

## **Chapter 6.01**

### **Nuisances & Abatement**

**Section 1. Public Nuisance Prohibition.** A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

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. Does any other act or omission declared by law or this ordinance to be a public nuisance.

**Section 2. Public Nuisances Affecting Health.** The following are hereby declared to be nuisances affecting health:

1. The exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
5. Accumulation of manure, refuse, or other debris;
6. Accumulation of poisonous or injurious substances;
7. 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 to emit foul and disagreeable odors;
8. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
9. All noxious weeds and other rank growths of vegetation upon public or private property;
10. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;

11. All public exposure of people having a contagious disease; and
12. Septic tanks and drainfields, cesspools, waste holding tanks, private sewage disposal system, or private sewer line which malfunctions causing overflow, leakage, or offensive odors;
13. Any offensive trade or business as defined by statute not operating under local license.
14. The storage or processing of any materials, chemicals or other substances which emit foul or offensive odors discernable from properties other than that property upon which such storage or processing is occurring.

**Section 3. Public Nuisances Affecting Morals and Decency.** The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
2. Betting, bookmaking, and all apparatus used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

**Section 4. Public Nuisances Affecting Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;
2. Removing snow or ice from private property and placing such snow or ice upon a public right-of-way in such quantity or manner as to cause a hazard to travel or placing snow on public property.

3. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
4. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
5. Any tree, brush, or shrub with roots causing damage to any public sewer, waterline, sidewalk, or roadway;
6. Accumulations of waste brush, vegetation, or uncut wood. This does not include firewood neatly stacked and secured.
7. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
8. All unnecessary and annoying vibrations;
9. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
10. Radio aerials, satellite dishes, television antennae, or similar equipment erected or maintained in a dangerous manner;
11. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;
12. The unlicensed placing or storing on any street, sidewalk, alley, or public right-of-way any boxes, goods, wares, merchandise, building materials, machinery, business or trade article, except for the purpose of immediately transferring the same to some other or proper place;
13. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
14. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
15. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
16. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

17. Wastewater cast upon or permitted to flow upon streets or other public properties;
18. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, and household goods such as clothing, electronic devices, and furniture;
19. Accumulation in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use in construction or improvement presently in progress on the same premises, provided such materials have not been on site for more than 30 days), trash, debris, rubbish, or tires;
20. Any well, hole, or similar excavation that 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;
21. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
22. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
23. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
24. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel;
25. All residential garbage receptacles must be stored out of public view, and at least ten (10) feet from all public right-of-ways except on garbage pick up days;
26. The depositing of refuse on a public right-of-way or on an adjacent private property;
27. Throwing, placing, or depositing dirt, sand, leaves, trash, lawn clippings, weeds, grass, snow, or other materials in the streets, sidewalks, other public ways and the gutters thereof;
28. Burning in violation of Chapter 5.01, Section 9 of the city code;

29. All material and equipment not stored within a building or not fully screened so as to be visible from adjoining properties, except for the following; Laundry equipment, recreational equipment and vehicles, construction and landscaping material currently being used in the premises, and off-street parking of passenger vehicles;
30. All weeds and grass that exceed eight (8) inches in height on developed parcels and twelve (12) inches in height on undeveloped parcels. This does not include buffer zones that have been developed for sedimentation control purposes and approved by the City or wetland areas;
31. Any tree living or standing with an epidemic disease;
32. Accessing private property from a public right-of-way without use of a legally established driveway;
33. Permitting dirt, sand, or mud to be carried or deposited onto nearby streets, sidewalks, other public ways and the gutters thereof; and
34. Any other violation of State Law or the City Code, including but not limited to the Zoning Code, Housing Maintenance Code, and Building Code which the City Council deems likely to cause annoyance, inconvenience, discomfort, hurt or is a threat to the general welfare, health, and safety of the City.

## **Section 5. Noise Violations.**

1. Prohibited noises. The following are declared to be nuisances affecting public health, safety, peace, or welfare:
  - (a) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);
  - (b) All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules Chapter 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference;
  - (c) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
  - (d) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any

recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

- (e) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and
- (f) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

2. Hourly restriction of certain operations.

- (a) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 7:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.
- (b) Refuse hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- (c) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- (d) Radios, music devices, paging systems, and the like. No person shall use or operate or permit the use or operation of any radio receiving set, stereo, phonograph, cassette player, compact disk player, loud speaker, sound amplifier, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, or comfort of any person nearby. Operation of such device in such a manner as to be plainly audible by any person at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this Section.

3. Habitually Barking Dogs.

- (a) “Habitually Barking Dog” means any dog that (i) barks, whines, cries or makes other similar such noises for a period of five minutes or more, with less than 1 minute intervals between noises and (iii) any such noises are audible off of the Owner’s property or premises, or such other property or premises upon which the dog is kept.
  - (b) Habitually Barking Dogs are hereby declared to be a public nuisance. No person, owner or keeper shall keep or harbor a dog within the City that habitually barks, howls, or cries.
- 4. Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.
- 5. Waiver. The provisions of this ordinance shall not apply to events occurring at the Wright County Fairgrounds, or to official city or school sanctioned events such as Good Neighbor Days events, school dances, sporting events, and public parades.

## **Section 6. Nuisance Parking and Storage.**

- 1. Declaration of nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners’ and occupants’ use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.
- 2. Unlawful parking and storage.
  - (a) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.

- (b) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property.
- (c) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
  - i. Vehicles that are parked or stored outside must be on a paved or graveled parking surface or driveway area.
  - ii. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

#### **Section 7. Inoperable Motor Vehicles.**

1. Declaration of nuisance. Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.
2. Inoperable motor vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state.
3. Screening. This section does not apply to a motor vehicle enclosed in a building.

**Section 8. Duties of City Officers.** City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.



## **Section 9. Abatement Procedure.**

1. Procedure. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.
2. Notice. Written notice of the violation and notice of the City Council order and/or notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.
3. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and (B) of this section 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 peace officer or other designated 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 designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may 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.
4. Immediate abatement. 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.

5. Unlawful parties or gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision 6, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
6. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

#### **Section 10. Grass & Noxious Weed Abatement Procedure.**

1. Time To Correct. Upon notification of a violation of Section 2, Subsection 9 or Section 4, Subsection 30, the Property Owner shall have 7 days to correct the violation.
2. Correction Notice. In the instance of abating tall weeds/grass, the property owner shall be issued one notice per year. After which, the City shall reserve the right to abate the nuisance at any time violations reoccur.
3. Abatement Order. If the violation has not been corrected, the City Administrator or his appointee may order the abatement be implemented by City Staff or a contractor.
4. Appeal. Any appeal of the correction notice must be served upon the City Administrator or City Clerk/Treasurer within 5 days of the mailing of the corrections notice. All appeals shall be heard by the City Council at their regular meetings. Notice of the date of the appeal hearing to be held before the City Council shall be mailed to the violator at least 10 days prior to the hearing. The written decision of the City Council shall be mailed to the violator by mail. Any person aggrieved by the decision of the City Council shall have the right to appeal the decision of the City Council to the Wright County District Court. Any such appeal to the District Court must be served upon the City Administrator or City Clerk/Treasurer and filed in the Wright County Court Administrator's Office within 20 days after it is served by mail upon the violator.

#### **Section 10. Recovery of Cost.**

1. Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs, court costs and attorneys' fees.

As soon as the work has been completed and the cost determined, the city clerk or other city official 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.

2. Assessment. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes, including Minn. Stat. 366.012, for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case, with interest at a rate to be determined by the City Council.

**Section 11. 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 one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**Section 12. Severability.** If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.