

ORDINANCE 38

AN ORDINANCE OF THE CITY OF TROSKY, MINNESOTA, ENTITLED “PUBLIC NUISANCE” BY PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF ALL NUISANCES DEEMED IN THIS CHAPTER IN ACCORDANCE WITH MINNESOTA STATUTES, CHAPTER 61781.

THE CITY OF TROSKY ORDAINS:

Section 1. Ordinance 38 is hereby created to read:

SECTION 1.01. General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
2. In any way render the public insecure in life or in the use of property, or
3. Greatly offend the public morals or decency; or
4. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any sidewalk street, alley, highway, navigable body of water, or public way.

SECTION 1.02. Public Nuisance Affecting Health. The following acts, commission, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 1.01 of this section:

Subd. 1. All decayed; harmfully adulterated or unwholesome food or drink sold or offered the public.

Subd. 2. Unlawful Acts Relating to Animals.

A. It is unlawful for the owner of any vicious animal to allow such animal off his/her premises unless it is muzzled, on a leash, and under the control of the owner or a member of his/her immediate family over sixteen(16) years of age. Any vicious animal which is found off the premises of its owner other than as provided herein may be seized and impounded. Provided, that if the animal cannot be captured, it may be destroyed; provided further, that if the animal has been seen running at large or bites a person, the owner shall forthwith deliver the animal to the Animal Shelter and he/she may be ordered to appear in Court to show cause why such animal should not be destroyed.

B. It is unlawful for the owner of an animal to suffer or permit said animal to disturb the peace and quiet of the City by howling, crying, barking or making any other loud or unusual noise. A barking dog shall not constitute a violation of this paragraph if, at the time that the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property upon which the dog is situated or when the dog is teased or provoked. An owner shall be advised in writing that a complaint has been filed charging a violation of this paragraph and ordering that the violation be abated within five (5) days. If the animal continues to disturb the peace and quiet of the City beyond five (5) days provided in the notice or if there is a reoccurrence of the noise complained of at any time within six (6) months of the date of notice, a citation shall be issued charging the owner of the animal with a violation of this paragraph. No person shall be convicted under the provision except upon the evidence of two (2) or more persons each of a different household or upon the evidence of one (1) person and witness of said violation by a member of the Department of Safety of the Sheriff Department of Pipestone County.

C. It is unlawful for any person to maltreat, abuse or neglect, in a cruel or inhumane manner, any animal.

D. It is unlawful for any person, not acting under instructions from the owner or the City, to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any such animal.

E. It is unlawful for any person to keep domestic fowl such as ducks, geese or chickens, or predators, such as skunks, raccoons or weasels except by special permission of the City, and then only in accordance with all City, State and Federal regulations.

F. It is unlawful for the owner, caretaker or attendant of any animal to allow it to defecate on public or private property other than his/her own, to permit any accumulation thereof on his/her own property. If such animal does defecate on public or private property other than his/her own it shall not be a violation of this provision if such owner, caretaker or attendant shall immediately and thoroughly clean the fecal matter from such property, and properly dispose thereof.

G. It is unlawful for a person to abandon an animal owned by him/her.

H. It is unlawful for any person to give any false information or statement concerning the owner, keeper or attendant of any animal, or concerning any animal brought into the Animal Shelter or impounded therein.

Subd. 3. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

Subd. 4. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed,

A. It is unlawful for any person to deposit his/her refuse on in the property of another person or business. This includes so called dumpsters located at various public places owned by the City such as, but not exclusively, parks. Excepting garbage generated at the site of said dumpsters in the normal use of the facilities is to be deposited in that facility's dumpster

Subd. 5. All stagnant water in which mosquitoes, flies or other insects can multiply.

Subd. 6. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or other industrial dust within the City limits in such quantities as to endanger the health of persons or ordinary sensibilities or to threaten or cause substantial injury to property.

Subd. 7. All noxious weeds, including all weeds defined by the State Commissioner of Agriculture to be injurious to public health, roads, crops, livestock and other property including obviously neglected lawns and/or yards, as determined by the City.

A. It is the primary responsibility of any owner, occupant or agent of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not inure than six (6) inches; to remove all public health or safety hazards therefrom to install or repair water service lines thereon.

B. It is unlawful for any owner, occupant or agent of any lot or parcel of land to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height titan six (6) inches or to allow such weeds or grass to go seed.

C. If any owner, occupant or agent flails to comply with this subdivision, and after notice given by the City, has not within 48 of such notice complied, the City shall cause such weeds or grass to be cut and removed, or public health hazards removed, or water service lines repaired, and the expense thus incurred, including administrative costs, shall be the personal liability of the owner of such premises. A bill, indicating the cost, shall be sent to the owner, occupant or agent. If the total amount is not paid in accordance with the terms indicated on the bill, the amount of the costs and expenses incurred plus accrued interest on the unpaid balance shall be certified to the County Auditor and shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes and special assessments.

