

**\* SECTION 790**  
**ABANDONED VEHICLES AND JUNK**

**\*\* SECTION 791**

\*Repealed - Aug. 12, 1986

\*\* Adopted - Aug. 12, 1986

**791.01        STATEMENT OF PURPOSE**

The City Council has determined that abandoned, wrecked, junked, partially dismantled or inoperative vehicles, abandoned, discarded or unused objects or equipment including but not limited to furniture, stoves, refrigerators, freezers, lumber, trash, debris, junk, containers, machinery, implements or equipment which is no longer useable for the purposes for which they were manufactured and other rubbish and litter create a public nuisance tending to reduce the value of private property, invite plundering, create fire hazards, attract vermin and constitute a threat to the health and safety of the public. The outside storage of such items is a detriment to the environment and is hereby declared to constitute a public nuisance which may be abated as provided herein or as provided under any other ordinance of the City of Tonka Bay or law of the state of Minnesota.

**\*791.02        DEFINITIONS**

For the purpose of this ordinance, "vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a highway, lake, stream, channel, or trail and shall include but shall not be limited to automobiles and other motor vehicles, boats, snowmobiles, trailers, and parts thereof except devices moved by human power or used exclusively upon stationary rails or tracks. "Abandoned vehicle" means a vehicle, as defined above, that has remained for a period of more than 48 hours on public property or has remained for a period of more than 48 hours on private property without consent of the person in control of such property or in an inoperable condition such that it is either: 1) unusable or inoperable because of lack of, or defects in component parts; or 2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors or; 3) beyond repair and therefore not intended for future use as a motor vehicle; or 4) being retained on the property for possible use of salvageable parts unless it is kept in an accessory building; or 5) does not display a license plate or registration currently valid in Minnesota. "Abandoned vehicle" shall also be a vehicle used as a storage or accessory structure. "Abandoned vehicle" shall also be a motor vehicle voluntarily surrendered by its owner to the City. A classic car or pioneer car as defined in Minnesota Statutes,

(\*Amended May 23, 1989) Section 168.10, shall not be considered an abandoned vehicle.

**\*791.03        ABANDONMENT OF VEHICLES PROHIBITED**

No person shall park, store, or leave, or permit the parking, storing, or leaving of any abandoned vehicle nor more than a total of four (4) passenger vehicles or trucks not exceeding a gross capacity of 12,000 lbs. on public or private property within the City of Tonka Bay. A special permit may be granted by the City Council for additional outside storage of passenger vehicles upon a showing that there are more than four (4) licensed drivers residing on the property. This subdivision shall not apply if: 1) said vehicle is completely enclosed within a

building; or 2) said vehicle is stored or parked on private property of the owner thereof, or a member of his family, for the purpose of making repairs thereto, provided that said repair period shall not exceed thirty (30) days, and provided further that said vehicle shall be set back a minimum of eight (8) feet from the blacktop portion of the public right-of-way or eight (8) feet from the public right-of-way in the event said right-of-way is not blacktopped. Each lot or parcel of land in a residential district shall be limited to the outside storage of two (2) boats, except fishing boats fourteen (14) feet in length and under and canoes. A special permit may be granted by the City Council for up to two (2) additional boats for outside storage upon a showing that all boats are owned exclusively by the person residing on the property and his immediate family.

**\*791.035 NON-CONFORMING STRUCTURES AND USES**

No person shall park, store, leave or permit the parking, storing (\*Amended May 23, 1989) or leaving of any vehicle on blocks, jacks or other supports for a period longer than eight (8) months in any calendar year. Any vehicle stored, parked or left in such a manner shall be a non-conforming structure and use and shall cease and shall be brought into compliance with this Ordinance within thirty (30) days of the effective date of this Ordinance.

**791.04 BUILDING MATERIALS**

Building materials stored thirty (30) days prior to issuance of building permit, during actual building operations, and thirty (30) days after expiration of said building permit, as well as salvage materials stored during actual remodeling, wrecking or demolition operations, or for thirty (30) days following expiration of said building permit shall be permitted under this section.

**791.05 REMOVAL, CUSTODY AND IMPOUNDMENT**

The City of Tonka Bay may take into custody and impound any abandoned vehicle which is in violation of the provisions of this ordinance. Any person, at the direction of the City Clerk, South Lake Minnetonka Public Safety Department Police Chief, or any other police officer or representative of the City is hereby expressly authorized to enter upon private property for the purpose of enforcing this ordinance.

