

CHAPTER 6

NUISANCES

SECTION:

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- 4-6-1: PUBLIC NUISANCE DEFINED:** Whoever by 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, health, 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 or this Chapter to be a public nuisance and for which no sentence is specifically provided. (1981 Code § 801.01)

- 4-6-2: HEALTH-RELATED NUISANCES:** The following are hereby declared to be nuisances affecting health:
- A. Decayed Or Unwholesome Accumulations: Exposed accumulation of decayed or unwholesome food or vegetable matter.
 - B. Diseased Animals: All diseased animals running at large.

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- C. Stagnant Water: All ponds or pools of stagnant water.
- D. Animal Carcasses: Carcasses of animals not buried or destroyed within twenty four (24) hours after death.
- E. Refuse Accumulations: Accumulations of manure, refuse or other debris.
- F. Privy Vaults; Garbage Cans: Privy vaults and garbage cans which are not rodent free or flytight or which are so maintained as to constitute a health hazard or emit foul or disagreeable odors.
- G. Water Pollution: The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
- H. Noxious Weeds; Vegetation: All noxious weeds and other rank growths of vegetation, public or private.

Smoke; Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities as stated by State and Federal air quality standards.
- J. Contagious Disease: All public exposure of persons having a contagious disease.
- K. Offensive Trade Or Business: Any offensive trade or business as defined by statute and not licensed by the City Board of Health as defined by law. (1981 Code § 801.02)

4-6-3: **SAFETY-RELATED NUISANCES:** The following are declared to be nuisances affecting public safety:

- A. Snow; Ice: All snow and ice not removed from public sidewalks twelve (12) hours after the snow or other precipitation causing the condition has ceased to fall.
- B. Intersections, Obstructing View Of Traffic: All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection for a distance of at least thirty feet (30') each from the intersection of the street right of way.

- C. Tree Limbs; Wires: All wires of any sort 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.
- D. Obstructions; Excavations: 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 and where properly identified by warning signs and/or lights.
- E. Radio, Television Antennas: Radio aerials or television antenna erected or maintained in a dangerous manner.
- F. Large Crowds; Obstruction Of Public Way: 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 free use of the streets or sidewalks.
- G. Hanging Structures¹: 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.
- H Rain, Snow Falling From Building: 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.

Barbed Wire Fence: Any barbed wire fence less than six feet (6') above the ground and within three feet (3') of a public sidewalk or way.
- J. Dangerous, Unguarded Machinery: All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- K. Wastewater: Wastewater cast upon or permitted to flow upon streets or other public property. (1981 Code § 801.04)
- L. Junk; Debris: The piling, storing or keeping of old machinery, junked vehicles, cut and uncut scrap lumber, pipes and other junk or debris in a residential area. The keeping or storing of old machinery, scrap lumber, junked vehicles, other junk or debris in a commercial zone.

1. See Title 10, chapter 11 of this code.

1. For the purposes of this subsection, a junked vehicle is one which is inoperative because it lacks vital component parts essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, wheels and battery.
 2. The storing on private property of an inoperative vehicle, for the purpose of repairing or restoring such vehicle, may be authorized by the Chief of Police for periods of up to ninety (90) days. The owner of said vehicle must procure a permit from the Chief of Police and the permit must be conspicuously displayed on or about the vehicle. Passenger-type vehicles must also have current license tabs and plates.
 3. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
 4. All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 88-3, 7-11-1988)
- M. Uncovered Excavations: 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 it is located.
- N. Obstruction Of Free Flow: Obstruction to the free flow of water in natural waterway or a public street drain, gutter or ditch with trash or other materials.
- O. Nails, Glass On Public Way: 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.
- P. Garbage, Refuse On Public Way: The depositing of garbage or refuse on a public right of way or on adjacent private property.
- Q. Other Conditions: All other conditions or things which are likely to cause injury to the person or property of anyone.
- R. Unnecessary Noise: All unnecessary noises and annoying vibrations. (1981 Code § 801.04)

4-6-4: NOISE-RELATED NUISANCES':

- A. Restricted Hours: It shall be unlawful for any person in the City in a public or private place to make, cause to be made or allow the making of any noise between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. which is unnecessary or unusual, which noise annoys, disturbs or affects the comfort, repose, health or peace of others.
- B. Noise Level: Any such noise that has the effect as hereinbefore described, heard outside the limits of the real estate from which said noise has its source and heard by another person, shall be such a noise as is hereby prohibited, which noise constitutes the basis of the violation of this Chapter.
- C. Persons Involved: The prohibition of this Chapter shall extend beyond the person making or causing to be made said noise and extend to any person in control of real estate or owning or possessing real estate. Any such person so allowing the making of said noise of said real estate controlled, owned or possessed by him/her, the making of which noise is unlawful by virtue of this Section shall be a violation of this Chapter. (1981 Code § 801.05)

4-6-5: DUTIES OF CITY OFFICERS:

- A. Enforcement: The City Engineer and/or Public Works Director and Police shall enforce the provisions relating to nuisances affecting public safety. The Police Department shall enforce provisions relating to nuisances affecting public safety.
- B. Power To Inspect: Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (1981 Code § 801.05)

4-6-6: ABATEMENT:

- A. Notice Of Determination: 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

1. See also chapter 9 Article B of this Title.

owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated.

- B. **Service Of Notice:** 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 it on the premises.
- C. **Necessary Action:** The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated.
- D. **Noncompliance:** If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.
- E. **Notice Of Abatement:** The Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of posting the notice and the hearing. (1981 Code § 801.06)

4-6-7: RECOVERY OF COST:

- 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 Clerk/Treasurer 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 Clerk/Treasurer.
- 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 the streets or unsound or insect-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Minnesota Statutes section 429.101. (1981 Code § 801.07)

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4-6-8: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. (1981 Code § 801.05; 1997 Code)

City of Sartell