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ORDINANCE 70 PUBLIC NUISANCES

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 material or substance stored in the open or not enclosed in a building which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to: empty cans, bottles, debris, furniture, manure, excrement, ashes, glass, tin cans, garbage, tires, trash, litter, household appliances, automobile bodies or parts, including tires or rims, discarded machinery or parts thereof, scrap wood, dead trees, shrubs, or other vegetation, decayed, weathered or broken construction materials or lumber no longer useable, metal or cast off materials or other refuse and debris, that accumulates on any private property, and dumping or throwing refuse materials on private or public property not set aside for refuse collection.

Section 70.02, d) amended on 3/13/19

- 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.

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- 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 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.
- m) Leaking, Spilling Liquids, Etc. From Trucks, Etc. To transport by truck or other vehicle, over any street, alley or other public way, any fine substance or fluid materials, unless such truck or vehicle is so constructed as to prevent the leakage of such material, substance or liquid, or the emission of an offensive odor or smell.

Section 70.02, m) amended 3/13/19

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.

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- 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 or 3.2 malt liquor, for promiscuous sexual intercourse, or for any other immoral or illegal purpose.

Section 70.03, f) amended 3/13/19

- g) Public Urination and Defecation. Urinating or defecating in the City while outside of a building or structure when the Person is:
 - 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 sidewalk or street to constitute a danger to vehicles or pedestrians.

Section 70.04, b) amended 3/13/19

- 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 any child or other person coming on the premises where located, unless proper warnings of peril are placed for the public's convenience and safety.

Section 70.04, d) amended 3/13/19

- 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.

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- h) Precipitation, Sump Pump Drainage. Allowing rain, water, ice or snow to fall from any building or structure upon any street or sidewalk or allowing drainage from any sump pump to flow from private property onto or across any street or sidewalk, or allowing accumulation of snow or ice on a public sidewalk.
- Section 70.04 h) amended 3/13/19
- 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.
- l) Dangerous Weapons: “Dangerous weapons” shall mean any firearm, whether loaded or unloaded, any device designed as a weapon and capable of producing bodily harm or any other device or instrument which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm.
- m) Bows and Arrows: “Bows and arrows” shall mean any device or combination of devices designed to propel any arrow from a cord connecting the two (2) ends of a bow by pulling on the cord thus bending the bow and then releasing the cord, except it shall not mean devices of this type commonly interpreted to be toys.
- n) Firearm: “Firearm” shall mean any device from which is propelled any missile, projectile, bullet or other mass through a barrel by means of explosive, gas, air and/or spring devices. Any device that discharges blank cartridges for a show or theatre, for signal or ceremonial purposes in athletics or sports, or for use as a bird or animal repelling device shall not be considered a “firearm” under this Ordinance.

Subd. 1. No person shall discharge at any time, any firearm or bow and arrows upon or onto any lands within the City except as this Ordinance provides. This provision shall not apply to Law Enforcement or Military Members while engaged in official activities.

Subd. 2. A person may use bows and arrows on private property or on school and city property in connection with an organized school or recreation class if the arrows are equipped with blunt tips (also known as “field points” or “target arrows”). The Police Department must issue a written permit for using bows and arrows under this subdivision.

Subd. 3. Except for discharge, this section intends neither to further nor restrict what is restricted in Minnesota Statutes Section 624.711 through 624.7143.

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Subd. 4. It shall be unlawful for any person to be under the influence of alcohol, narcotics or any other drug when discharging a dangerous weapon.

Subd. 5. Nothing in this section shall be construed to include any discharge of any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition when used for construction purposes.

- o) 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.
- p) 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.
- q) 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.
- r) Defacing Public Property. Defacing or destroying any public property.
- s) Engine Retarder Brakes. Using engine retarder brakes within the City limits, except in an emergency.
- t) Antennae. Radio aerials or television antennae erected or maintained in a dangerous manner.
Section 70.04 t) amended 3/13/19
- u) Wastewater. Any wastewater cast upon or permitted to flow upon streets or other public properties.
- v) Garbage or refuse. Accumulations in the open of garbage or refuse as defined herein in a manner conducive to the attraction or harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in any manner creating fire, health or other safety hazards from such accumulation.
- w) 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 70.04 u) – w) added 3/13/19

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:

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Subd. 1: Notification. The City 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 committing or maintaining the nuisance in person or by U.S. 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.

Section 70.05 Subd. 1 amended 3/13/19

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.

Subd. 3: Emergency Procedure. In cases of emergency, where delay in abatement required to complete the notice provided in Subd. 1, will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the Police Department or other designated City official shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement will unreasonably endanger public health, safety or welfare. The officer or designed official shall notify in writing the occupant or owner of the premises of the nature of the nuisance and order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Section 70.05 Subd. 3 added 3/13/19

Subd. 4: Sump Pump Discharge Abatement. The owner of the premises shall have the option of (1) re-routing the outlet for the sump pump so that no flow reaches the public sidewalk and/or right of way; or (2) connecting to the City's existing drain tile system/stormwater system within the right of way. Such connection shall be at the owner's sole cost and expense and shall be designed with an air gap above the in-ground pipe to allow discharge even if the in-ground pipe is frozen or blocked by some other means. If the owner connects to the City's system, owner agrees that the City shall not be liable to owner or any third parties for any damage that may occur as a result of the connection to the drain tile system, including but not limited to any damage that results from the drain tile freezing up, causing back up into the owner's house or property, adjacent properties, or for breakage of the drain tile connection, and owner shall defend and indemnify the City from such liability.

Section 70.05 Subd. 4 amended 8/17/22

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.

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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