

**CHAPTER 38; ENVIRONMENTAL**

**ARTICLE II.            Nuisances**

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**State law reference--**Power to define, prevent and abate nuisances, Minn. Stats. §§ 410.33, 412.231, subd. 23.  
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**Section 38-30.            Definitions.**

No person shall maintain or permit to be maintained any of the following public nuisances:

- (a)     Any condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (b)     Any condition which interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (c)     Any other act or omission declared by law or this Code to be a public nuisance.

**Section 38-31.            Public nuisances affecting morals and decency.**

The following are hereby declared to be nuisances affecting public morals and decency:

- (a)     All gambling devices, slot machines and punchboards or gambling activity not licensed or otherwise authorized by City Ordinance.
- (b)     All places where intoxicating liquors are manufactured, sold, bartered, possessed or given away in violation of the law.
- (c)     Knowingly and intentionally urinating or defecating on or into any street, sidewalk, lane, alley, parking lot/ramp or any other public ground, or upon any private ground exclusive of structures containing toilet facilities.

**Sec. 38-32.            Public nuisances affecting peace and safety--Enumeration.**

The following are public nuisances affecting peace and safety:

- (a)     All trees, hedges, billboards, or other obstructions, which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
- (b)     All limbs of trees which are less than eight feet above the surface of any street, as provided by this Code or other Ordinance.
- (c)     All wires which are strung less than 15 feet above the surface of the ground.
- (d)     All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise, which are so situated as to endanger the safety of the public.
- (e)     All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by this Code or other ordinance.
- (f)     All use or display of fireworks, except as provided by this Code or other Ordinance or as authorized by the City.

- (g) All unnecessary noises and annoying vibrations.
- (h) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, right-of-ways, sidewalks or public grounds, except under such conditions as are provided by this Code or other Ordinance.
- (i) Communication aerials or antennae erected or maintained in any manner except as provided by this Code or other law, or as authorized by the City
- (j) Any use of property abutting on 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 free use of the streets or sidewalks, except as authorized by the City.
- (k) All hanging signs, awnings and other similar structures over the streets or sidewalks, not constructed and maintained as provided by this Code or other Ordinance, or so situated as to endanger public safety.
- (l) The accumulation of rainwater, ice or snow, escaping from any private property upon and entering upon or across any street or sidewalk or other public property.
- (m) All barbed wire fences which are located within three feet of any public sidewalk.
- (n) All dangerous, unguarded machinery, in any public place or so situated or operated on private property as to attract the public.
- (o) The distributing of handbills, flyers, or solicitation materials, except as provided by this Code or other Ordinance.
- (p) All buildings or businesses carried on within the City contrary to the provisions of the zoning regulations or amendments thereof.
- (q) The accumulation of papers, boxes, trash or rubbish, unless kept in a closed receptacle.
- (r) The accumulation of any litter or garbage upon the premises or permitting the same to remain on the premises.
- (s) All other conditions or things which are liable to cause injury to the person or property of anyone.
- (t) The keeping of any offensive, nauseous substance or liquid at any place from whence the stench thereof may reach the street, avenue, alley, lane or public land or any dwelling. Permitting any litter or garbage to remain upon the premises.
- (u) The accumulation of discarded or unused machinery, household appliances, automobile bodies, lumber, wood, trash, debris or other material, or the rank growth of vegetation among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes, mosquitoes or vermin, or in a manner creating fire, health, or safety hazards.
- (v) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or any other person coming on to the premises where it is located.
- (w) The obstruction to the free flow of water in a natural waterway or public street drain, gutter, or ditch through accumulation of trash or other materials.

- (x) The placing, depositing, or throwing of any litter, debris, garbage, refuse or trash upon any public property, public right-of-way, or upon adjacent private property without using a proper receptacle or without proper authority.
- (y) The parking, keeping, storage or accumulation of junk motor vehicles upon any private land or premises owned, occupied or controlled by any person or legal entity unless authorized by this Code or other Ordinance. No person shall park, keep or place any such junk vehicle upon land not owned by such person. For purposes of this section, a junk vehicle means any motor vehicle as defined in Minn. Stat. § 169.011, subd 42, part of a motor vehicle, or former motor vehicle stored in the open which is (1) unusable or inoperable because of lack of or defects in component parts; (2) unusable or inoperable because of damage from collision, deterioration, or otherwise; (3) beyond repair, and therefore, not intended for future use as a motor vehicle; (4) being retained on the property of possible use of salvageable parts; or (5) is not properly and currently licensed for operation within the State of Minnesota.
- (z) The existence of any structure or part of any structure which due to fire, wind, other natural disaster, physical deterioration, or any other cause, is no longer habitable as a dwelling or is no longer useful for any other purpose for which it may have been intended.
- (aa) The existence of any vacant dwelling, garage, or other outbuilding, or structure, that is not securely locked, windows glazed, securely boarded up or otherwise protected to prevent entry.
- (bb) The existence of any noxious or poisonous vegetation such as poison ivy, ragweed or other poisonous plants, or any weeds, grass, brush or plants which are a fire hazard or which are otherwise detrimental to the health or appearance of the neighborhood.

**Section 38-33.**

**Same--Prohibited.**

Any person who shall knowingly cause, create, permit or maintain any nuisance, shall be guilty of a misdemeanor.

**State law reference--**Public nuisances prohibited, Minn. Stats. § 609.74.

**Sec. 38-34.**

**Public nuisances affecting health.**

The following are public nuisances affecting health:

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter.
- (b) All diseased animals.
- (c) Pools of stagnant water.
- (d) Animal carcasses not buried or destroyed.
- (e) The accumulation of trash, ashes, refuse, manure, or debris of any nature or description.
- (f) Privy vaults or garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors.
- (g) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances and sources.
- (h) All noxious weeds, including all weeds defined by the State Commissioner of Agriculture, to be injurious to public health, roads, crops, livestock, and other property.

- (i) Dense smoke, noxious fumes or odors, gas and soot, or cinders, in unreasonable or unlawful quantities.
- (j) Intentional public exposure of persons having a contagious disease.
- (k) The placing of the contents of any cesspool, septic tank, privy vault, or garbage can upon the surface of any public or private property.

**Section 38-35. Enforcement.**

The police department, building department, and other such officers, employees, or agents as the City Council or City Manager may designate, shall enforce the provisions of this Ordinance. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**Section 38-36. Notice.**

Upon ascertaining that a public nuisance may exist, authorized City officers, employees or agents, shall serve a notice upon a person suspected or known to have caused or permitted the nuisance and/or upon the owner of the property upon which the nuisance is located. The notice shall be given according to Chapter 1, Article II, Administrative Citations and Penalties.

**Section 38-37. Hearing; abatement order; collection of costs.**

- (a) *General abatement.* Whenever the designated officer 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 any occupant of the premises according to Chapter 1, Article II of this Code and shall proceed with abatement under the same provisions.
- (b) *Emergency abatement.* When the designated officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner and any occupant of the property. The officer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.
- (c) *Costs of abatement.* All costs of a general or emergency abatement may be assessed and collected as an unpaid special assessment against the subject property pursuant to Minn. Stat. § 429.101. The City may also seek to recover such costs in an action against the owners, occupants or other responsible parties. The sanctions and remedies herein are not exclusive and the City may also proceed by any other legal remedy including injunction, declaratory action, criminal penalties or otherwise.

**Section 38-38 through 30-60. Reserved.**