

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 24.08 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO STORAGE OF JUNK, MAINTENANCE OF BLIGHTED STRUCTURES, ETC

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Article 24.08 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

ARTICLE 24.08 STORAGE OF JUNK, MAINTENANCE OF BLIGHTED STRUCTURES, ETC.

Sections:

- 24.08.010** **Definitions**
- 24.08.020** **Certain practices declared nuisances**
- 24.08.030** **Liability of owners, occupants, lessees, etc., generally**
- 24.08.040** **Removal of junked automobile from private property by general inspector or police**
- 24.08.050** **Penalty for violation of article**
- 24.08.060** **Additional remedy**

Section 24.08.010 **Definitions**

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section:

Abandoned Vehicle. Without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours or more without consent of the owner or occupant of the property or for a period of forty-eight continuous hours or more after the consent of the owner or occupant has been revoked.

Blighted Structure. Without limitation, any dwelling, garage or outbuilding; any factory, shop, store, warehouse; or any other structure or part of a structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.

Building Materials. Without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring, or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement nails, screws or any other materials used in constructing any structure.

Junk. Without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast off material of any kind whether or not such material could be put to any reasonable use.

Junk Automobiles. Without limitation, any motor vehicle which is not licensed or use upon the highways of the state for a period in excess of sixty days and also includes, whether

licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days; provided, that there is excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

Trash and Rubbish. Any and all forms of debris not herein otherwise classified. (Ord. No. 525.)

Section 24.08.020 Certain practices declared nuisances

It is hereby determined that the following conditions tend to result in blighted and deteriorated neighborhoods, increase in criminal activity, spread of vermin and disease and are contrary to the public peace, health, safety, and general welfare of the community:

- a) Storing or permitting the storage or accumulation of trash or rubbish.
- b) Storing or permitting the storage of or accumulation of junk, junk automobiles or abandoned vehicles on any private property within the city, except within a completely enclosed building and in compliance with the provisions of this Code and other city ordinances; provided, that this shall not be construed to preclude the storage or accumulation of junk, junk automobiles or abandoned vehicles upon the business premises of a duly licensed junk dealer, junk buyer in used auto parts, or dealer in second hand goods or junk gatherer so long as such premises are operated and maintained in compliance with the provisions of this Code and other city ordinances.
- c) Dismantling, cutting up, removing parts from or otherwise disassembling any automobile, whether it is a junk automobile, abandoned vehicle or any appliance or machinery, except in a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.
- d) Keeping or maintaining any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store or warehouse, unless such structure is kept securely locked, the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or such structure is in the course of construction in accordance with a valid building permit issued by the city and such construction is completed within a reasonable time.
- e) Storing or permitting the storage or accumulation of building materials on any private property, except in a completely enclosed building or where such building materials are part of the stock in trade of a business located on such property or when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city and such construction is completed within a reasonable time.

Such conditions are hereby declared to be nuisances. (Ord. No. 525; Ord. No. 585.)

Section 24.08.030 Liability of owners, occupants, lessees, etc., generally

All persons maintaining or permitting the maintenance of any condition declared to be a nuisance by section 24.08.020, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals. (Ord. No. 525.)

Section 24.08.040 Removal of junked automobile from private property by general inspector or police

The general inspector or the police department may remove or cause to be removed any junk automobile or parts of either from any unenclosed private property after having notified in writing the owner or occupant of such property of its intention to do so at least forty-eight hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property if occupied or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles or parts of either shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the police department or general inspector shall not excuse or relieve any person of the obligation imposed by this article to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, parts of junk automobiles or abandoned vehicles or parts of either nor from the penalties for violation thereof. (Ord. No. 525.) 372 of 940

Section 24.08.050 Penalty for violation of article

The penalty for violation of any of the provisions of this article shall be a Class B misdemeanor.

Section 24.08.060 Additional remedy

As an additional remedy, the operation or maintenance of any property in violation of any provisions hereof and which cause discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. No. 717, § 1.)

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect upon final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator
First Reading: _____ 2024
Second Reading: _____ 2024
Final Passage: _____ 2024