

## ORDINANCE 47

### AN ORDINANCE DEFINING AND PROHIBITING NUISANCE AND PROVIDING A PENALTY FOR VIOLATION

THE CITY COUNCIL OF THE CITY OF MINNESOTA CITY ORDAINS:

Section 1. Public Nuisance defined: Whoever by his/her 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 numbers or members of the public; or
2. Interferes with, obstructs, or renders dangerous for passage, any street, public highway or right of way, or waters used by the public; or
3. Is guilty of any other act or omission declared by existing laws to be a public nuisance.

Section 2. Public nuisance affecting health. The following are hereby declared to be public nuisance affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter.
2. Accumulations of manure, animal excretions, refuse, or other debris.
3. All diseased animals running at large.
4. Privy vaults and garbage cans which are not rodent free or fly tight or which are so maintained as to constitute a health hazard or emit foul and disagreeable odor.
5. All noxious weeds or other rank growths of vegetation upon public or private property.
6. All public exposure of persons having a contagious disease.
7. The pollution of any public well, cistern, stream or lake, canal or body of water by sewage, industrial waste, or other deleterious substances.

Section 3. Public nuisance affecting peace and safety:

1. All snow and ice not removed from public sidewalks within 12 hours after the snow or precipitation causing the condition has ceased to fall.
2. All trees, hedges, bushes, signs or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.
3. All wires, limbs of trees, vines, or other hanging growths which are so close to the surface of a sidewalk or street as to constitute a danger or annoyance to pedestrians or vehicles.
4. All unnecessary noises and annoying vibrations.
5. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except as permitted by code or other applicable law.
6. Using any portion of public streets or boulevards to park or keep unused, decrepit, junked vehicles, or other materials for more than seven days, or in the event of snowfall, more than twelve hours.
7. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or rank growth of vegetation among items so accumulated, or in a manner creating fire, health, or safety hazard from such accumulations.
8. Any well, hole, or similar excavation which is left uncovered or in such a manner as to constitute a hazard to any child or person coming on the premises where such is located. The same applies to any refrigerator, deep freezer, or other large appliance or container left unattended without removing doors or covers therefrom.
9. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, cans, or other substances which may injure any person or animal or damage any pneumatic tire when passing over such substance
10. All other conditions or acts 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. All City Officers or other designated officials shall enforce the provisions relating to public safety.

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 on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not to exceed 30 days, except in cases or conditions earlier mentioned in which other time limits have been set, in which said nuisance is to be abated. If the notice is not complied with within the time specified, the City Council shall have the authority to employ at whatever reasonable means required to terminate said nuisance and bill whatever cost by City directly to persons responsible for creating or allowing such nuisance to exist. If payment is not received by City for cost incurred in abating a nuisance on or before a period of 6 months has expired, the Council shall list the total unpaid balance to be assessed against each separate lot or parcel to which the charges are attributable and forward such charges for certification to the County Auditor for collection along with current taxes.

Section 6. 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 \$300.00 plus the cost of prosecution in each case.

Section 7. Effective date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Glenn Alleman, Acting Mayor

Passed and Adopted this 3<sup>rd</sup> day of October 1978.

Attest: J. A. Kaslo, City Clerk