

Chapter 22 - ENVIRONMENT

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ARTICLE I - IN GENERAL

Secs. 22-1 – 22-18 - Reserved

ARTICLE II - BLIGHT¹

Sec. 22-19 - Causes of blight or blighting factors

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person.

- (1) *Inoperable vehicles.* In any area zoned for residential purposes, the storage upon any property of inoperable vehicles is illegal. For the purpose of this section, the term "inoperable vehicle" shall include any motor vehicle, or part of a motor vehicle, not stored in a garage, which is either:

- a. Unusable or inoperable because of lack of, or defects in, component parts;
 - b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 - c. Beyond repair and not intended for future use as a motor vehicle;
 - d. Being parked on any street or alley, for a period exceeding 48 consecutive hours; or
 - e. Without valid and current license plates issued by the proper state agency attached.
- (2) *Special permits.* The city council in its discretion, upon receipt of an application showing hardship in special circumstances may, in the instance of an inoperable vehicle, issue a special permit with appropriate conditions attached permitting an individual to keep such vehicle for a period not to exceed 60 days.
- (3) *Junk, trash, rubbish and refuse.* In any area within the city, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed 14 days is illegal. The term "junk" shall include, but not be limited to, parts of machinery or motor vehicles; unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable or safe; approved building materials; common household items; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.
- (4) *Noxious weeds, vegetation and substances.* Except as otherwise provided in this subsection (4), no owner, agent, or occupant of any premises shall permit upon his or her premises any noxious weeds as defined in Minn. Stats. § 18.77, weeds or turf grass growing to a height greater than six inches or which have gone or are about to go to seed, fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood. Turf grass growing to a height greater than six inches is permitted only during the month of May for residential properties.
- (5) *Structures.*
- a. *Unfit structure.* In any area the existence of any structure or part of any structure that because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended is illegal.
 - b. *Vacant structure.* In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals is illegal.
- (6) *Graffiti.* No owner agent or occupant of any premises shall allow or leave on the premises any graffiti, which shall mean any writing, printing, marks, signs,

symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any surface of objects such as buildings, walls, fences, sidewalks, curbs, trees, rocks, or other permanent structures or objects on public or private property or the interior surfaces of those parts of a building accessible to the general public and which have the effect of defacing the property. An owner agent may request the city to remove the graffiti by providing a waiver to the city to allow for the removal of graffiti on the owner agent's property. The owner agent will be billed for the cost.

(Code 1993, § 8-1.01; Ord. No. 0-98-07, 12-7-1998; Ord. No. 23-02, § 1, 4-26-2023)

Sec. 22-20 - Notification; deadline for removal

The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in [section 22-19](#) is found to exist shall be notified in writing by the clerk to remove or eliminate such causes of blight or blighting factors from such property by a specified time after service of the notice. The notice may be served personally, or by mailing to the last known address of the owner and if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(Code 1993, § 8-1.02(A); Ord. No. 18-08, § 1, 9-26-2018)

Sec. 22-21 - Abatement

- (a) In case of failure to remove any blight as defined in [section 22-19](#) after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the blighted condition. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in the same manner as other special assessments.
- (b) In case of failure to remove any blight as defined in [section 22-19\(5\)a](#) and [22-19\(5\)b](#), after notification and within the time prescribed, the council may direct the administrator or clerk to proceed as defined in Minn. Stats. §§ 463.15—463.261 regarding the repair and/or removal of hazardous and substandard buildings on property.

(Code 1993, § 8-1.02(B); Ord. No. 0-98-07, 12-7-1998)

Secs. 22-22 – 22-45 - Reserved

ARTICLE III. - PUBLIC NUISANCES²

Sec. 22-46 - Purpose

It is the purpose of this section to protect and promote the public health, safety and general welfare of the people of the city. This is in addition to all other statutes and regulations that might be applicable to the city.

(Code 1993, § 8-2.01)

Sec. 22-47 - Public place defined; nuisances

- (a) *Public place defined.* Whenever used in this article, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee, or otherwise, or in or on which the general public is permitted without specific invitation.
- (b) *Creation of a nuisance.* No person shall knowingly cause or create a nuisance in a public or private place, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by such person. A nuisance is any thing, act, occupation or use of property which:
 - (1) Annoys, injures or endangers the safety, health, comfort or response of the public;
 - (2) Offends public decency or the decency of any member of the public;
 - (3) Interferes with, obstructs, or tends to obstruct or render dangerous for passage any public place; or
 - (4) Renders the public insecure in life or in use of property.
- (c) *A nuisance upon premises.* No person shall knowingly cause, or create, or permit nuisances upon any premises as follows:
 - (1) Snow and ice not removed from public sidewalks 24 hours after a storm has ended;
 - (2) Trees, hedges or other obstructions that prevent persons from having a clear view of approaching traffic;
 - (3) Limbs of trees which are less than eight feet above the surface of any public sidewalk, or 14 feet above the surface of any street;
 - (4) Wires across public streets, alleys, lanes or sidewalks less than 15 feet above the surface of the ground;
 - (5) Buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which endanger the safety of the public;
 - (6) Explosives, bottled gas, inflammable liquids and other dangerous substances stored in any manner deemed dangerous by the fire marshal or fire chief;
 - (7) Obstructions and excavations affecting the ordinary use of public streets, alleys, sidewalks or public grounds except as authorized by the council;
 - (8) Any use of property abutting 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 streets or sidewalks;

