

CHAPTER 6

NUISANCES

SECTION:

- 4-6-1: Public Nuisance Defined
- 4-6-2: Health-Related Nuisances
- 4-6-3: Safety-Related Nuisances
- 4-6-4: Noise-Related Nuisances
- 4-6-5: Duties of City Officers
- 4-6-6: Abatement
- 4-6-7: Recovery of Cost
- 4-6-8: Penalty

4-6-1: **PUBLIC NUISANCE DEFINED:** Whoever by act or failure to perform a legal duty intentionally 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 any 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 Chapter to be a public nuisance and for which no sentence is specifically provided. (1981 Code § 801.00)

4-6-2: **HEALTH-RELATED NUISANCES:** The following are hereby declared to be nuisances affecting health:

- A. Decayed or Unwholesome Accumulations: Exposed accumulation of decayed or unwholesome food or vegetable matter.
- B. Diseased Animals: All diseased animals running at large.
- C. Stagnant Water: All ponds or pools or stagnant water.
- D. Animal Carcasses: Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- E. Refuse Accumulations: Accumulations of manure, refuse or other debris.
- F. Privy Vaults, Garbage Cans: Privy vaults and garbage cans which are not rodent free or flytight or which are so maintained as to constitute a health hazard or emit foul or disagreeable odors.
- G. Water Pollution: The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
- H. Noxious Weeds, Vegetation: All noxious weeds and other rank growths of vegetation, public or private.
- I. Smoke, Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities as stated by State and Federal air quality standards & to include the following:

- 1) Outdoor Solid Fuel Heating Device: A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.
- 2) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating.
- 3) Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City of Sartell.
- 4) All existing solid fuel units installed within the City limits at the time of adoption of this ordinance or annexed into the City limits following the adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future.
 - A) The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturer's guidelines.
 - B) Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.
 - C) All stacks or chimneys must be constructed to withstand high winds or other related elements.
 - D) Outdoor solid fuel heating devices may only be used from September 1st to May 31st each year, unless the furnace is being used to provide domestic water service.
 - E) Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product.
 - F) No outdoor solid fuel-heating device shall be utilized in any manner as a waste incinerator.

J. Contagious Disease: All public exposure of persons having a contagious disease.

K. Offensive Trade or Business: Any offensive trade or business as defined by statute and not licensed by the City Board of Health as defined by law. (1981 Code § 801.02)

4-6-3: **SAFETY-RELATED NUISANCES:** The following are declared to be nuisances affecting public safety:

- A. Snow, Ice: All snow and ice not removed from public sidewalks twelve (12) hours after the snow or other precipitation causing the condition has ceased to fall.
- B. Intersections, Obstructing View of Traffic: All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection for a distance of at least thirty feet (30') each from the intersection of the street right of way.
- C. Tree Limbs, Wires: All wires of any sort 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, Excavations: 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 and where properly identified by warning signs and/or lights.
- E. Radio, Television Antennas: Radio aerials or television antenna erected or maintained in a dangerous manner.
- F. Large Crowds, Obstruction of Public Way: 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 to gather, obstructing traffic and free use of the streets or sidewalks.
- G. Hanging Structures: 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.

