

**Number 301**

**OUTDOOR NUISANCES, BUILDING MAINTENANCE, AND VEHICLES**

**PART 1. Nuisances**

**Definitions**

- 1) **Debris** – rough, broken bits and pieces of stone, wood, glass, rubble, bits and pieces of rubbish; litter, heap of rock fragments.
- 2) **Garbage** – organic waste resulting from the preparation of food, decayed and spoiled food of any source.
- 3) **Refuse** – includes garbage and rubbish.
- 4) **Rubbish** – inorganic solid waste, such as tin cans, glass, paper, ashes, sweepings, tires, car parts, machinery parts,

**Public Nuisance Defined.** Whoever, by his act or failure to act intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- 1) Maintains or permits a condition which unreasonably, 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.

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

- 1) The growth of vegetation to a height greater than 12 inches tall, measured from its base at ground level to the tip of each stalk, stem, blade, or leaf, in areas established and groomed as lawn by the owners or occupants except:
  - a. Maintained and weeded gardens and the plants therein;
  - b. Trees and ornamental shrubs;
  - c. Wetlands and floodplains designated on the official zoning map;
  - d. Grass cut for hay

- 2) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- 3) All diseased animals running at large;
- 4) All ponds or pools of stagnant water;
- 5) Carcasses of animals not buried or destroyed within 24 hours after death;
- 6) Accumulation of manure, refuse, or other debris;
- 7) Privy vaults and garbage cans which are not rodent free to 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, lake, canal or body of water by sewage, industrial waste, or other substances;
- 9) The pollution of air and/or top soil due to air pollution according to Minnesota State Statute.
- 9) All noxious weeds and other rank growths of vegetation upon public or private property;
- 10) All public exposure of persons having a contagious disease;  
Any offensive trade or business as defined by statute not licensed by the city board of health as defined by law.
- 11) The owner of any animal shall be responsible for the removal and clean up of any animal waste or excreta deposited by their animal(s) on public walks, streets, parks and recreation areas, or private property.

**Public Nuisances Affecting Peace And Safety.** The following are to be outdoor nuisances affecting public peace and safety:

- 1) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
- 2) All trees, hedges, billboards or other obstructions which prevent persons 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 all sidewalks and/or streets as to constitute a danger to pedestrians or vehicles;
- 4) All noises and vibrations that exceed the State decibel levels and/or any noise that any police officer or other duly authorized person deems excessive or unreasonable that would effect the safety, health, morals, comfort, or repose of members of the public;
- 5) Obstructions and excavations affecting the ordinary use by the public or 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 antennas 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 together, obstructing traffic and the free uses of the streets or sidewalks without city council permission;

- 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, or any pumped water upon any street or sidewalk or to flow across any sidewalk;
- 10) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in 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;
- 11) 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;
- 12) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- 13) The placing or throwing on any street, alley, road, highway, 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 the same;
- 14) The depositing, maintaining, permitting or failing to remove garbage, trash, rubbish, bottles, cans or other refuse on any property within the city, including large quantities of organic debris and materials which accumulated by other than natural means, except neatly maintained compost piles;
- 15) The piling, storing or keeping of inoperable machinery, rubbish, furniture, household furnishings or appliances or component parts thereof, or other non usable debris unless stored in a building;
- 16) Property in a residential district not seeded, sodded or other wise planted with a ground cover after any disturbance to the property caused by construction, grating or other activity;
- 17) The accumulation of any piles of wood which are not neatly stacked or stacked in some manner and secured in a stable manner to avoid collapse;
- 18) Any construction materials, including piles of dirt, sand, and sod, left in the open on property more than sixty (30) days after construction has been completed.

## **PART 2. Building Maintenance And Appearance**

Buildings, fences and other structures which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners and occupants enjoyment of their property and neighborhood and adversely effect property values.

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**Standards.** Any building, fence or other structure is a public nuisance if it does not comply with the following requirements.

1. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.
2. Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration cracked, chipped or otherwise deteriorated surface finish on more than 50 percent of:
  - a. Any one wall or other flat surface, or
  - b. All door and window moldings, eaves, gutters and similar projections on any one side or surface.
3. No glass including windows and exterior light fixtures shall be broken and no screens shall be torn or separated from moldings.
4. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
5. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
6. Chimneys, antennae, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly and, where applicable, to an exterior wall or exterior roof.
7. All foundations shall be structurally sound and in good repair.
8. All doors and windows shall not be allowed to be boarded shut.

