 General Provisions.

Subd. 1 Purpose and Intent. The purpose of this Article is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dumpsite may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

Subd. 2 Interpretation and Application. In their interpretation and application, the provisions of this Article shall be construed to protect the public health, safety and welfare.

Where the conditions imposed by any provision of this Article are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Should any court of competent jurisdiction declare any section or subpart of this Article to be invalid, such decision shall not affect the validity of the Article as a whole or any part thereof, other than the provision declared invalid.

Subd. 3 Fees. Fees for the administration of this Article may be established and amended periodically by resolution of the City Council.

Subd. 4 Definitions. For the purposes of this Article, the following terms or words shall be interpreted as follows:

- a. **Child** shall mean any person less than 18 years of age.
- b. **Chemical dumpsite** shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab have been located.
- c. **Clandestine drug lab** shall mean the unlawful manufacture or attempt to manufacture controlled substances.
- d. **Clandestine drug lab site** shall mean any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, accessory structures, a chemical dumpsite or any land.
- e. **Controlled substance** shall mean a drug, substance or immediate precursor in Schedules I through V of M.S.S. 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- f. **Manufacture**, in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, re-packing, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.
- g. **Owner** shall mean any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dumpsite.
- h. **Public health nuisance.** All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

Section 820.02 Administration.

Subd. 1 Law Enforcement Notice to Other Authorities. Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting

public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

Subd. 2 Declaration of Property as a Public Health Nuisance. If law enforcement determines the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.

Subd. 3 Notice of Public Health Nuisance to Concerned Parties. Upon notification by law enforcement authorities, the City Building Official shall promptly issue a Declaration of Public Health Notice for the affected property and post a copy of the Declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:

- a. Occupants of the property;
- b. Neighbors at probable risk;
- c. The City of Newport Police Department; and
- d. Other state and local authorities, such as Minnesota Pollution Control Agency and Minnesota Department of Health, which are known to have public and environmental protection responsibilities that are applicable to the situation.

Subd. 4 Property Owner's Responsibility to Act. The Building Official shall also issue an order to abate the public health nuisance, including the following:

- a. *Immediately* vacate those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk.
- b. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and re-remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. *The property owner shall notify the City of actions taken and reach agreement with the City on the clean-up schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for cleanup.*
- c. Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy *and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.*

Subd. 5 Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of vacation or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:

- a. Posting of the site;
- b. Notification of affected parties;
- c. Expenses related to the recovery of costs, including the assessment process;

- d. Laboratory fees;
- e. Clean-up and disposal services;
- f. Administrative fees; and
- g. Other associated costs.

Subd. 6 Recovery of Public Costs.

- a. If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the city Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
- b. *If the City is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.*
- c. The City may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Minnesota Statutes Chapter 463.
- d. If the City abates the public health nuisance, in addition to any other legal remedy, the City shall be entitled to recover all costs plus an additional 25% of the costs for administration. The City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S.S. 429.101.

Subd. 7 Authority to Modify or Remove Declaration of Public Health Nuisance.

- a. The Building Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.
- b. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

820.03 Violations and Penalties. Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S.S. 609.02, Subd. 3.

820.04 Effective Date of Ordinance. This Ordinance shall be in full force and effect beginning August 16, 2001.

SECTION 825 – Vacant Buildings**825.01 Policy Findings**

The city council finds, determines and declares that buildings which remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, and invitation to derelicts, vagrants and criminals as a temporary abode, and an increased fire hazard, and increased risk of

explosion due to the theft of internal piping, and that the unkept grounds surrounding such property invite the dumping of garbage and rubbish thereon; that such buildings are permitted to become dilapidated since such buildings are often economically obsolete and the owners of such buildings are unwilling to expend the necessary funds to repair or raze the buildings; that such buildings contribute to the growth of blight within the city, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services; that the use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare; and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus may constitute a nuisance condition. Adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of the means by which such nuisance conditions may be abated.

825.02 Definitions

For the purpose of this section the following words shall have the meanings specified below:

Subd. 1 Dangerous Structure. “Dangerous Structure” shall mean a structure that is potentially hazardous to persons or property, including, but not limited to:

- a. A structure which is in danger of partial or complete collapse;
- b. A structure with any exterior parts which are loose or in danger of falling; or
- c. A structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.

Subd. 2 Enforcement Officer. “Enforcement Officer” shall mean a person designated by the City Administrator to administer and enforce this code, or his or her designee.

Subd. 3 Owner. “Owner” shall mean a person who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of, any dwelling or dwelling unit within the City as owner, employee, or agent of the owner, or as trustee or guardian of the estate of person of the title holder. A person representing the actual owner must comply with the provisions of this code to the same extent as the owner.

