

CHAPTER 7: NUISANCES AND OFFENSES

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ORDINANCE 70 PUBLIC NUISANCES

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Section 70.01: PUBLIC NUISANCE. A Person shall be guilty of maintaining a public nuisance if the Person:

- a) Maintains or permits a condition that unreasonably annoys, injures or endangers the health, safety, morals, comfort or repose of the public;
- b) Unduly interferes with, obstructs or renders dangerous for passage any public highway, waterway, right-of-way, or other public property;
- c) Has control of real property and permits it to be used to maintain a public nuisance or lets the same, knowing it will be so used; or
- d) Is guilty of any other act or omission declared by law or this Ordinance to be a public nuisance.

Section 70.02: PUBLIC NUISANCES AFFECTING HEALTH. The following shall be public nuisances affecting health:

- a) Stagnant Water. Stagnant water on private property.
- b) Diseased or Vicious Animals. Diseased or vicious animals running at large.
- c) Dead Animals. Dead animals or carcasses remaining exposed on any premises, unless the animals are to be processed to be used or sold as food products.
- d) Refuse. Any manure, excrement, ashes, tin cans, garbage, tires, trash, litter, household appliances, automobile bodies, discarded machinery or other refuse and debris, not contained in an odor and fly-tight covered receptacle, that accumulates on any private property, and dumping or throwing refuse materials on private or public property not set aside for refuse collection.
- e) Odorous Vehicles. Any vehicle containing any animal, manure, decaying animal or vegetable matters offensive to the human senses parked more than twenty (20) minutes on any private or public property in the City.
- f) Keeping Animals. Keeping or harboring any doves, pigeons, or other fowl, rabbits, foxes, deer or other animals, except commonly domesticated animals such as dogs and cats, on any privately owned premises, unless confined and kept in

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such manner with regard to noise and/or odor as to not upset the tranquility of the neighborhood. Chickens shall not be raised, kept or harbored within City limits.

- g) Water Pollution. Polluting any well or cistern, stream or lake, canal or water body with sewage, industrial waste, or other substances.
- h) Air Pollution. Dense smoke, noxious fumes, gas, soot, cinders, dust or other airborne materials in unreasonable quantities.
- i) Noxious Weeds. Noxious weeds, grasses over eight (8) inches tall, and other rank vegetation growths on public or private property.
- j) Contagious Diseases. Public exposure of a person with a contagious disease.
- k) Offensive Businesses. Any offensive trade or business not operating under a local license or permit.
- l) Inflammable Materials. Store, pile, place, keep or maintain any large quantity of combustible and inflammable material, including but not limited to tires, old boxes, barrels, paper, paint, and similar materials likely to be set on fire by design or accident in any exposed place near any building within the City.

Section 70.02, f) amended 10/7/09

### Section 70.03: PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

- a) Gambling Devices. Gambling devices, slot machines and punch boards not permitted by law or this Code.
- b) Betting. Betting, bookmaking and all apparatus used in these occupations.
- c) Prostitution and Gambling. Houses kept for prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- d) Obscenity. Showing, displaying or offering for sale to any minor any indecent or obscene picture, book, pamphlet, magazine, newspaper, drawing, writing, motion picture or movie.
- e) Peeping Toms. Peeping into or through doors, windows, or openings of private homes by methods of stealth and without proper authority.
- f) Vehicles. Using any vehicle to illegally transport intoxicating liquor or any other immoral or illegal purpose.
- g) Public Urination and Defecation. Urinating or defecating in the City while outside of a building or structure when the Person is:

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1. On or in a public street, alley, sidewalk, boulevard, park or parking lot,
2. In a private parking lot open to public use,
3. On private property without the owner's permission, or
4. On private property and performs the prohibited act where others off the property can observe it.

