

ORDINANCE #5-16-94

CHAPTER 12

NUISANCES

12.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city or within its police jurisdiction.

12.02 PUBLIC NUISANCES DEFINED. (a) Generally. 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 street, alley, highway, navigable body of water or other public way.

(b) Public Nuisances Affecting Health. The following acts, omissions, 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 subsection (a) of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

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

3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, inoperable or unused vehicles, or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;

4. All stagnant water in which mosquitoes, flies or other insects can multiply;

5. Garbage cans which are not fly-tight;

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

7. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

8. Any use of property, substances or things within the city emitting or causing any foul, offensive, noisesome, nauseous, noxious, or disagreeable odors, effluvia 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;

9. All abandoned wells not securely covered or secured from public use.

(c) 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 subsection (a) of this section:

1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

2. All gambling devices and slot machines;

3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as proved for by this code, or by law;

4. Any place or premises where the city ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;

5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Minnesota or the ordinances of the city.

(d) Public Nuisances Affecting Peace and Safety. The

following acts, omissions, places, conditions and things are hereby declared to be public nuisance affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section:

1. All buildings erected, repaired or altered within the fire limits of the city in violation of the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures, within said district.

2. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

3. 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.

4. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street.

5. All use or display of fireworks except as provided by the laws of the State of Minnesota and ordinances of the city.

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

7. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

8. All loud and discordant noises or vibrations of any kind.

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

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

11. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only.

12. 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.

13. Repeated or continuous violations of the ordinances of the city or the laws of the State of Minnesota.

14. Unreasonable Acceleration Prohibited. Unreasonable acceleration of any motor vehicle on any street, private road, public or private parking lot or driving way in the City of Bovey is prohibited.

Unreasonable Acceleration Defined. Unreasonable acceleration of a motor vehicle is hereby defined as acceleration which spins a tire or tires resulting in the breaking or traction between a tire or tires and the street surface and accomplished in such a manner as to cause squealing or screeching sounds by the tires or the throwing of sand or gravel by the tires of said vehicle or both. Prima facie evidence of such unreasonable acceleration shall be squealing or screeching sounds emitted by the tires or the throwing or gravel or sand by the tires or both. (10-22-69)

(e) State Defined Nuisances. Any nuisance so defined by the Minnesota Statutes or by the common law of the State of Minnesota is also a nuisance under this chapter.

12.03 ABATEMENT OF NUISANCES. (a) Whenever any nuisances if found on any property, the Police Chief or City Council shall order the owner or occupant thereof to remove the same at his expense within a time not to exceed 10 days which exact time shall be specified in said notice. Said notice shall be signed by the Police Chief or Clerk and shall be addressed to the person in charge of the premises on which said nuisance is found, and shall contain a brief description of the material causing said nuisance and a description of the premises upon which the same is located, and setting forth that unless the nuisance is abated or removed within said time, the city will cause to be abated or removed at the expense of the owner of the premises, the nuisance found to exist on said premises.

(b) The notice shall be served by the Chief of Police or other peace officer by delivery of a copy thereof to the owner, occupant or agent of such property.

(c) If the owner of the property is unknown or absent, with no representative or agent upon whom notice can be served, then the Chief of Police or other peace officer shall post said notice upon the property or premises. Unless said nuisance is removed within the time specified in the notice, the Chief of Police or peace officer shall report such failure to the City Council. (8-13-90)

(d) The City Council shall then proceed to have the nuisance removed or abated from said lot or parcel of ground and report the cost with a certified bill signed by the person removing said nuisance, which bill shall be paid by the city and the cost of such removal shall be assessed and charged against the lot or parcel of ground on which the nuisance was located, and the City Clerk shall at the time of certifying city taxes to the County Auditor, certify the aforesaid costs to the County Auditor, as other taxes are certified. (8-13-90)

12.04 BLIGHT ELIMINATION. (a) Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. On and after the effective date of this ordinance (Sec. 12.04), no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Bovey owned, leased, rented or occupied by such person, firm or corporation:

1. In any area zoned for residential and residential business purposes, the storage upon any property of junk automobiles. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which if not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or (3) beyond repair and therefore not intended for future use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts.

2. In any area zoned as a residential district, residential business or commercial district the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for safe, approved building materials; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.

3. In any area the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

4. In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other out-buildings, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and other wise protected to prevent entrance thereto to vandals.

5. In any area the existence of any noxious or poisonous vegetation such as poison ivy, ragweed or other poisonous plants, or any weeds, grass, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

(b) Enforcement and Penalties.

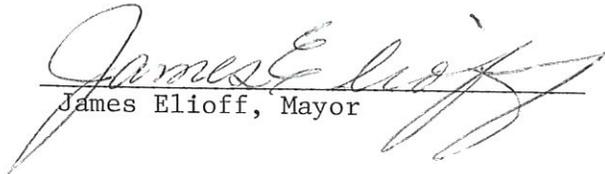
1. The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth in subsection (a) is found to exist shall be notified in writing by the Chief of Police to remove or eliminate such causes of blight or blighting factors from such property within 10 days after service of the notice upon him. Such notice may be served personally or by mailing the same by register mail, return receipt requested, to the last known address of the owner and, if the premises are occupied, to the premises. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. (4-27-88)

2. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance.

3. Violation of this ordinance shall be a misdemeanor.

4. In case of failure to remove any blight as defined in subsection (a) 5 within the time prescribed, the Chief of Police may order the Maintenance Manager to cut down and remove or otherwise destroy all such noxious, inflammable or detrimental vegetation, and shall certify the cost thereof to the City Clerk. The City Clerk shall certify such cost to the County Auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in said land and the occupancy shall be jointly and severally liable for such costs and the costs shall be recoverable in any action brought against any of them in the name of the City.

(8-13-90)


James Elioff, Mayor

Attest:


Norma J. Maki, Clerk


Date