

CITY ORDINANCE
NO. 94.05
CITY OF CHISHOLM

ORDINANCE AMENDING TITLE IX: NUISANCES; HEALTH;
PUBLIC SAFETY, CHAPTER 94.05
OF THE CITY CODE ENTITLED "NUISANCE PARKING AND STORAGE"

THE CITY COUNCIL OF THE CITY OF CHISHOLM DOES ORDAIN AS FOLLOWS

WHEREAS, Chapter 95.04. Nuisance Parking and Storage currently reads as follows:

“ 94.05 NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property of large numbers of vehicles and unlicensed/inoperable vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: obstructs views on streets; creates cluttered and otherwise unsightly areas; prevents the full use of residential streets for residential parking; introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited; decreases adjoining landowners and occupants enjoyment of their property; and otherwise adversely affects property values.

(B) Unlawful parking and storage-properties containing a residential dwelling unit.

(1) A person must not place, store or allow the placement or storage of ice fish houses, skateboard ramps, permanent playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard and/or side-yard area of residential property unless more than 25 feet back from the front property line.

(2) A person must not place, store or allow the placement or storage of pipe, lumber, forms, steel, machinery or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by a fence provided however an opaque cover may be used to shield such materials for a period of up to one week.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on a property containing a residential dwelling unit unless it complies with the following requirements:

(a) No more than five vehicles per lawful residential property may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking or driveway area sufficient in quality to prevent rutting or unsightly conditions.

(c) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(C) Declaration of nuisance as pertaining to residentially zoned properties not containing a residential dwelling. The outside parking and storage on residentially-zoned property of unlicensed, inoperable vehicles and vehicles, materials supplies or equipment stored in an unkempt, unsightly, clustered manner in violation of the requirements set forth below is declared to be a public nuisance because it: obstructs views on streets; creates cluttered and otherwise unsightly areas prevents the full use of residential streets for residential parking; introduces commercial advertising signs are otherwise prohibited:

decreases adjoining landowners and occupants enjoyment of their property; and otherwise adversely affects property values.

(D) Unlawful parking and storage-properties not containing a residential dwelling unit:

(1) A person must not store or allow the placement of building materials, pipe, lumber, forms, steel, machinery or similar materials, including all materials used in connection with a business for longer than 48 hours unless stored on an operable and licensed trailer which is parked in a prepared parking space/surface that is sufficient to prevent rutting/unsightly conditions or shielded from public view by properly constructed and permitted fencing.

2) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on a property that does not contain a residential dwelling unit unless it complies with the following requirements:

(a) No more than five vehicles per property. Vehicles that are regularly parked or stored on a property that does not contain a residential dwelling unit and that may be viewed from a public vantage point must be so stored or parked on a designated and neatly kept parking or driveway area that is sufficient in quality to prevent rutting.

(b) Vehicles, watercraft and other articles stored outside on a property that does not contain a residential dwelling unit must be owned by the person or immediate family of the person who owns that property. In no event shall storage or parking of vehicles on a property that does not contain a residential dwelling unit be for fee/payment without the proper authorization by the City.

(E) Permit to expand permitted use; fee.

(1) The City may, upon proper permitting allow expansion of the standards established above for the outside storage and parking upon both properties that contain a residential dwelling unit and those that do not contain a residential dwelling unit.

(2) Application shall be made to the City Building Official on a form provided by the City that shall contain, at a minimum, the following information:

a. A detailed description of the proposed expansion including identification of the property that is the subject of the request and the nature/extent of the deviation from the standards set in Sections (B) & (D) above and a description of all mitigation measures, including but not limited to fencing/screening, preparation of dedicated parking/driveway areas or landscaping, that will be used to mitigate the effect of the expanded use upon the character of the neighborhood.

b. A sketch of the property showing the area where the expanded storage/parking is to occur and detailing mitigation measures that will be used to reduce the impact of the expanded use upon neighboring properties.

c. Proof that the owner is current in the payment of taxes and assessments related to the property.

(3) Once received, the application for permit will be reviewed by the City Building Official and Chief of Police, or their designee, for compliance, and if found in compliance with the requirements listed above it shall be forwarded to the City Planning and Zoning Commission where it shall be set for consideration at the next regularly scheduled meeting, provided however, any application received less than one week from the date of a regularly scheduled Planning and Zoning Commission meeting shall be put off to the subsequent regular meeting for initial consideration to allow time for proper processing.

- (4) In considering applications presented to them, the Planning and Zoning Commission shall consider and make specific findings related to the granting or denial of the Application. In order to grant a permit, the Planning and Zoning Commission must find that the proposed expansion can be undertaken without an unreasonably detrimental effect to the surrounding property owners or character of the existing neighborhood.
- (5) The City Planning and Zoning Committee shall after due consideration of the application forward its recommendation to the City Council who shall then take final action on the application.
- (6) A permit granted under this section may remain in effect for a period of 5 years from the date of issue and may thereafter be renewable for subsequent 5 year periods by filing a request for renewal.
- (7) Any permit granted under the provisions of this section shall immediately become void upon the occurrence of the following events:
- a. voluntary surrender
 - b. violation of the terms of the existing permit
 - c. delinquency in the payment of any real estate taxes or special assessments associated with the property that is the subject of a validly issued permit.

(F) Definitions. For purposes of this section, these terms shall have the following meaning:

(1) Vehicle. The term vehicle shall include but not be limited to include cars, trucks, sport utility vehicles, travel trailers, trailers, boats, ATV's, dirt bikes, snow mobiles, or any other item that can be used either to carry/transport persons or property upon public roads"

(2) Property. The term property as used for the application of limits placed upon keeping of numbers of objects in this section shall be defined as all contiguous parcels of real estate held under common ownership.

(G) Penalty. Any violation of this section shall expose the owner of the property that is the subject of the violation to administrative fines as provided in Section 10.98 during the first year of its existence. Any property owner maintaining or allowing a violation to continue for a period longer than one year shall be guilty of a misdemeanor pursuant to Section 10.99."

All other provisions of Chisholm City Code Section 94 shall remain as currently in existence and not amended except as specifically identified herein and said amendment shall be effective immediately upon its passage.


Moved by Fountain and seconded by Vake that the foregoing ordinance be adopted.

Voting Yes: Councilors Halverson, Mikkola-Rahja, Fountain, Vake and Mayor Champa


Voting No: Councilor Lantz Absent:

Ordinance declared adopted this 10th day of March, 2020.

CITY OF CHISHOLM

By: 
Its: Mayor, **John Champa**

Attest:


Its: Interim City Clerk-Treasurer/Administrator, **Eileen Zah**