

# **CHAPTER 8: NUISANCES, WEAPONS, BLIGHT AND REGULATING GRASS & WEEDS**

## **Part 1. Nuisances**

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## **Part 1. Nuisances**

**801.01. Public nuisance defined.** Whoever commits 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 deposits refuse upon any public highway, right of way or waterway; or
- c. Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically proved.

**801.02. Public nuisances affecting health.** The following are declared to be nuisances affecting health:

- a. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- b. All diseased animals running at large;
- c. Carcasses of animals not buried or destroyed with 24 hours after death;
- d. Accumulations of manure, refuse, or other debris;
- e. 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;
- f. The pollution of any public or private well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- g. All noxious weeds and other rank growths of vegetation (6 inches and above) upon public or private property;
- h. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- i. Open or controlled burning in violation of state statutes and regulations;
- j. All public exposure of persons having a contagious disease;
- k. Any offensive trade or business as defined by statute not licensed by the council.

**801.03. Public nuisances affecting morals and decency.** The following are hereby declared to be nuisances affecting public morals and decency:

- a. All gambling devices, slot machines, and punch boards kept in violation of law;
- b. Betting, bookmaking, and all apparatus used in such occupations;
- c. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- d. All places where intoxicating liquor and illegal drugs are manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor or using illegal drugs, or where intoxicating liquor or illegal drugs are kept for sale or the disposition in violation of law, and all liquor or drugs and other property used for maintaining such a place;
- e. Any vehicle used for transportation of intoxicating liquor or for promiscuous sexual intercourse, or any other immoral or illegal purpose.
- f. Public exposure by a person of his or her unclothed genital organs or public exposure by a woman of her unclothed breast below an area at the top of the areola.

**801.04. Public nuisances affecting peace and safety.** The following are declared to be nuisances affecting public peace and safety:

- a. All snow and ice not removed from public sidewalks 24 hours after the snow of the precipitation causing the condition has ceased to fall;
- b. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- c. 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;
- d. All unnecessary noises and annoying vibrations;
- e. 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;
- f. Radio aerials or television antennae erected or maintained in a dangerous manner;
- g. Any use of property, a public streets or sidewalks which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
- h. All hanging signs, awnings and similar situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- i. Any barbed wire fence less than six feet above the ground and within three feet of public sidewalk or way;
- j. All dangerous, ungraded machinery in any public place, or so situated or operated on private property as to attract the public;
- k. Wastewater cast upon or permitted to flow upon streets or public property;
- l. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, furniture or other material or debris, in a manner conducive to the harboring of rats, mice, snakes or vermin; or conducive to fire, health or safety hazards, or conducive to an unsightly appearance to the neighborhood, or conducive to the accumulation of rank growth of vegetation among the items so accumulated;
- m. Any well, hole, or similar excavation which is left uncovered or in such other condition so as to constitute a hazard to any child coming on the premises where it is located;
- n. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch;
- o. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or the substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- p. Entry upon the premises of another if the person entering has been given oral or written notice not to, or if the premises are clearly marked with "no trespassing" sign posts unless such entry is upon official business of a government agency or public utility;
- q. The depositing of garbage construction debris, or other refuse on a public right of way or on adjacent private property;
- r. All other conditions or things which are likely to cause injury to the person or property of anyone.

**801.05. Duties of city officers.** The designated official (nuisance and weed commissioner) shall enforce the provision relating to nuisances affecting public safety. The police department shall enforce provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**801.06. 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 order that such nuisance be terminated and abated. The Administrative Notice shall be served in person or by certified or registered mail. The council reserves the right to assess fines for violations.

Unoccupied premises. A notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied within the time specified, the enforcing officer shall report the fact forthwith to the council.

**801.07. 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 officer 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.** Any unpaid charges by the city for the costs of elimination of the nuisance may be collected as a special assessment.

**Subd. 3. 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.

**Subd. 4. 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.

# **CHAPTER 8: NUISANCES, WEAPONS, BLIGHT AND REGULATING GRASS & WEEDS**

## **Part 2. Weapons**

802.01	Use of weapons
802.02	Curfew imposed
802.03	Penalty
802.04	Severability

## **Part 2. Offenses**

### **802.01. Use of weapons.**

**Subd. 1. Minors.** No minor under the age of 14 shall have in their possession or under their control, any firearm, air gun, or B.B. gun for or any purpose within the city, except while accompanied by a parent or guardian.

~~**Subd. 2. Pointing of guns prohibited.** No person shall, within the city, aim or point any firearm, air gun, or B.B. gun, of any kind, whether loaded or not, at or towards another human being except it being in defense of person or persons or property against one committing or attempting to commit a felony.~~

**Subd. 3. Discharge of firearms.** No persons shall discharge any fireman, air gun, or B.B. gun of any kind within the city, except while under reasonable apprehension of harm to protect person or property against anyone committing or attempting to commit a felony. The Sheriff of Pine County may issue special permits for specified times to residents of platted areas to use firearms to control animal pests when no better means are available.

### **802.02. Curfew imposed.**

**Subd. 1. Age.** Except as provided in Subd. 2, no person under the age of 17 years shall be in any public place between the hours of 11:00 p.m. and 5:00 a.m.

**802.03. 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.

**802.04. 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.

# **CHAPTER 8: NUISANCES, WEAPONS, BLIGHT AND REGULATING GRASS & WEEDS**

## **Part 3. Blight**

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|--------|--|
| 803.01 | Reduction or elimination of blighting factors and Nuisance parking and storage |
| 803.02 | Penalty  |
| 803.03 | Severability   |

### **Part 3. Blight**

#### **803.01. Reduction or Elimination of Blighting Factors and Nuisance Parking and Storage.**

**Subd. 1. Purpose.** This section shall be intended to prevent, reduce or eliminate blighting factors within the City and to provide penalties for the violation of this provision.

