

Ordinance #77

ORDINANCE DEFINING AND PROHIBITING NUISANCES AND
PROVIDING A PENALTY FOR VIOLATION

THE CITY COUNCIL OF THE CITY OF VERNON CENTER 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 is guilty of maintaining a public nuisance, which is a petty misdemeanor:

1. Maintains or permits a condition which endangers the safety, health, or morals of the public, as determined by local law enforcement officials, city officials or health enforcement officials, or
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public and as determined local law enforcement officials, city officials or health enforcement officials, or
3. Is guilty of any other act or omission declared by law 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 accumulations of decayed 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 that is unenclosed and/or is permitted to accumulate in the open and in view of the public;
6. Privy vaults and garbage cans which are not rodent free or fly-tight or which are maintained in a manner that constitutes a health hazard;
7. The pollution of any public well, stream or body of water by sewage, industrial waste, or other substances;
8. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
9. Any offensive trade or business as defined by statute that is not operating under local license;
10. Noxious weeds, as determined by the city weed inspector.

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, punch boards, betting, bookmaking and all apparatus used in such occupations, except as otherwise authorized by federal, state, or local law;
2. All dwellings or vehicles kept for the purpose of prostitution or promiscuous sexual intercourse. All unlicensed dwellings or vehicles used for the manufacture or sale of liquor. All dwellings or vehicles kept for the purpose of the manufacture or sale of drugs.

Section 4. **Public Nuisances Affecting Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

1. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
2. 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;
3. Unauthorized obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds;
4. Any unauthorized 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;
5. Waste water that is deposited on or permitted to flow onto streets or other public properties;
6. Accumulations in the open of discarded machinery, household appliances, automobile bodies and parts or other material, in a manner that is conducive to:
 - a. Harboring rats, mice, snakes or other vermin;
 - b. Accumulations of water that attracts insects;
 - c. Promoting the growth of noxious weeds;
 - d. Creating fire, health or safety hazards.
7. Obstruction with trash or other materials, the free flow of water in a natural waterway, public street, drain, gutter, or ditch;
8. Placing or throwing on any street, sidewalk, or other public property, glass, tacks, nails, bottles, or other materials which may cause injury to people or animals or damage to vehicle tires;
9. The depositing of garbage or refuse on a public right-of-way.

Section 5. **Duties of City Officers.** Local law enforcement officials, city officials, weed inspector or Blue Earth County Health Office, will investigate all potential nuisances reported to the City and will notify the City Council if they believe a violation has occurred as defined by this ordinance. Following review and discussion, the City Council will make a final determination. If a violation is determined, the City Council shall instruct staff to prepare written notices as outlined in Section 6. Local law enforcement officials shall also have the power to visually inspect the exterior of private premises and take reasonable steps to alert the property owner about any potential commission of a public nuisance before a notice is issued.

Section 6. **Abatement.**

Subdiv. 1. **Notices.** Written notice of violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

1. **Notice of Violation.** Written notice of violation shall be served by local law enforcement officials or City officials, on the owner of record or occupant of the premises either in person or by certified 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.** Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified mail. If the premises is not occupied, the owner of record is not known, 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 City Council Order.** Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in MN. Statute 463.17 (Hazardous and Sub-standard Building Act) as may be amended from time to time.
4. **Notice of Motion for Summary Enforcement.** Written notice of any motion for summary enforcement shall be made as provided for in MN. Statute 463.17 (Hazardous and Substandard Building Act) as may be amended from time to time.

Subdiv. 2. **Procedure.** Whenever the City Council determines that a public nuisance exists, the City shall notify in writing, the owner of record or occupant of the premises, and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance, the time within which the nuisance is to be abated, and will provide an opportunity for a hearing with the City Council. If the notice of violation is not complied with within the time specified and no hearing is requested, local law enforcement officials and/or city staff shall report that fact to the City Council. The City may then seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

Subdiv 3. **Emergency Procedure; Summary Enforcement.** Where the completion of the notices and requirements set forth in subdivisions 1 and 2 create a delay that unreasonably endangers public health, safety, or welfare, the City Council may order an emergency summary enforcement and abate the nuisance. To proceed with emergency summary enforcement, local law enforcement officials shall determine that a public nuisance exists and that any delay in abatement will unreasonably endanger public health, safety, or welfare. Local law enforcement officials shall notify the occupant or owner of the premises in writing, of the nature of the nuisance, of the City's intention to seek emergency summary enforcement and the time and place of the council meeting to consider the question of such emergency summary enforcement. The City Council shall determine if the condition identified in the notice to the owner or occupant is a nuisance, if public health, safety, or welfare will be unreasonably endangered by a delay required to complete the procedure set forth in Subdiv. 1, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council will order summary enforcement and abate the nuisance.

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

Section 7. **Recovery of Cost.**

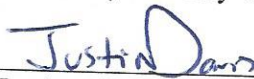
Subdiv. 1. **Personal Liability.** The owner of premises on which a nuisance has been abated by the City, shall be personally liable for the City's cost to abate the nuisance, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk shall prepare a bill detailing the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable to the City.

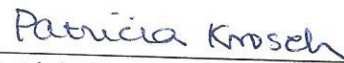
Subdiv. 2. **Assessment.** If the costs of abatement are not paid as required, the City shall list the total unpaid charges for the cost of eliminating the nuisance, and file under County Statute and/or other pertinent statutes, certification to the county auditor for a special assessment against each separate lot or parcel to which the charges are attributable. The charges will be collected along with current taxes the following year. The Council may opt to spread the charges over no more than 10 annual installments.

Section 8. **Penalty.** Any person convicted of violating any provision of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine as dictated by the current Minnesota State Code. Each day the violation continues unabated shall constitute a separate and distinct violation.

Section 9. **Recessions and Effective Date.** Ordinance #69, an ordinance defining and prohibiting nuisances and providing a penalty for violation, and the amendment to Ordinance #69, Section 8 (on May 6, 2003) are hereby repealed when this ordinance takes effect from and after its passage and publication according to law. Where applicable, State and Federal laws supersede the content of this ordinance.

Passed by the City Council this 1st day of March, 2004.


Justin Davis, Mayor


Patricia Krosch, City Clerk-Treas.