### **PART 3. Vehicles**

**Definitions** For purposes of this ordinance the following words will have the meaning specified below:

- a. **Vehicle or Vehicles** – every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.
- b. **Motor Vehicle** – every vehicle which is self-propelled. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

- c. **Front yard area** – all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property in the zoning ordinance.
- d. **Outside** – to the outside of enclosed storage facility and visible from any other property.
- e. **Abandoned Vehicle** - a motor vehicle that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or that has remained for a period of more than forty-eight (48) hours on private property with or without consent of the person in control of the property, in an inoperable condition, unless it is kept in an enclosed garage or storage building
- f. **Junk Vehicle** –A junk vehicle shall include but is not limited to any motor vehicle, part of a motor vehicle or former motor vehicle which is not currently licensed for use upon the highways of the State of Minnesota, and/or is either:
  - i. unusable or inoperable because of lack of, or defects in component parts
  - ii. unusable or inoperable because of damage from collision, deterioration, or having been cannibalized
  - iii. unusable or inoperable because of partially dismantled
  - iv. beyond repair and therefore not intended for future use as a motor vehicle
  - v. being retained on the property for possible use of salvageable parts or replacement parts for other vehicles
  - vi. being retained on the property for the purpose of scrapping, dismantling, or salvage of any kind

A junk vehicle shall also be considered an abandoned vehicle for the purpose of this ordinance.

- g. **Inoperable Condition** – means that the vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that has a missing or defective part that is necessary for the normal operation of the vehicle, is stored on blocks, jacks, or other supports, or has not had a current vehicle license for at least six months.
- h. **Vital Components Parts** - those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including but not limited to, the motor, drive train, and wheels.

### **Storage of Junk Vehicles.**

No junk vehicle shall be stored or kept on premises located within the corporate limits of the city of New Auburn unless stored or kept in an enclosed building.

### **Unlawful Parking And Storage.**

No person may place, store, or allow the placement of storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 14 days in the front-yard area of residentially-zoned property.

### **Vehicle Constituting A Public Nuisance.**

1. Abandoned and junk vehicles are declared to be a public nuisance creating a hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter, and unsightly debris.

2. Any vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of any ordinance or state statute; or that is reported stolen; or that is found impeding fire fighting, snow removal or plowing or the orderly flow of traffic, is declared to be a public nuisance.

1. Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the proposed activities has been given to the vehicle owner or user at least twelve hours in advance, is declared to be a public nuisance.

### **Notification procedure.**

The city will follow the following procedure for any violation:

1. The city council will be given a list at a council meeting of violators. This can be done any time of the year.
2. The council will review the list and make a motion on which violators to continue action.

3. The city must notify the land owner and occupant in writing of the violation and what needs to be done to correct.
4. The owner and/or occupant will have 10 days to come into compliance.
5. If not in compliance after 10 days the city attorney will be notified to file charges.
6. The city will then start an abatement procedure.

### **Violations and Penalties.**

Any person, firm, corporation, or other entity found guilty of violation of this ordinance or any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties of a misdemeanor as prescribed by state law. Any person, firm, corporation, or other entity charged with a misdemeanor shall pay all fines, court costs, lawyer costs, administration costs and any other cost that the city may incur.

### **Abatement Procedure.**

1. Impounding. Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner by the towing contractor only upon payment of the required impound, towing, and storage fees.

2. Sale. Notice and sale of any vehicle impounded under this ordinance shall be conducted in accordance with Minnesota Statute governing the sale of abandoned motor vehicles.

3. Abatement. Except for the abatement of public nuisance vehicles the following abatement procedure shall apply to all public nuisances. Whenever the person who is appointed to enforcement determines that a public nuisance is being maintained or exists on property in the City, this person shall notify the property owner and occupant of that fact in writing and order that the nuisance be terminated and abated. Notice shall be served in person or by certified mail. If the property is not occupied and the owner is unknown notice may be served by posting it on the property. The notice shall specify the steps to be taken to abate the nuisance and the time not exceeding ten (10) days, within which the nuisance is to be abated. If the owner or occupant does not comply with the notice within the time specified, the City Council may, after notice to the owner and occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice 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 (30) days shall elapse between the day of posting and the hearing. In emergency circumstances where there is an immediate threat to the public health or safety or an immediate threat of serious property damage, the authorized person may

provide for abating a nuisance without action by the City Council. In such a case, the authorized person shall make reasonable attempt to notify the owner or occupant of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

4. Cost Recovery. The owner of property on which a nuisance has been abated by the City shall be personally liable to the City for the cost 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.

5. Assessment. If the cost has not been paid the Clerk shall, on or before November 1<sup>st</sup> following the nuisance abatement, list the total unpaid charges against each separate lot or parcel to which the charges are attributable. The Council may certify to the county auditor for collection along with current taxes in the following or in such annual installments, not exceeding ten (10), as the Council may determine in each case.

**Repeal.**

Ordinance number 88 is hereby repealed.

**Effective Date.**

This ordinance is in effect upon adoption and publication as is required by law. All property owners will have June 15, 2008 to come into compliance.

ADOPTED BY THE CITY COUNCIL THIS 15<sup>th</sup> DAY OF APRIL, 2008

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Roger H. Becker, Mayor

Attest:

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Wendy L Becker, City Clerk