

ORDINANCE 89

AN ORDINANCE AMENDING SECTION 1330 OF THE CITY CODE REGARDING MOTOR VEHICLES.

THE CITY COUNCIL OF THE CITY OF KENYON, MINNESOTA, ORDAINS:

Section 1. Section 1330 of the Kenyon City Code regarding motor vehicles is amended by adding the double-underlined language and removing the ~~stricken~~ language as follows:

SECTION 1330 – SALE OF UNCLAIMED MOTOR VEHICLES

1330.01. Abandoned motor vehicle law adopted by reference. Minnesota Statutes, chapter 168B, is, ~~except as modified by this section,~~ adopted by reference and is as much a part of this code as if fully set forth herein. A violation of the statutes adopted herein by reference is a violation of this code.

1330.03. Policy; purpose; findings. The city council has found and determined (i) that the presence of junk vehicles and abandoned vehicles ~~on private property~~ in the city constitutes a public health and safety hazard; (ii) that in many instances junk and abandoned vehicles are kept on private property by the owners of the property themselves or by others with the consent of the property owner; (iii) ~~that in some instances the fair market value of a junk vehicle exceeds the approximate value of the scrap in the vehicle;~~ and (iv) that it is necessary to adopt regulations for the removal of junk and abandoned vehicles ~~from private property more stringent than~~ in addition to those contained in Minnesota Statutes, chapter 168B.

1330.05. Modification of chapter 168B. Subdivision 1. Definitions. For purposes of this section:

- a) the term “abandoned vehicle” includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 2 ~~that is on private property with or without the consent of the person in control of the property;~~
- b) the term “junk vehicle” includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 3, ~~the fair market value of which exceeds the approximate scrap value of the vehicle.~~

Subd. 2. Notice and hearing. Before impounding an abandoned vehicle or a junk vehicle ~~under~~ pursuant to Minnesota Statutes, section 168B.04, the city administrator ~~must~~ shall give ten days’ mailed written notice to the owner of or person in control of the property on which the vehicle is located and/or to the registered owner of such vehicle. The notice must state:

- a) a description of the vehicle;
- b) that the vehicle must be moved or properly stored within ten days of service of the notice;

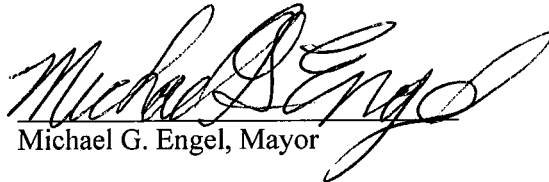
- c) that if the vehicle is not removed or properly stored as ordered, the vehicle will be towed and impounded at an identified location;
- d) that the vehicle may be reclaimed in accordance with the procedures contained in Minnesota Statutes, sections ~~168B.02~~ and 168B.07 or disposed of in accordance with Minnesota Statutes, section 168B.08; and
- e) that the registered owner of the vehicle or the owner of or person in control of the property on which the vehicle is located may in writing request a hearing before the city administrator.

1330.07. Hearing; action. If a hearing is requested under subsection 1330.05, subdivision 2, clause e) the administrator must promptly schedule the hearing, and no further action on the towing and impoundment of the vehicle may be taken until the administrator's decision is rendered in writing. At the conclusion of the hearing the administrator may i) ~~cancel~~ rescind the notice to remove the vehicle, ii) modify the notice pursuant to the terms of the City's code or state law, or iii) affirm the notice to remove. If the notice is modified or affirmed the vehicle must be disposed of in accordance with the administrator's written order.

1330.09. Appeal. All decisions of the city administrator pursuant to Section 1330.07 of this code shall be appealable to the City Council. In order to appeal such decision, the party aggrieved by a decision of the city administrator shall serve written notice upon the city administrator requesting a hearing before the City Council within 10 days of the city administrator's written decision issued pursuant to Section 1330.07. Upon receipt of such request for a hearing, the City Council shall hold a hearing within 30 days. The City Council shall further issue its decision, in writing, no more than 30 days after such hearing.

Section 2. This ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council of the City of Kenyon, Minnesota, this 10th day of October, 2017.


Michael G. Engel, Mayor

ATTEST:


Mark R. Vahlsing, City Administrator