

## PUBLIC NUISANCES

### § 91.01 GENERAL POLICY.

It is determined that the uses, structures, activities, and factors described with this subchapter, if allowed to exist, will tend to be harmful to the public welfare, safety, and morals. No person shall maintain or permit to be maintained any public nuisance identified within this subchapter on property in the city that is owned, leased, rented, occupied, or otherwise in the control of the person.

(Prior Code, § 7-1-1)

### § 91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where terms are not defined this subchapter but are defined in the International Property Maintenance Code (IPMC) or elsewhere in the city code, the terms shall have the meanings ascribed to them as stated in those codes.

**PREMISES.** Include any yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, café, church, school, any car or other motor vehicle, parking lot, drive-in, building used for business, commercial, or industrial purposes, washroom or lavatory, apartment hallway, or other location whether public or private in the city.

**PUBLIC NUISANCE.** Whoever by act or failure to act does any of the following is guilty of maintaining a **PUBLIC NUISANCE**:

- (1) Annoy, injure, or endanger the safety, health, comfort, or repose of the public;
- (2) Offend public decency;
- (3) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, basin, public park, square, street, alley, or highway; and
- (4) In any way render a considerable number of persons insecure in life or in use of property.

(Prior Code, § 7-1-2)

### § 91.03 NUISANCES UNLAWFUL.

It shall be unlawful for any person, firm, corporation, or association to maintain any public nuisance defined in this subchapter and it shall further be unlawful to do any act that is defined as a public nuisance in this subchapter.

(Prior Code, § 7-1-3) Penalty, see § 91.99

### § 91.04 PUBLIC NUISANCE.

(A) *Misdemeanors.* The following nuisances are declared to be misdemeanors:

- (1) Unwholesome substance that is brought in, deposited, left, dumped, or allowed to accumulate within the city;
- (2) Junk vehicles: a **JUNK VEHICLE** is a vehicle without a valid current license, or without a valid current registration (if applicable), or which is apparently inoperable located outside an enclosed building in a residential area including, but not limited to, automobiles, trucks, motorcycles, snowmobiles, trailers, all-terrain vehicles, and watercraft;
- (3) Pest harborage:
  - (a) All exterior property shall be free from rodent harborage and infestation;

(b) Boxes, lumber, scrap metal, and similar materials shall not be allowed to accumulate outside a structure in a manner that attracts an infestation of pests; and

(c) Materials permitted and approved for exterior storage shall be neatly stacked.

(4) Garbage and rubbish:

(a) All household garbage, offal, dead animals, animal and human waste, and waste materials;

(b) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, plastic bags, or trash; and

(c) Accumulations of clothing and any other items not designed for outdoor storage.

(5) Non-trash items;

(a) Accumulations of wood pallets;

(b) Accumulations of vehicle parts or tires;

(c) All construction and building materials unless the materials are being used at the time in the construction of a building, in which case the construction must be permitted and on a continuous uninterrupted basis;

(d) All appliance or appliance parts;

(e) All indoor or upholstered furniture of a type of material which is deteriorated by exposure to outdoor elements; and

(f) All other non-trash items which:

1. Are of a type or quantity inconsistent with the normal and usual use;

2. Are of a type or quantity inconsistent with their intended use of the property; or

3. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

(6) Fertilizer and burial of waste:

(a) No person shall leave, deposit, or cause to be placed on any private ground any garbage; and

(b) Sewage, waste, debris, carcass, or other substance or matter which is offensive or unhealthy by decomposition unless the same be buried at least three feet under the surface of the ground; provided, that the use of manure and phosphorous fertilizer in the normal course for agriculture or horticulture is permitted.

(7) Engaging within the city in any trade or employment which is hurtful to the inhabitants or dangerous to the public health, or injurious to neighboring property, or from which obnoxious odors arise, or undue noise emanates, and specifically no person shall operate a dump or garbage dumping area or rendering plant except the specific activity be authorized by the issuance of a permit as hereinafter provided;

(8) Causing or permitting garbage, tin cans, or refuse to be thrown or scattered upon any street, alley, highway, parkway, boulevard, or real estate;

(9) Causing or permitting detached structures not requiring a building permit that do not conform to the following requirements:

(a) All such detached structures shall be constructed of uniform building grade material;

(b) All sides, roof, and floor shall be securely fastened to the interior frame of the detached structure;

(c) All surfaces of the detached structures shall be stained, sealed, or painted;

(d) Exterior metal surfaces shall be treated with materials designed to resist corrosion;

(e) Structures that do not have slab floors shall have a rodent barrier that extends eight inches under the surface of the ground along the perimeter of the outside wall of the structure;

(f) All the detached structures shall be permanently anchored to the ground;

(g) Storage sheds erected after the adoption of the zoning ordinance shall meet district setback requirements; and

(h) Detached structures shall be erected in the side or rear yard of any residence.

