

**AN ORDINANCE ADOPTION  
COMMUNITY PRESERVATION  
AND IMPROVEMENT  
REGULATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSBY, NORTH DAKOTA, AS FOLLOWS:

Section 1. The City Council finds and declares that the adoption of the community preservation and improvement regulations set forth in this ordinance and the administration of the provisions of such will amend and restate Article 5 of said Chapter XI and that said Article 5 is hereby re-amended and restated to read as follows:

**ARTICLE 5  
COMMUNITY  
PRESERVATION AND  
IMPROVEMENT****11.0501 FINDINGS**

The City Council finds and declares that the regulations set forth in this article are necessary in order to eliminate conditions on properties in the City which are detrimental to the health, safety and welfare of residents thereof, to neighboring occupants or properties and the municipal welfare.

**11.0502 DEFINITIONS**

For the purpose of this article, certain words and phrases are defined and shall be construed as set out in this section. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning that they have in common usages and to give this article its most reasonable application.

a. **Building.** "Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

b. **City Auditor.** "City Auditor" shall mean the City Auditor or his or her designees.

c. **Owner.** "Owner" shall mean any person owning property, as shown on the last equalized assessment roll for city taxes and also includes the lessee, tenant or other person having control or possession of the property unless otherwise specified.

d. **Property.** "Property" shall mean all real property including, but not limited to, front yards, side yards, backyards, driveways, walkways and sidewalks and shall include any building located on such property.

e. **Junked Vehicles.** "Junked Vehicles" shall mean any motor vehicle which:

1. Is inoperative and which does not have lawfully affixed thereto both any unexpired license plate or plates and which is wrecked, dismantled, partially dismantled, or discarded, or

2. Remains inoperative or uncensored for a continuous period of more than 60 days.

**11.0503 UNLAWFUL PROPERTY NUISANCE**

It shall be unlawful for any person owning, leasing, renting occupying or having charge or possession of any property in the City to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code or by other City regulations:

a. The exterior accumulation of dirt, litter or debris on the property;

b. Trash, garbage, or refuse cans, bins boxes or other such containers stored in yards for an unreasonable period;

c. Packing boxes, lumber, junk trash, salvage materials, or other debris kept on the property for an unreasonable period;

d. Attractive nuisances dangerous to children including abandoned, broken or neglected equipment, ma-

chinery, refrigerators and freezers, hazardous pools, ponds and excavations;

e. Broken or discarded furniture, household equipment and furnishings or shopping carts stored outside of buildings on the property for an unreasonable period;

f. Overgrown vegetation likely to harbor rats, vermin and other nuisances causing detriment to neighboring properties or property values or obstructing necessary view of drivers on public streets or private driveways;

g. Dead, decayed diseased, or hazardous trees, weeds, or other vegetation constituting unsightly appearance; dangerous to public safety and welfare, or detrimental to neighboring properties or property values;

h. Graffiti or other words, letters or drawings which remain on the exterior of any building or fence for an unreasonable period and are visible from a public street;

i. Boats, trailers, vehicles or vehicle parts, or other articles of personal property which are located on the property in violation of this ordinance or are abandoned or left in a state of partial construction or repair for an unreasonable period of time in the designated paved parking area of the front yard, the back yard, side yard, driveway, or sidewalk;

j. Camper shells which are left for an unreasonable period of time in the front yard, the back yard, driveway, side yard, sidewalk, or walkway and are visible from a public street; and

k. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction for an unreasonable period of time and such buildings which are unpainted or where the paint on the building exterior is mostly worn off.

**11.0504 LOCATION OR PRESENCE OF JUNKED VEHICLES WITHIN CITY DEEMED PUBLIC NUISANCE: EXCEPTIONS**

The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Crosby shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause of maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to (1) a vehicle or part thereof which is complete enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer, machine dealer, or vehicle and machine repair garage.

**11.0505 OBSTRUCTION TO PUBLIC STREETS**

All vehicles, boats, trailers, campers, etc., need to be removed from any and all street and alleyways by November 1st of each year through April 30th. The City reserves the right to request the streets any alleyways to be clear. The City will provide notice on vehicles boats, trailers, campers, etc. at least twelve (12) hours prior to the vehicles needing to be moved. The City reserves the right to impound the vehicles, boats, trailers, campers, etc.

**11.0506 DECLARATION OF PUBLIC NUISANCE**

Any property found to be main-

tained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law.

**11.0507 ABATEMENT PROCEDURE; NOTIFICATION OF NUISANCE**

Whenever the City Auditor determines that any property with the City is being maintained contrary to one or more of the provisions of Section 11.0503 of this article, the City Auditor shall give written notice (Notice to Abate) to the owner of said property stating the section(s) being violated. The notice to abate shall set forth a reasonable time limit, in no event less than seven calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same and shall be served upon the owner in accordance with the provisions of subsection b covering service in person or by mail.

**a. Administrative Hearing to Abate Nuisance.**

In the event the owner shall fail, neglect, or refuse to comply with the Notice to Abate, the City Council shall conduct an administrative hearing to ascertain whether the condition complained of in the notice violates this article and therefore constitutes a public nuisance.

**b. Notice of Hearing.**

Notice of hearing shall be served upon the owner not less than seven calendar days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

**NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE**

This is a notice of hearing before the city Council to ascertain whether certain property situated in the City of Crosby, State of North Dakota, known and designated as (street address), and more particularly described as (assessor's parcel number), constitutes a public nuisance subject to abatement by the methods suggested in this notice. If the condition(s) described in this notice, in whole or in part, is (are) found to constitute a public nuisance as defined in Chapter XI, Article 5 and is (are) not promptly abated by the owner, such nuisance may be abated by City employees or private contract.

The costs shall be billed to the owner, and the City Council may authorize City employees or the City's contractors to enter upon the property for such purposes.

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