

Chapter 34

**STORAGE OF JUNK**

THE STORAGE AND ACCUMULATION OF JUNK, TRASH, RUBBISH, JUNK AUTOMOBILES, ABANDOND VEHICLES AND BUILDING MATERIALS ON PRIVATE PROPERTY, THE MAINTENANCE OF BLIGHTED STRUCTURES AND OTHER BLIGHTED FACTORS OR CAUSES OF BLIGHTED AND DETERIORATION WITHIN THE CITY OF CARRINGTON.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARRINGTON, FOSTER COUNTY, NORTH DAKOTA:

Section 1. Terms.

The following words or term when used herein shall be deemed to have meaning set forth below:

- a. The term “junk” shall include, without limitation, parts of machinery or motor vehicles, used furniture, stove, refrigerators, or other appliances, remnants of wood, metal, or any other castoff material of any kind whether or not the same could be put to any reasonable use.
- b. The term “junk automobile” shall include, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of 60 days, and shall include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 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.
- c. The term “abandoned vehicle” shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant has been revoked.
- d. The term “blighted structure” shall include, without limitation, any dwelling, garage, or outbuilding, or 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 used or intended.
- e. The term “building materials” shall include, without limitations, lumber, brick, 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.

- f. The term “person” shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.
- g. The term “trash” and “rubbish” shall include any and all forms of debris not herein otherwise classified.

Section 2. Dangerous Build Defined.

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the State Building Code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the State Building Code for new buildings of similar structure, purpose or location.
- E. When any portion or member of appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the State Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the State Building Code for such buildings.
- G. Whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

- H. Whenever the building or structure, or any portion thereof, because of a dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion thereof of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever the exterior walls or other vertical structure, or any portion thereof is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants or criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- L. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the State Building Code, or any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws or ordinances, has in any non-supporting part, member or portion less than 66 percent the strength, fire resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed of like area, height and occupancy in the same location.
- N. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- O. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits lack of sufficient fire-resistive construction, faulty electric wiring, gas connection or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- P. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

- Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance to the public.

Section 3. Storage of junk, junk automobiles, etc.; contrary to public health and safety.

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the City of Carrington tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease and is contrary to the public peace, health, safety and general welfare of the community.

Section 4. Unlawful to store or accumulate junk automobiles, etc. (Ref. To Chapter 18 Carrington City Ordinance)

It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any private property in the City of Carrington except in a completely enclosed building.

Section 5. Unlawful to dismantle automobile except on business premises.

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, an abandoned vehicle, or otherwise, 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.

Section 6. Unlawful to maintain blighted, dangerous or nuisance buildings and structures.

It shall be unlawful for any person to keep or maintain any blighted, vacant, dangerous or nuisance buildings or structures, dwelling, garage, outbuilding, factory shop, store or warehouse unless the same is kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction is in accordance with a valid building permit issued by the City of Carrington, unless such construction is completed within a reasonable time.

Section 7. Unlawful to store building materials except on business premises.

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located in said property, or except 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 of Carrington, and even in these areas

it must be kept in an acceptable manner, and unless such construction is completed within a reasonable time.

**Section 8. Standards for repair, removal, vacation or demolition of nuisance buildings.**

The following standards shall be followed in substance by the police department, public works department, building inspector and the city governing body in ordering repair, removal, vacation or demolition of nuisances

1. If the nuisance building can be reasonably repaired so that it will no longer exist in violation of the terms and definitions of this ordinance, it shall be ordered repaired.
2. If the nuisance building is in such condition as to make it dangerous to the health, safety or general welfare of its occupant, it shall be ordered repaired.
3. In any case where a nuisance building cannot be repaired so that it will no longer exist in violation to the terms and definitions of this ordinance it shall be demolished. In all cases where a nuisance building is a fire hazard existing or erected in violation of the terms of this ordinance or any other City of Carrington ordinance or statute of the State of North Dakota, it shall be demolished.

**Section 9. Standards for the removal of junk or abandoned vehicles.**

The following standards will be followed in substance by police department, public works department and the city governing body in ordering the removal of junk or abandoned vehicles.

The police department may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any enclosed private property after having notified in writing the owner or occupant of such property of its intention to do so at least 48 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 automobile or abandoned vehicles or parts of either, shall be removed to the automobile pound and disposed of in accordance with the law. Such removal by the police department shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of either, nor from penalties for violation thereof.

**Section 10. Duties of the Public Works Department and Building Inspector.**

The Public Works Department and Building Inspector, as designated by the City governing body shall:

1. Inspect or cause to be inspected any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance.
2. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of terms and definition of the ordinance.
3. Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the County Register of Deeds, of any building by the Public Works Department of Building Inspector to be a “dangerous or nuisance building” within the standards set forth in Sections 1. and 2. of this ordinance that; (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days, or as may be necessary to do, or have done, the work or act required by the notice.
4. Set forth in the notice provided for in the subsection a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a “dangerous building”, and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time not exceeding 30 days, or as is reasonable.
5. Report to the Public Works Committee and the City governing body any noncompliance with the notice provided for in the subsection.
6. Appear at the hearings conducted by the City governing body and testify as to the conditions of the “dangerous building”.
7. Place a notice on all “dangerous buildings reading as follows: “This building has been found to be a dangerous building by the public works department . This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building as shown by records of the County Register of Deeds. It is unlawful to remove this notice until requirements have been met.”

Section 11. Duties of the City Governing Body.

The City Governing body shall;

1. Upon receipt of a report from the public works department or building inspector give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the County

Register of Deeds, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the public works department notice provided for in this ordinance.

2. Hold a hearing and hear such testimony as the public works department, building inspector, owner, occupant, mortgagee, lessee, or other persons having an interest in said building as shown by the records of the County Register of Deeds shall offer relative to the “dangerous building”.
3. Make written findings of fact from testimony offered as to whether or not the building in question is a “dangerous building” within in the terms and definitions of Section 1 and 2.
4. Issue an order based upon findings of facts requiring the owner, occupant, mortgagee, lessee, or other persons having an interest in said building as shown by the records of the County Register of Deeds to repair, vacate, or demolish any building found to be a “dangerous building” within the terms and definitions of this ordinance and State Century Codes and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said “dangerous building”.

Section 12. Failure to comply with decision of the City Governing Body.

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the City governing body or fails to appeal to the District court within 30 days, the City through its officers and employees shall cause such property, building, or structure to be repaired, vacated or demolished as ordered by the City governing body and shall bill the owner, occupant, mortgagee or lessee for the costs of such repair, vacation or demolition. If the bill is not paid when due, the costs may be assessed against the land on which the building or property existed (NDCC 40-05-01.1) or (NDCC 42-01 and 42-02)

Section 13. Violations-Penalty for Disregarding Notices or Orders and assessment of Cost.

When ever the owner of said property violates or fails to comply with any notice or order to repair, vacate, demolish or remove said property given by any person authorized by this ordinance to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding \$500.00 for each offense and every day subsequent to such notice in which said owner shall fail to comply with any notice or order shall be deemed a separate offense.