

Bond Case Briefs

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MUNICIPAL ORDINANCE - MINNESOTA

Appeal of Krenik

Supreme Court of Minnesota - November 1, 2017 - N.W.2d - 2017 WL 4943782

Vehicle owner appealed vehicle-abatement order issued by city inspector with respect to outdoor storage of collector vehicles.

City council upheld abatement order. Owner appealed by writ of certiorari. The Court of Appeals affirmed. Owner appealed.

The Supreme Court of Minnesota held that:

- Owner's portable fence and tarps did not adequately screen his collector vehicles "from ordinary public view," as required by collector-vehicle-storage statute, and
- City council adequately explained its decision to enforce statute governing outdoor storage of collector vehicles and did not act unreasonably, arbitrarily, or capriciously in doing so.

Owner's portable fence and tarps did not adequately screen his collector vehicles "from ordinary public view," as required by collector-vehicle-storage statute; tarps failed to conceal presence of vehicles themselves, wheels of each vehicle were fully visible below the tarps, tarp-covered top of each vehicle was visible from the street, gap between ground and bottom of fence allowed those walking by owner's property to see the wheels of both vehicles, and fence covered only front of each vehicle so that anyone passing by could see both the tarped vehicles and their storage areas from the sides.

City council adequately explained its decision to enforce statute governing outdoor storage of collector vehicles and did not act unreasonably, arbitrarily, or capriciously in doing so; after conducting opening hearing and permitting vehicle owner to present evidence, council explained in detail its determination that vehicle owner's use of a tarp and short fence to conceal the vehicle did not meet statutory requirement that vehicle be screened from ordinary public view.