(10) Consumption of beer, wine, or liquor in public except as provided by law;

(11) Strewing, scattering, littering, throwing, or disposing of any garbage or refuse onto any premises except into receptacles provided for such purposes;

(12) Marking with ink, paint, chalk, or other substance, or posting handbills on, or in any other manner defacing or injuring any public or private building or place within the city, or marking, defacing, or injuring fences, trees, lawns, or fixtures appurtenant to or located on the site of the buildings, or posting handbills on the fences, trees, or fixtures, or place a sign anywhere on any site except as permitted by the owner thereof;

(13) Lingering about the doorway of any building, or sitting or lingering upon the steps, window sills, railing, fence, or parking area adjacent to any building in a manner as to obstruct or partially obstruct ingress to or egress from the building or in a manner to annoy the owner or occupant;

(14) Obstructing pedestrian or vehicular traffic or otherwise causing an obstruction or interference with premises or rendering any premise dangerous for passage except in cases of emergency;

(15) Failing or refusing to vacate or leave any premises after being requested or ordered, either orally, in writing, or by posted sign, to do so by the owner, agent, manager, or person in charge thereof, or by any law enforcement agent or official, and also the return at any time thereafter to any such premises after having been so requested or ordered to vacate or leave the premises;

(16) Maintaining nuisance vegetation as follows:

(a) In any area the existence of any noxious or poisonous vegetation such as poison ragweed or other poisonous plants, or any weed, grass, brush, or plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood;

(b) In any area within 100 feet of the nearest building, the existence of weeds or grass in excess of eight inches in height or any accumulation of dead weeds, grass, or brush; or

(c) In any area on an occupied lot, the existence of weeds or grass in excess of eight inches in height or any accumulation of dead weeds, grass, or brush.

(17) All other conditions or things that are likely to cause injury to the person or property of anyone; and

(18) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.

(B) *Petty misdemeanors*. The following nuisances are declared to be petty misdemeanors:

(1) Racing the motor of any motor vehicle so as to cause unnecessary and unreasonable noise;

(2) Causing, producing, or creating any unnecessary and unreasonable noise by shouting, mechanical means, the blowing of motor vehicle horns, or any similar noise;

(3) Improper or annoying use of spot lights onto persons or premises;

(4) Using profane, abusive, indecent, or threatening language in public; and

(5) Occupying a standing motor vehicle in an area generally reserved for parking or occupies a standing motor vehicle while the vehicle is double parked.

(Prior Code, § 7-1-4) (Ord. 602, passed 10-13-2014)

## **§ 91.05 EXCEPTION.**

The provisions of this subchapter do not apply to the hauling or accumulation or spreading of manure for the purposes of agriculture provided the public health, safety, and welfare is not adversely affected thereby.

(Prior Code, § 7-1-5)

## **§ 91.06 ABATEMENT.**

(A) *Notice.* Whenever the officer who is charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify the owner and occupant of the premises of the fact and order that the nuisance be terminated and abated. The owner of the property will be determined as shown by the records of the office of the County Recorder. The notice shall be served in person or by regular mail. If the premises is not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding five business days for any grass or weed nuisance and not exceeding 20 days for all other nuisances, to either correct the violation or appeal to the City Council for a determination that the complained of activity does not violate the subchapter.

(B) *Accelerated abatement.* For second or successive violations concerning grass, weeds, and other vegetation in a calendar year, the city will, without additional notice, correct the conditions creating the violations and assess the cost therefor against the property.

(C) *Recovery of cost.* The owner of the premise on which a nuisance has been abated by the city shall be personally liable for the city's cost of abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable to the city.

(D) *Assessment.* If the nuisance is a public health or safety hazard on private property, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

(Prior Code, § 7-1-6) (Ord. 602, passed 10-13-2014)