- H. Rain, Snow Falling from Building: 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.
- I. Barbed Wire Fence: Any barbed wire fence less than six feet (6') above the ground and within three feet (3') of a public sidewalk or way.
- J. Dangerous, Unguarded Machinery: All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- K. Wastewater: Wastewater cast upon or permitted to flow upon streets or other public property. (1981 Code § 801.04)
- L. Junk, Debris: The piling, storing or keeping of old machinery, junked vehicles, any motorized vehicle, motorcycle, snowmobile, trailer, boat, all-terrain vehicles, cut and uncut scrap lumber, pipes and other junk or debris in a residential area. The keeping or storing of old machinery, scrap lumber, junked vehicles, other junk or debris in a commercial zone.
 1. For the purposes of this subsection a junked vehicle means any motorized vehicle, motorcycle, snowmobile, trailer, boat, or all-terrain vehicles as defined in Minnesota statutes 84.92, subd 8., that is extensively damaged, with the damage including such things as broken and missing wheels, motor, drivetrain, or transmission; is apparently inoperable; and doesn't have valid registration displayed.
 2. The storing on private property of an inoperative vehicle, for the purpose of repairing or restoring such vehicle, may be authorized by the Chief of Police for periods of up to ninety (90) days. The owner of said vehicle must procure a permit from the Chief of Police and the permit must be conspicuously displayed on or about the vehicle. Any vehicle of a class or category ordinarily required to have state registration, must have current registration displayed.
 3. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
 4. All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 88-3, 7-11-1988)
- M. Uncovered Excavations: 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.
- N. Obstruction of Free Flow: Obstruction to the free flow of water in natural waterway or a public street drain, gutter or ditch with trash or other materials.
- O. Nails, Glass on Public Way: 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.
- P. Garbage, Refuse on Public Way: The depositing of garbage or refuse on a public right of way or on adjacent private property.
- Q. Other Conditions: All other conditions or things which are likely to cause injury to the person or property of anyone.
- R. Unnecessary Noise: All unnecessary noises and annoying vibrations. (1981 Code § 801.04)

4-6-4: **NOISE-RELATED NUISANCES:**

- A. Restricted Hours: It shall be unlawful for any person in the City in a public or private place to make, cause to be made or allow the making of any noise between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. which is unnecessary or unusual, which noise annoys, disturbs or affects the comfort, repose, health or peace of others.
- B. Noise and Vibration Level: Any such noise that has the effect as hereinbefore described; or noise or vibration resulting from the operation of any device, machine, instrument, radio, sound or music amplification device in such a manner as to be plainly audible or physically felt at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- C. Participation in Noisy Parties or Gatherings: No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Each owner or tenant of such premises who has such knowledge of the disturbance shall make every effort to see that the disturbance is stopped.
- D. Noise from Motor Vehicles: No person or persons operating or occupying a motor vehicle on any street highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification device or system from within or upon the vehicle so that the sound is audible or the vibration is physically felt at a distance of (50) feet or more from the vehicle. Nothing in this ordinance shall require the witnessing law enforcement officer to physically measure the distance from the officer to the allegedly offending vehicle operator and vehicle prior to the issuance of the citation. Loud sound amplification devices used for public safety, emergencies and authorized public events are exempt from this ordinance.
- E. Persons Involved: The prohibitions of this Chapter shall extend beyond the person making or causing to be made said noise and extend to any person in control of any real estate, vehicle or equipment from which the noise is emanating. Any such person so allowing the making of said noise from said real estate, vehicle or equipment controlled, owned or possessed by him/her, the making of which noise is unlawful by virtue of this Section shall be a violation of this Chapter. (1981 Code § 801.05)

4-6-5: **DUTIES OF CITY OFFICERS:**

- A. Enforcement: The City Engineer and/or Public Works Director and Police shall enforce the provisions relating to nuisances affecting public safety. The Police Department shall enforce provisions relating to nuisances affecting public safety.
- B. Power to Inspect: Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (1981 Code § 801.05)

4-6-6: **ABATEMENT:**

- A. Notice of Determination: Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated.

- B. Service of Notice: The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.
- C. Necessary Action: The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated.
- D. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.
- E. Notice of Abatement: The Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and 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 thirty (30) days shall elapse between the day of the posting and the notice of the hearing. (1981 Code 801.06)

4-8-7: **RECOVERY OF COST:**

- A. 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 Clerk/Treasurer 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 Clerk/Treasurer.
- B. Assessment: 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 the streets or unsound or insect-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Minnesota Statutes section 429.101. (1981 Code § 801.07)

4-6-8: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this code. (1981 Code 801.05; 1997 Code)