

92.151 Nuisance

SECTION I. PUBLIC NUISANCE DEFINED. Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

SECTION 2. PUBLIC NUISANCE AFFECTING HEALTH. The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (2) All diseased animals running at large;
- (3) All ponds of stagnant water;
- (5) Accumulation of manure, refuse, or other debris;
- (6) Garbage cans and dumpsters which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (8) All noxious weeds and other rank growths of vegetation upon public or private property;
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

SECTION 3. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

- (1) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (2) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(3) Obstructions and excavations affecting the ordinary use of the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

(4) Radio aerials or television antennae erected or maintained in a dangerous manner; location and installation of TV satellite dishes or other communication devices that unreasonably obstruct views from neighboring premises.

(5) All hanging signs, awnings, and other similar structures over streets and sidewalks, situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(6) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(7) Leaving, in the open, discarded or unused machinery, household appliances, automobile bodies, unused automobiles, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among or around the items so left, or in a manner creating fire, health or safety hazards.

(8) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person, coming on the premises where it is located;

(9) Obstruction to the free flow, of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

(10) The placing or throwing on any street, sidewalk, or other other substances which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(11) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(12) All other conditions or things which are likely to cause injury to the person or property of anyone.

SECTION 4. DUTIES OF CITY OFFICERS. The health officer shall enforce the provisions of this ordinance with reference to nuisances affecting public health. The street superintendent or police department shall enforce the provisions relating to nuisances affecting public safety. The police department shall assist the other designated officers in the enforcement of other 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 5. ABATEMENT. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

The notice shall be served in person or by certified or registered mail. If the premises are 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, now exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter the council may cause the nuisance to be abated by the City.

SECTION 6. RECOVERY OF COST.

Subdivision 1. Personal Liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the costs determined, the city clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subdivision 2. Assessment. If the nuisance is a public health or safety hazard on private property or the accumulation on public sidewalks, the clerk shall, on or before September 1st next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes Section 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such 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.

SECTION 7. PENALTY. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700.00 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.