

ORDINANCE NO. 68

AN ORDINANCE DEFINING PUBLIC NUISANCE AND THE ENFORCEMENT THEREOF

THE CITY COUNCIL OF THE CITY OF DENNISON ORDAINS:

SECTION 1. 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:

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

SECTION 2. Public nuisances affecting health. The following are hereby declared to be nuisances affecting health:

- (a) Exposed accumulations of decayed or unwholesome food or vegetable matter;
- (b) All diseased animals running at large;
- (c) All ponds or pools of stagnant water;
- (d) Carcasses of animals not buried or destroyed within twenty-four hours after death;
- (e) Accumulation of manure, refuse or other debris;
- (f) 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;
- (g) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (h) All noxious weeds and other rank growths of vegetation upon public or private property;
- (i) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- (j) All public exposure of persons having a contagious disease;
- (k) Any offensive trade or business as defined by statute not licensed by the city board as defined by law a zoning ordinance.

SECTION 3. Public nuisances affecting peace and safety. The following are declared to be nuisances affecting public peace and safety:

- (a) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (b) 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;
- (c) All unnecessary noises and annoying vibrations;
- (d) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except

- under such conditions as are permitted by this code or other applicable law;
- (e) Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;
  - (f) All hanging signs, awnings, and similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
  - (g) 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;
  - (h) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
  - (i) 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 to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated;
  - (j) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where is located.
  - (k) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash, or other materials;
  - (l) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
  - (m) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
  - (n) All other conditions or things which are liable to cause injury to the person or property of anyone.

SECTION 4. Public nuisances affecting adjacent property. The following are declared to be nuisances affecting adjacent property:

- (a) All unsightly accumulations of lumber, wood, scrap metal, cans, refuse, debris, tires, fencing materials, mechanical parts, rocks, gravel or any other items or materials which serve to diminish the value or quality of any adjacent property, regardless of whether said adjacent property is privately or publicly owned.
- (b) All trees, shrubs, weeds, fences or any part thereof, exterior storage, or any materials or vegetation which extend into an adjacent property, including snow removed onto an adjacent property, to an extent where access is impeded, or the quality, usability, safety, or visibility of the adjacent property is negatively affected.
- (c) All excessive collections of water on an adjacent property caused by irregular grades, structures, hard-surfaced areas, or any other feature causing such excessive and frequent runoff to an adjacent property.

- (d) All unlicensed, unregistered or inoperable motor vehicles, household furnishings or appliances, or parts thereof, on any property, public or private, unless housed within a lawfully erected building. An exception may be made by application to the city council for a two month permit to keep an inoperable motor vehicle that is being repaired and no building is available. Such permit shall be specific for each vehicle and not transferable.

Section 5. Notice required prior to prosecuting for creating, maintaining nuisance; method of service.

- (a) Written notice to abate. Before any person is prosecuted for creating, harboring or maintaining a nuisance in the city, the City of Dennison shall give such person a ten (10) days' written notice ordering such person to abate such nuisance and to comply with applicable city regulations.
- (b) Serving notice. Such notice described in subsection (a) of this section shall be served by certified mail.
- (c) Description of property. Such notice shall describe the property involved sufficiently to identify it, shall describe the violation which exists and the remedial actions required.
- (d) Compliance. If, upon receiving such notice, an individual is unable to abate a nuisance within the allotted ten-day period, he or she may establish the fact to the satisfaction of the City of Dennison. The individual may request a reasonable extension to accomplish compliance by abating the nuisance.

Section 6. Penalty.

If the notice described above in Section 8 is not complied with by the responsible person within the time prescribed, such person is in violation of this ordinance and is guilty of a misdemeanor.

Section 7. Abatement.

If the notice described above is not complied with within the time specified, the city may, after notice to the owner or occupant and an opportunity to be heard, choose to abate the nuisance. The notice shall be served by mail at least ten(10) days before the date stated in the notice when the city will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of posting and the hearing.

Section 8. Recovery of costs.

- (a) 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 cost determined, the city 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.
- (b) Assessment. 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-

infested trees, the city shall, on or before September 1 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 city 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 (10), as the city may determine in each case.

Section 9. Repeal. Ordinance No. 39, passed November 26, 1974 is hereby repealed.

This ordinance becomes effective from and after its passage and publication.

Passed by the Council this 1<sup>st</sup> day of October, 1998.

Starr Mickelson  
MAYOR

Dawn Olson  
CITY CLERK-TREASURER

*Dawn Olson*