

CHAPTER 9
Public Health and Public Safety

Section - Nuisance

- 9.1 Public Nuisance. Whoever by his or her act or failure to perform a legal duty intentionally permits or 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 the public or a 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 ordinance to be a public nuisance and for which no sentence is specifically provided.
- 9.2 Public Nuisances Affecting Health. The following are hereby 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) All ponds or pools or stagnant water;
 - (D) Carcasses of animals not buried or destroyed within 24 hours after death;
 - (E) Accumulations of manure, refuse, or other debris;
 - (F) 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;
 - (G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
 - (H) All noxious weeds and other rank growths of vegetation exceeding 12 inches in height upon public or private property;
 - (I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

- (J) Any offensive trade or business as defined by statute not operating under local ordinance;
- (K) To store, pile, place, keep or maintain any large quantity of combustible or inflammable material, including, but not limited to, tires, old boxes, barrels, paper, paint, or similar materials likely to be set on fire by design or accident in any exposed place near any building;
- (L) Any piece of furniture which is manufactured and intended to be used exclusively indoors but is kept outdoors;
- (M) Roll-off style trash dumpers left on properties for longer than 30 days not associated with an act of construction project or otherwise permitted by City Code; and
- (N) Conditions which are conducive to the presents, harborage, or breeding of insects, rodents, or other pests.

9.3 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 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- (B) All trees, hedges, billboards, or other obstructions which prevent people 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) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (E) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (F) 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;
- (G) 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;

- (H) Any barbed wire fence less than six feet above ground and within three feet of a public sidewalk or way;
- (I) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (J) Waste water cast upon or permitted to flow upon streets or other public properties;
- (K) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (L) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- (M) 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;
- (N) The depositing of garbage or refuse on a public right-of-way or on adjacent private property, other than within twenty-four (24) hours of a scheduled garbage pickup;
- (O) Depositing of, permitting or failing to remove, garbage, trash, rubbish, bottles, cans, discarded machinery, household appliances, automobile bodies, and any other refuse on any property, including large quantities of organic debris and materials that accumulated by other than natural means, except neatly maintained compost piles;
- (P) The accumulation of any piles of wood that are not neatly stacked secured in a stable manner to avoid collapse;
- (Q) A structure, or a portion of a structure, located in a residential zoning district, if the exterior is not completed in accordance with city-approved construction plans within one year days after the date that the city building permit was issued; and
- (R) Construction materials, including piles of dirt, sand, and sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.

9.4 Duties. The Administrator, or other designated official, shall enforce the provisions of this section relating to nuisances and shall have the power to inspect a premises and take reasonable precautions to prevent the commission and maintenance of public nuisances.

9.5 Abatement.

Subd. 1. Whenever the City determines that a public nuisance is being maintained or exists on premises in the City, the City shall notify in writing the owner of record and occupant of the premises of such fact and order that such nuisance be terminated or abated. 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. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement.

Subd. 2. Written notice of any Council order shall be made as provided in Minnesota Statute §463.17.

Subd. 3. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The Council shall determine whether or not the condition identified in the notice to the owner and occupant is a nuisance, whether public health, safety, or

welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Council may order summary enforcement and abate the nuisance.

9.6 Recovery of Costs.

Subd. 1. 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 Administrator 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.

Subd. 2. 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 streets, or unsound or insect-infected trees, the Administrator shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statute §429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the Council may determine in each case.

9.7 Penalty. Any person convicted of violating any provision of this Section regarding nuisances is guilty of a misdemeanor.

Section - Firearms

9.10 Discharge Prohibited. Except as permitted by law, no person shall, within the City limits, shoot or discharge, or cause to be discharged, any gun, pistol, or firearm of any kind or description, including BB guns, pellet guns, air guns, bow and arrow, crossbow, or explosive, within the City.

9.11 Exceptions. This Article shall not apply to police officers, authorized persons engaged in a Veteran's organization in firing blank honor solutes over the graves of military personnel or in other designated areas, public works personnel, or other lawfully authorized personnel when using firearms in the regular course of performing their duties.

Use of a bow and arrow within the City limits shall be permitted under the following circumstances:

Subd. 1. Between November 1 and the end of the fall archery hunting season, a bow and arrow may be used for the purpose of target practice, provided a proper back stop is used and the arrows are equipped with blunt tips (target arrows).

Subd. 2. Within a physical education program and is school supervised by a member of the faculty, a community-wide supervised instructional class, or an event specifically authorized by the Chief of Police or City Council.

9.12 Penalty. Any person violating any provision of this Section regarding firearms is guilty of a misdemeanor.

Section - Open Burning

9.20 Restrictions. No person shall cause, allow or permit open burning of any rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, Sheetrock, wiring, paint or paint filters, garbage, rubbish, leaves, brush, or physical matter within the City limits. The City may not issue a permit for the burning of such materials.

9.21 Exceptions.

Subd. 1. Open burning is allowed for the following exceptions providing the Council has approved of the burning:

- (1) Bona fide instruction and training of firefighting personnel and for the testing of fire extinguishing equipment; or
- (2) Elimination of fire or health hazards which cannot be abated by any other practicable means.

Subd. 2. Open burning is allowed for the following exceptions without Council approval:

- (1) A cooking or warming fire contained in a fireplace or fire-ring (not exceeding three feet in width and three feet high), charcoal grill, portable gas or liquid fueled camp stove or other similar container or device designed for the purpose of cooking or heating.

9.22 Penalty. Any person violating any provision of this Section regarding open burning is guilty of a misdemeanor.

Section - Emergency Services

9.50 Service charges. The City Council may establish by resolution fees for emergency services, including ambulance and fire. The City Council may certify any emergency service charge which remains unpaid for 30 days after a Notice of Delinquency is sent to the County Auditor for collection as a special assessment. The City shall give the property owner notice of its intent to certify the unpaid emergency service charge 30 days prior to certification.