- (9) Hanging signs, awnings and other similar structures over the streets or sidewalks, which endangers public safety;
 - (10) Allowing rainwater, ice or snow to fall from any building or structure upon any street or sidewalk, or wastewater to flow upon or across streets or other public property;
 - (11) Unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
 - (12) Obstructing free flow of water in a natural waterway or a public street drain, gutter or ditch;
 - (13) Motor vehicle not in operating condition parked in public view for more than 48 hours;
 - (14) Sweeping of grass clippings or leaves into the street or alley;
 - (15) Shoveling or plowing of snow into streets and alleys;
 - (16) Service and repair of vehicles in the street except for the changing of tires;
 - (17) Service and repair of vehicles in driveways except for the changing of tires;
 - (18) Noxious weeds and other rank growths of vegetation; or
 - (19) Any other conditions or things that are liable to cause injury to persons or property.
- (d) *Emissions and odors.* No person shall cause or allow the emission of any foreign materials such as dust, gases, fumes, vapors, smoke and odors in quantities that, by reason of their objectionable properties, shall be considered a nuisance because they do one or more of the following:
- (1) Injure, or are sufficient to injure, the health or safety of the public.
 - (2) Create an obnoxious odor in the atmosphere.
 - (3) Cause damage to property or inconvenience to the general public.
 - (4) Create a nuisance or hazard by obscuring vision.
 - (5) Have a deleterious effect upon trees, plants or other forms of vegetation.
- (e) *Unnecessary noise.* No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise disturbing to others, unless the same is reasonably necessary to the preservation of life, health, safety or property.
- (f) *Disruptive parties.*
- (1) *Participation.* No person shall congregate because of participation in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of any other person.

- (2) *Remaining to abate disturbance.* No person shall visit or remain within any place wherein such a party or gathering is taking place except persons who are there for the sole purpose of abating the disturbance.

(Code 1993, § 8-2.02)

Sec. 22-48 - Abatement

In case of failure to remove snow and ice from sidewalks as provided in [subsection 22-47\(c\)\(1\)](#) after notification and within the time prescribed, the administrator or clerk may order city employees or a contracted party to abate the nuisance. The responsible person shall be billed for the costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property for collection in accordance with Minn. Stats. § 429.101.

(Ord. No. 10-05, § 1, 9-8-2010)

Secs. 22-49 – 22-54 - Reserved

ARTICLE IV. - REGULATION OF COAL TAR-BASED SEALER PRODUCTS³

Sec. 22-55 - Purpose

The City of Falcon Heights understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns.

The 2013 Minnesota Legislature enacted a statewide prohibition on the use and sale of coal tar sealant products. This new statewide prohibition has been codified under Minn. Stats. § 116.202 and is effective on January 1, 2014.

The purpose of this article is to prohibit violations of Minn. Stats. § 116.202 in the City of Falcon Heights, Minnesota, in order to protect, restore, and preserve the quality of its waters.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-56 - Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different

meaning:

Asphalt-based sealer means a petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and does contain PAHs.

Coal tar means a byproduct of the process used to refine coal.

Coal tar sealant product means a surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.

City means the City of Falcon Heights.

MPCA means the Minnesota Pollution Control Agency.

PAHs or *polycyclic aromatic hydrocarbons* means a group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-57 - Prohibitions

- (a) No person shall apply a coal tar sealant product on asphalt paved surfaces within the city.
- (b) No person shall sell a coal tar sealant product that is formulated or marketed for application on asphalt-paved surfaces within the city.
- (c) No person shall allow a coal tar sealant product to be applied upon property that is under that person's ownership or control.
- (d) No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product to any driveway, parking lot, or other surface within the city.
- (e) No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product to any driveway, parking lot, or other surface within the city.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-58 - Exemptions

Upon the express written approval from the MPCA and in accordance with Minn. Stats. § 116.202, a person who conducts research on the environmental effects of coal tar sealant product or where the use of coal tar sealant product is necessary in the development of an alternative technology shall be exempt from the prohibitions provided in [section 22-57](#). Any person that is granted approval by the MPCA must provide a copy of the written approval from the MPCA to the city 20 days before conducting the research.

(Ord. No. 14-04, § 1, 11-12-2014)

Sec. 22-59 - Asphalt-based sealcoat products

The provisions of this article shall only apply to coal tar sealant products in the city and shall not affect the use of asphalt-based sealer products within the city.

(Ord. No. 14-04, § 1, 11-12-2014)

Footnotes:

¹ **State Law reference** – Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23.

² **State Law reference** – Authority to define and abate nuisances, Minn. Stats. § 412.221, subd. 23; public nuisances prohibited, Minn. Stats. § 609.74 et seq.

³ **Editor's note** – Ord. No. 14-04, § 1, adopted Nov. 12, 2014, amended Art. IV in its entirety to read as set out herein. Former Art. IV, §§ 22-55 – 22-59, pertained to similar subject matter and derived from Ord. No. 12-02, § 1, adopted March 28, 2012.