**791.06 IMMEDIATE SALE**

When an abandoned vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification and reclamation provisions of this ordinance.

**791.07 NOTICE**

When an abandoned vehicle does not fall within the provisions of 791.06, the City Clerk, Police Chief, or police officer of the City of Tonka Bay shall give notice to the taking into custody of the vehicle pursuant to Minnesota Statutes 168B.06.

**791.08 PUBLIC SALE**

An abandoned vehicle taken into custody and not reclaimed under 791.09 shall be sold to the highest bidder at public auction or sale, following ten (10) days published notice thereof in the legal newspaper for the City. From the proceeds of the sale of the abandoned vehicle, the City of Tonka Bay shall reimburse itself

for the cost of towing, preserving and storing of the vehicle, and all notice, publication and administrative costs, including reasonable attorneys fees incurred pursuant to this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and if not claimed, shall thereafter be deposited in the City Treasury. If after the sale, where the City has incurred costs which are not reimbursed by the sale, the City may assess such reasonable costs against the property upon which said vehicle was located and may collect the same as hereinafter provided.

**791.09        RIGHT TO RECLAIM**

The owner or any lien holder of an abandoned vehicle or any person in lawful possession or control of the property upon which said vehicle was abandoned shall have a right to reclaim said vehicle from the City of Tonka Bay upon payment of all charges described in 791.08 resulting from the taking of the vehicle into custody within fifteen (15) days after the date of the notice required by 791.07.

**791.10        ADDITIONAL REMEDIES**

In addition to the other remedies provided in this ordinance, the City Council may use the following procedure:

Subd. 1        The City Council shall determine that conditions evidence the violation of this ordinance. Upon identification of the violation, notification of the violation, notification by certified mail shall be issued to the owner as shown by the City's tax records, lessee, or occupant of the property which evidences any violation of this ordinance. Said notice shall identify the nature of the violation, the requirements of the ordinance, and order compliance with the ordinance no later than ten (10) days after receipt of the above notice.

Subd. 2        The property owner may appeal said order to the Tonka Bay City Council, provided that any appeal must be submitted in writing to the City no later than ten (10) days following receipt of the notice of violation.

Subd. 3        If the property owner requests an appeal in compliance with Subd. 2, a hearing shall be scheduled before the City Council. Following said hearing, the Council shall determine whether or not a violation has occurred. Upon finding of a violation, the Council shall order compliance with this ordinance no later than ten (10) days from the date of the order.

Subd. 4        If an appeal to the City Council order is not made to District Court within ten (10) days following the City Council's order and a property owner has not brought the property into compliance as ordered, the City shall enforce its order.

Subd. 5        The City shall request a determination of value with respect to the items in violation from the property owner. If the items are claimed by the property owner to have monetary value, the City shall arrange to have said items stored for a period not to exceed ten (10) days. If said items are not claimed by the property owner during the period of storage, the items shall be considered abandoned property with no monetary value and disposed of.

Subd. 6        Any and all costs incurred by the City to alleviate the violation shall be the property owner's obligation.

Subd. 7        Failure by a property owner to reimburse the City for any

costs including reasonable attorneys fees incurred concerning the enforcement of this ordinance shall be cause to certify said cost to the County Auditor as a special assessment against the property. The minimum time period required for compliance may be extended by the City Council if extraordinary or unusual conditions exist which unreasonably preclude the property owner from complying with the provisions established by this ordinance.

Subd. 8 The City Council or its duly authorized agents may enter upon all public and private places at any reasonable time for the purpose of inspecting those places for public nuisances as defined in this ordinance.

Subd. 9 On or before September 1st of each year, the City Administrator shall list the total unpaid charges against each separate lot or parcel to which they are attributable under this ordinance. After notice and hearing as provided in Minnesota Statutes 429.061, the Council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes 429.101 and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments not exceeding ten (10), as the Council may determine in each case.

**791.11 PENALTY**

Any person or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor. Every day that such violation continues shall constitute a separate offense.

**791.12 SEPARABILITY**

Every section, provision, or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part of any ordinance shall be held invalid, it shall not affect any other section, provision or part thereof.

**791.13 REPEALER**

Upon the effective date of this Ordinance, Ordinance 790 is hereby repealed.