Subd. 4 Secured by Other than Normal Means. “Secured by Other than Normal Means” shall mean a building secured by means other than those used in the design of the building.

Subd. 5 Unoccupied. “Unoccupied” shall mean a building which is not being used for legal occupancy.

Subd. 6 Unsecured. “Unsecured” shall mean a building or portion of a building that is open to entry by unauthorized persons without the use of tools.

Subd. 7 Vacant Building. “Vacant Building” shall mean a building or portion of a building that is:

- a. Unoccupied and unsecured for ninety (90) days or more
- b. Unoccupied and secured by other than normal means for ninety (90) days or more

- c. Unoccupied and a dangerous structure
- d. Unoccupied and posted for no occupancy or unfit for human habitation
- e. Unoccupied and has a City Code violation(s)
- f. Condemned and illegally occupied

825.03 Vacant Building Registration

Subd. 1 The owner of a vacant building shall register such structure with the City no later than ninety (90) days after said building becomes a vacant building.

Subd. 2 The registration shall be submitted on forms provided by the City and shall include the following:

- a. A description of the premises;
- b. The names and addresses of the owner or owners;
- c. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
- d. The period of time the building is expected to remain vacant
- e. A plan and timetable for returning the building to appropriate occupancy and/or making the structure compliant with all City ordinances or for demolition of the building. The plan must be approved by the City and shall require completion of the plan within a reasonable period of time not to exceed three hundred sixty-five (365) days. Such plan shall include all conditions that are to be corrected, the estimated value of the project(s) required to complete the plan and a plan for continued care and upkeep of the property.
- f. Other information deemed necessary by the City to process the registration.

Subd. 3 The owner shall comply with all applicable laws and codes and shall notify the City of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, such revisions must meet the approval of the City.

Subd. 4 The owner and any subsequent owners shall keep the vacant building secured and safe and the building and grounds maintained until the rehabilitation or demolition has been completed.

Subd. 5 Failure of the owner or subsequent owners to maintain the building and premises as outlined in Section 811 of the City of Newport Code such that abatement by the City is required shall be grounds for revocation of the approved plan and the owner shall be subject to any applicable penalties provided by laws.

Subd. 6 Any new owner(s) shall register or re-register the vacant building with the City within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted to

and approved by the City.

Subd. 7 Vacant Building Fees:

- a. The owner(s) of a vacant building shall pay an annual fee as established in the Annual Fee Schedule that is set by the City Council. This fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and the costs of the City in monitoring the vacant building site.
- b. The first annual registration fee shall be paid no longer than ninety (90) days after the building becomes vacant. Subsequent annual registration fees shall be due on the anniversary date of initial vacancy.
- c. The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
- d. All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership.

Subd. 8 Posting of Registration

- a. Proof of registration must be posted in public view at the vacant building site within ten (10) days after receipt of the registration
- b. Failure to post proof of registration as provided in this section shall be considered a separate violation.

825.04 Collection of Unpaid Fees

Subd. 1 Written Notice

- a. The City shall, in addition to any other action the City may undertake, serve written notice of the fees in conformance with the requirements set forth in this chapter.
- b. Notice for collection of fees shall include the amount of the vacant building fee that is the responsibility of the building owner and a statement that the fee shall be paid within the time period identified in the notice.

Subd. 2 Fee and Liability – The City shall be entitled to collect the costs of vacant building registration and monitoring. The fees associated with the vacant building program shall be a debt owed to the City and unpaid costs shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101.

825.05 Inspections

A vacant building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provision set forth in this section.

825.06 Exemptions

The following are exempt from the Vacant Property registration and fee requirements:

- a. All vacant property owned by the City of Newport.
- b. Any vacant property for which the owner possesses a valid building permit for remodeling the dwelling located thereon or for construction of a new dwelling on such vacant property.
- c. Any vacant property for which the owner possesses a valid rental license issued by the City of Newport, which is actively marketed as “for rent” in a newspaper or in an online listing. It is the responsibility of the vacant property owner to produce evidence of active marketing to claim this exemption. In the event that the rental license lapses, is suspended, or revoked, this exemption shall no longer apply, and the vacant property shall be registered and all fees paid immediately.
- d. Any home which is being actively marketed as “for sale” at a reasonable price by a licensed real estate broker or by the owner. It is the responsibility of the vacant property owner to produce evidence of active marketing to claim this exemption. An asking price not greater than 150% of the taxable market value, as determined by Washington County Property Tax records, is presumptively a “reasonable price.”

825.07 Notification

The City shall maintain a current list, updated monthly, of all vacant properties which have become known to the City.

825.08 Alternative Procedures

Nothing in this chapter shall be deemed to abolish or impair existing remedies available to the City under its code or State Law.

825.09 Penalties

Any person in violation of any of the provisions in this Chapter shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.