### Section 70.04: PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

- a) Traffic Obstructions. Trees, hedges, bushes, billboards, signs or other obstructions that prevent people from having a clear view of all traffic approaching an intersection.
- b) Wires and Tree Limbs. Wires and tree limbs that are so close to the surface of a street to constitute a danger to vehicles or pedestrians.
- c) Noises. Unnecessary noises and annoying vibrations.
- d) Excavations. Any open trench, basement, gravel pit, well, cistern, hole or excavation that constitutes a hazard to the public, unless proper warnings of peril are placed for the public's convenience and safety.
- e) Antenna. Radio aerials, television antenna or transmission towers erected or maintained in a dangerous manner.
- f) Crowds. Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk that causes large crowds of people to gather obstructing traffic and the free use of the street or sidewalk.
- g) Signs. All hanging signs, awnings and other similar structures over streets and sidewalks that endanger public safety.
- h) Precipitation. Allowing rain, water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- i) Barbed-Wire Fence. Any barbed-wire fence.
- j) Dangerous Machinery. All dangerous, unguarded machinery in any public place or situated on private property to attract the public.
- k) Injurious Material. Placing or throwing on any street, sidewalk or other public property any glass, tacks, nails, bottles or other substance that may injure any person, animal or tire.

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- l) Firearms. No shooting or carrying of firearms which are not encased shall be permitted unless specifically authorized.
1. Shooting shall mean the firing of firearms of any kind whatsoever regardless of the method of propulsion of the ammunition and shall include but not be limited to the firing of shotguns, pistols, rifles, air rifles, B-B guns, sling shots and bows propelling a pointed arrow.
  2. Encased shall mean any weapon included in the above definition of shooting, placed in a case in such manner as to prevent the shooting of the same.
  3. Nothing shall prohibit anyone from using firearms or any other instrument or device in protection of persons or property consistent with the laws of the State of Minnesota and this Ordinance.
- m) Fireworks and Explosives. It shall be unlawful to use or display fireworks, explosives, or flammable liquids in any manner other than in conformity with federal, State and local regulations.
- n) Medicine or Drug Samples. The distribution of medicine or drugs or samples shall be unlawful unless placed in the hands of an adult person according to the law and then only by someone properly licensed to do so.
- o) Burning. It shall be unlawful to burn any garbage, brush, trees, yard waste, refuse, hides, feathers, tires, oil, grease, or other organic matter which will cause any bad or objectionable odor or soot.
- p) Defacing Public Property. Defacing or destroying any public property.
- q) Engine Retarder Brakes. Using engine retarder brakes within the City limits, except in an emergency.
- r) Other Nuisances. Other nuisances shall be deemed all other acts or commission of acts, occupations and uses of property which are deemed by the Board of Health or the Health Officer to be a menace to the health of the inhabitants of the City at large or a considerable number of people in the City.

Section 70.05: ENFORCEMENT. The City Council, or its authorized agents, shall enforce this Ordinance and may inspect private premises and issue abatement orders. Whenever in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the following shall apply:

Subd. 1: Notification. The City Council shall notify in writing the person committing or maintaining such nuisance and require the person to terminate and abate the nuisance and to remove the conditions or remedy the defects. The written notice shall be served upon the person

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committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within five (5) calendar days to abate and remove said nuisance. The maximum time for the removal of the nuisance after service of the notice shall not in any event exceed ten (10) calendar days. Service of the notice may be proved by filing an affidavit of service with the City Clerk/Administrator setting forth the manner and time.

Subd. 2: Nuisance Abatement. If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes according to the order, then the City Council may abate the nuisance and recover its expenditures by assessing the cost of the enforcement action against the real property upon which the nuisance existed and to certify the same for collection in the same manner as taxes and special assessments are certified and collected.

Section 70.06: WAIVER. The City Council may waive any Ordinance provision if it determines that strict enforcement of the provision would cause any undue hardship.

Section 70.07: PENALTIES. Any Person who creates a nuisance or permits a nuisance to be created shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Fines for violations are as established by the City Council in Appendix A.

Section 70.07 amended on 1/4/06