

City of Cuyuna, Minnesota

ORDINANCE NO. 805

Nuisances

June 14, 1995

805. Nuisances and Offenses  
NUISANCE ORDINANCE NO. 95-805

An Ordinance Defining, Prohibiting  
and Providing Penalty for Violations Thereof

The City of Cuyuna ordains:

SECTION 1. Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty intentionally does any of the following, or violates Minnesota Statute, 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 Nuisances 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 or pools of stagnant water;
- (4) Carcasses of animals not buried or destroyed within 24 hours after death;
- (5) Accumulations of manure, refuse, or other debris;
- (6) 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;
- (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; or weeds or growing grass which have gone or are about

to go to seed; or weeds or growing grass growing to a height greater than 24"; whether on public or private property, or along the sidewalk, street or alley adjacent therein.

- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- (10) All public exposure of people having a contagious disease;
- (11) Any offensive trade or business as defined by statute not operating under local license.

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, unless approved by law;
- (2) Betting, bookmaking, and all apparatus used in such occupations, unless approved by law;
- (3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, illegal gambling houses, houses of ill fame, and bawdy houses;
- (4) All places where intoxicating 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 liquor, or where intoxicating liquor is kept for sale or other property used for maintaining such a place;
- (5) Any vehicle used for the transportation of intoxicating 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 peace and safety:

- (1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- (3) 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;

- (4) All unnecessary noises and annoying vibrations;
- (5) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (6) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic and the free use of the street or sidewalk;
- (8) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (9) 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;
- (10) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (12) Waste water cast upon or permitted to flow upon streets or other public properties;
- (13) Accumulations in the open of discarded or unused machinery, household appliances, automobile bodies, or other material, in manner conducive to the harboring of rats, mice, vermin, or snakes, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation;
- (14) 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;
- (15) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
- (16) 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;

- (17) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- (18) All other conditions which are likely to cause injury to the person or property of anyone.

SECTION 5. Duties of city officers. The city health inspector or the officers of the police department shall enforce the provisions of this ordinance relating to nuisances affecting public health. The city building inspector or officers of the Cuyuna police department shall enforce the provisions of this ordinance relating to nuisances affecting public peace and safety. The City Clerk shall assist in the enforcement of nuisances, if required. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of the public nuisances.

#### SECTION 6. Abatement.

##### Subd. 1. Notice.

- (1) Notice by enforcing officer of violation. Written notice of violation, according to Subd. 2 or Subd. 2a, infra, shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person, by certified or registered mail, or by first class mail. If the premises is not occupied, the owner of record is unknown or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.
- (2) Notice of council hearing. Where an enforcing officer has not been given responsibility to declare a certain condition a nuisance, and the city council will have a hearing to determine the or abate the nuisance, such written notice of any city council hearing to determine or abate the nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of council hearing notice of council hearing shall be served by posting it on the premises.

- (3) Notice of any city council order. Except for those cases determined by the city council to require summary enforcement, or those cases involving "current services," written notice of any city council order shall be made by personal service, certified mail or registered mail, or by first class mail.
- (4) Notice of any motion for summary enforcement. Written notice of any motion for summary enforcement in district court of substandard buildings shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

Subd. 2. Procedure in cases of current services. Whenever an officer determines that a nuisance consisting of 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 and it 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 facts and order that such nuisance be terminated and abated. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 10 days, within which the nuisance is to be abated, and also stating that in case of current services noncompliance, such work will be done by the municipality at the expense of the owner, and that if unpaid, the charge for such work will be made a special assessment against the property concerned.

Subd. 2a. Procedure in cases not involving current services. Cases not involving current services are, generally, those cases not involving a public health or safety hazard on private property, not involving the accumulation of snow and ice on public sidewalks, not involving the growth of weeds on private property or outside the traveled portion of streets, and not involving unsound or insect-infected trees. If the notice of violation is not complied with within the time specified, the officer shall report that fact forthwith to the council. Thereafter, the council may, after the aforementioned notice to the owner or occupant and an opportunity to be heard, 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 council the city may seek injunctive relief by serving a copy of the city council order and notice of motion to district court for summary enforcement.

Subd. 3. Emergency procedure; summary enforcement. In case of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably danger public health safety or welfare, the city council may order summary enforcement and abate the nuisance. To proceed with

summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The enforcement officer shall notify in writing the occupant or owner to the premises of the nature of the nuisance and to the city's intention to seek summary enforcement and the time and place of the council meeting to consider the question of summary enforcement. The city council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth subdivision 1 above, and may order that such 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.

Subd 4. Immediate Abatement. Nothing in Section 6 of this ordinance shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

#### SECTION 7. Recovery of Cost.

Subd. 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 cost 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.

Subd. 2. 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-infected trees, the clerk 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 Minn. Stat.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 on in annual installments, not exceeding 10, as the council may determine in each case.

SECTION 8. 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 or

imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

SECTION 9. Passed \_\_\_\_\_, 199\_. The date this ordinance is to go into effect is the date of publication.

\_\_\_\_\_  
Steven Endrizzi, Mayor

ATTEST:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 199\_.

\_\_\_\_\_  
William F. Bedard  
Cuyuna City Clerk

Summary published in the Cuyuna-Ironton Courier on \_\_\_\_\_, 19\_\_.

## SUMMARY OF CUYUNA NUISANCE ORDINANCE NO. 95-402

The following official summary has been approved by the city council of Cuyuna as clearly informing the public of the intent and effect of this ordinance.

It is the intent and effect of the ordinance to adopt by reference statutes relating to the prevention of nuisances; to prohibit nuisances; to assess the cost of elimination of public health and safety nuisances; and to provide a penalty for violation.

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6. Aerials/antennae erected or maintained in a dangerous manner
7. Use of property causing large crowds (obstruction)
8. Hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance
9. Allow rain water/ice/snow to fall on street or to flow across sidewalk
10. Barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way

11. All dangerous, unguarded machinery in any public place/situated or operated on private property as to attract the public
12. Waste water cast upon or permitted to flow upon streets or other public properties
13. Accumulations in the open of discarded or unused machinery, household appliances, automobile bodies, or other material, in manner conducive to the harboring of rats, mice, vermin, or snakes, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation
14. 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
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SECTION 9. Passed June 14, 1995.

A printed copy of the ordinance is available for inspection by any person at the office of the city clerk.

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Steven Endrizzi, Mayor

ATTEST:

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William Bedard, Clerk

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