Subd. 8. Any use of property substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.

Subd. 9. Storage Restrictions. Firewood shall be stored in compact and orderly fashion so as not to constitute a hazard to adjacent buildings or property and to endanger the public health all firewood shall be stored or stacked up off the surface of the ground.

Stacks of wood in the open shall not exceed six (6) feet in the height and shall not be located less than five (5) feet from the boundary line, without consent of the adjacent property owners,

There shall be no front yard storage of firewood in the City.

SECTION 1.03 Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 1.01 of this section:

Subd. 1. All illegal gambling devices.

Subd. 2. Any place or premises where the ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.

SECTION 1.04 Public Nuisances Affecting Peace and Safety. The following acts, missions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace and safety coming within the provisions of Section 1.01 of this section.

Subd. 1. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereon or 13 feet above the road surface of a public street.

Subd. 2. AU use or display of fireworks except as provided by the laws of the State of Minnesota and the ordinances of the City.

Subd. 3. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

Subd. 4. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.

Subd. 5. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same except as permitted by ordinance.

Subd. 6. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street alley, or sidewalk.

Subd. 7. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies and/or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating a fire, health or safety hazards from such accumulation.

Subd. 8. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

Subd. 9. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.

Subd. 10. The placing or throwing on any street sidewalk or other public property of any glass, tacks, nails, metal scraps, garbage, leaves, tin cans, grass or tree limbs, shreds or rubbish, or to empty any water containing salt or other injurious chemical thereon which may injure any person or animal or damage any pneumatic tire when passing over such substance. It is a violation of this section to haul any soil or material, not adequately enclosed or covered, thereby permitting the same to fall upon the streets.

Subd. 11. All other conditions or things which are likely to cause injury to the person or property of another.

Subd. 12. Fire and Explosion Danger. It is unlawful for any person to deposit or dispose of any refuse which is in flames or heated to the point that it could cause danger of fire or any other material which is flammable or so volatile as to create a danger of fire or explosion. If ashes are to be disposed of as part of the refuse collection system the ashes must be placed in a separate container and not commingled with any other garbage or refuse to be collected. The ashes must be contained in such a way that the refuse collectors are able to distinguish same as ashes and be able to observe that they are safe to be deposited in the refuse collection vehicle.

SECTION 1.05 State Defined Nuisances. Any nuisance so defined by the Minnesota Statutes, M.S.A. 561.01, as amended supplemented or replaced, or by the common law of the State of Minnesota, is also a nuisance under this ordinance.

SECTION 1.06. Inoperable / Unlicensed / Junk Vehicles. In the interest of promoting public health, safety and welfare, the City does hereby enact this Section governing the parking and storing of junk vehicles as follows:

Subd. 1. No person shall leave any partially dismantled, non-operating wrecked or junk vehicle on any street or highway within the City.

Subd. 2. No person in charge or control of any property within the City, whether as owner, tenant, occupant lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, discarded vehicle, trailers, Campers, boats, or lawn and garden equipment to remain on such property longer than ninety-six (96) hours, and no person shall leave any such vehicle on any property within the City for a longer time than 96 hours except that this Section shall not apply with regard to a vehicle in an enclosed building.

SECTION 1.07 Prohibited Acts. No owner or occupant of any premises shall permit any nuisances to be or remain in or upon the premises; nor shall they allow for the storage of firewood or junk vehicles in violation of the terms of this ordinance.

SECTION 1.08 Abatement Procedures

Subd. 1. Notice to Abate Nuisances Authorized City personnel shall give notice to any person maintaining a nuisance, or improperly storing firewood or junked vehicles as set forth in this ordinance, to abate such practice forthwith or within a designated time, and if the owner or occupant of the premises on which such practice shall be situated shall neglect or refuse to remove or correct the same for the space of 24 hours after such notice is given or within the time specified in the notice, the owner shall upon conviction, be penalized in accordance with the provisions of the following subtraction of this ordinances, and be liable for the expense of removing such nuisance and the costs of prosecution..

Any violation of this ordinance shall be a misdemeanor and punishable pursuant to the laws of the State of Minnesota regarding such misdemeanor offenses.

Subd. 2. Assessing Cost of Abatement - Whenever any person fails to abate a nuisance, or fails to correct the practice of improper storage of firewood or junked vehicles as set forth in this ordinance, after notice by the City to do so, or whenever the nature of a nuisance requires its immediate abatement, the City may abate the nuisance, and the cost thereof shall be assessed against the property on which the nuisance was located and certified as other taxes are certified to the County Auditor.

Section 2. This ordinance shall take effect and be in full force from and after its passage and publication.