**Subd. 2. Blighting Factors Prohibited.** It is hereby determined that the causes of blight described in this section, if allowed to exist, will tend to result in undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained, any of these causes of blight upon any property in the City.

**Subd. 3. Causes of Blight.** The following conditions have been found by the Council to create the blighting conditions to be prohibited by this section.

- A. Existence of Uninhabitable or Unsanitary Dwelling. Any structure or part of any structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended. This subsection also applies to houses that have badly chipping paint, loose shingles or broken windows, or other exterior significant defects, including but not limited to damaged vinyl siding, stucco, or other damaged exterior finishes.
- B. Existence of Vacant Dwelling. Any vacant dwelling, garage or other outbuilding, unless the buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance of the building by vandals.
- C. Existence of Uninhabitable or Unsanitary Commercial or Industrial Buildings. Any structure or part of any structure, which because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a commercial or industrial location, or useful for any other purpose for which it was intended. This subsection also applies to commercial or industrial structures with badly chipping paint, loose shingles or broken windows, or other exterior significant defects, including but not limited to damaged vinyl siding, stucco, or other damaged exterior finishes. Any broken or cracked windows shall be repaired or replaced in a reasonable timeframe. A plan shall be established and agreed upon by the affected property owner and city staff for the repair of the property within thirty (30) days. The grounds shall be kept free of any debris and refuse. All refuse shall be contained in suitable collection containers kept free from infestation and shall be removed weekly.
- D. Existence of Poisonous Vegetation and Tall Grass. Any noxious or poisonous vegetation, such as poison ivy, ragweed or other poisonous plants or any weeds, grass over six (6) inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood. Platted, but undeveloped property with a platted development that is with twenty feet (20') of a roadway, sidewalk, sold or developed property shall be maintained to below the six inch (6") maximum, as should any entrance(s) to the development. Otherwise, the platted, but undeveloped property shall be maintained below eighteen inches (18"). In no circumstances shall there be existence of poisonous vegetation. Certain nature areas, designated park or cemetery areas, agricultural land uses, wetland or shore land areas, railroad rights-of-way, and

steep slopes may be exempted from this section of the ordinance at the discretion of the Zoning Administrator.

**Subd. 4. Nuisance parking and storage.**

- A. 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 requirement 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) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (5) otherwise adversely affects property values and neighborhood patterns.
- B. Storage of junk. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in a manner as not to create a nuisance for period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles; unused stoves or other appliances stored in the open; remnants of wood, decayed, weathered or broken construction materials no longer suitable for sale as approved building materials; metal, pipe, forms, steel, or other material or cast off material of any kind; including all materials used in conjunction with a business, outside on residential property, whether or not the same could be put to any reasonable use; unless shielded from public view.
- C. Maximum number of vehicles. 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: (a) No more than four (4) vehicles per lawful dwelling unity may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
- D. Vehicles in front yard. Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area. Exceptions shall be made for no more than one (1) such vehicle per property when the winter parking ordinance is in effect.
- E. Vehicle, watercraft, etc. storage. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who legally resides on or owns that property.
- F. Motor vehicles, general. Any motor vehicle described in this subdivision 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.
  - a. Storage of Junk Automobiles. The storage upon any property of junk automobiles, unless stored in a garage or similar structure, shall be considered blight. For the purpose of this section, the term "junk automobiles" shall have the definition assigned to it by Minn. Stat. 168B.011, Subd. 3, as it may be amended from time to time, and shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of or defects in components parts or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore, not intended for future use as a motor

vehicle; (4) being retained on the property possible use of salvageable parts. A classic car or pioneer car, as defined in Minn. Stat. 168.10, as it may be amended from time to time, shall not be considered a junk automobile within the meaning of this section. Vehicles on the premises of junk yards and automobile graveyards, which are defined, maintained and licensed in accordance with Minn. Stat. 161.242, as it may be amended from time to time, or which are licensed and maintained in accordance with local laws and zoning regulation, shall be considered junk automobiles within the meaning of this section.

**803.02. 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.

**803.03. 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.

# **CHAPTER 8: NUISANCES, WEAPONS, BLIGHT AND REGULATING GRASS & WEEDS**

## **Part 4. Regulating Grass & Weeds.**

- 804.01           Duty of Property Owners to Cut Grass  
and Weeds and Maintain Trees and  
Shrubs.
- 804.02.         Duty of Property Owners to maintain  
Private Property
- 804.03         Assessment
- 804.04         Fee Schedule
- 804.05         Penalty
- 804.06         Severability

#### **Part 4. Regulating Grass and Weeds.**

**804.01. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.** Every owner of property within the city limits must cut grass and weeds and maintain trees and shrubs. If the grass or weeds in such place attain a height in excess of six (6) inches it shall be prima facie evidence of the failure to comply with this section. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut, or otherwise maintain all trees and shrubs from the line of such property nearest to such street.

**804.02. Duty of Property Owners to Maintain Private Property.** No property owner shall permit noxious weeds or vegetation to grow on any property to a height of more than six (6) inches or such lesser height at which said weeds may bloom and produce pollen and seeds.

**804.03. Assessment.** After five (5) days written notice of a violation to the owner of record or person having control over said property, the City may order cleaning, grading, mowing or other maintenance on said property and assess the cost thereof to the owner in accordance with the prevailing fee schedule, and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

**804.04. Fee Schedule.** The Council shall from time to time establish a fee schedule upon which charges for property maintenance shall be based.

**804.05. Penalty.** The city clerk may issue, either in person or by mail, an Administrative Citation to the property owner if the maintenance on said property is not in compliance. 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) of imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**804.06. 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.