

ORDINANCE NO 95 NUISANCES & OFFENSES

THE CITY COUNCIL OF THE CITY OF GREENBUSH, MINNESOTA DOES ORDAIN: that Ordinance No. 60 Blight, Ordinance 71 Noise Control, and Ordinance No 78 Nude Dancing are hereby repealed and replaced by Ordinance No 95 Nuisances & Offenses.

SECTION ONE. PUBLIC NUISANCE PROHIBITION.

A person must not act, or fail to act, in a manner that causes a public nuisance. For this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

- 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. Does any other act or omission declared by law or this ordinance to be a public nuisance.

SECTION TWO. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

- A. The exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Accumulation 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 upon public or private property (Refer to Section 8 of this ordinance.);
- I. Dense smoke, toxic fumes, gas, soot, or cinders in unreasonable quantities;
- J. All public exposure of people having a contagious disease;
- K. Any offensive trade or business as defined by statute not operating under local license; and
- L. Any other land use or condition found unreasonably injure or endanger the health of any members of the public.

SECTION THREE. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

- A. The following are hereby declared to be nuisances affecting public morals and decency:
- B. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- C. Betting, bookmaking, and all apparatus used in those occupations;

- D. All houses kept for the purpose of prostitution, promiscuous sexual intercourse, nude dancing, gambling houses, houses of ill fame, and bawdy houses;
- E. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- F. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

SECTION FOUR. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

- A. The city normally cleans snow from sidewalks. In the event the city is unable to remove the snow in a timely manner the property owner is responsible for removing snow. All snow and ice that is not removed from public sidewalks within twelve (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. Wires or tree limbs that are less than (10) feet from a sidewalk or street surface has constituted a danger to pedestrians or vehicles;
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- E. All unnecessary and annoying vibrations;
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- G. Radio aerials or television antennae erected or maintained in a dangerous manner;
- H. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the unrestricted use of the street or sidewalk;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
- J. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
- K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- L. Wastewater cast upon or permitted to flow upon streets or other public properties;
- M. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, scrap metal, rags, paper, rubber products, glass products, lumber products, products resulting from the wrecking of automobiles or other vehicles, or other materials 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 fire, health, or other safety hazards from such accumulation (Commercial salvage yards are exempt from this provision.);
- N. Any well, hole, or similar excavation that 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;
- O. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch

with trash or other materials;

- P. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- Q. The depositing of garbage or refuse on a public right-of-way or adjacent private property;
- R. Reflected glare or light from private exterior lighting exceeding 0.5 foot-candles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) foot-candle when adjoining any commercial or industrial parcel; and
- S. Any building that has been destroyed by fire, abandoned, or is in a dilapidated condition as to constitute a hazard to any person on the premises.
- T. All other conditions or things that are likely to cause injury to the person or property of another.

SECTION FIVE. NOISE VIOLATIONS.

A. Prohibited noises.

The following are declared to be nuisances affecting public health, safety, peace, or welfare:

1. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);
2. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference;
3. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
4. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory, internal combustion engine, motorboat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises and complies with all applicable state laws and regulations;
5. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and
6. Using or operating, or permitting the use or operation, of any radio receiving set, television, musical instrument, music device, paging system, machine, or other devices for producing or reproduction of sound in a distinctly and loudly audible manner to disturb the peace, quiet, and comfort of any person nearby.

B. Hourly restriction of certain operations.

1. **Domestic power equipment.** No person shall operate a power lawnmower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 10:00 p.m. on Saturday, 10:00 a.m. and 10:00 p.m. on Sundays and holidays. Snow removal equipment is exempt from this provision.
2. **Refuse hauling.** No person shall collect or remove garbage or refuse in any residential district, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
3. **Construction activities.** No person shall engage in or permit construction activities involving

the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 10:00 p.m. on Saturday, 10:00 a.m. and 10:00 p.m. on Sundays and holidays.

4. **Radios, music devices, paging systems, and the like.** The operation of any device referred to in subdivision (A) (6) between the hours of 10:00 p.m. and 7:00 a.m. in a manner to be audible at the property line of the structure or building in which it is located, 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.
5. **Special Events – Exemptions.** It is recognized by the City that public policy requires discretion in enforcing this section in the context of certain special events. It is further recognized that special events are by their nature unique and infrequent. Therefore, noise levels relating to special events operating with the approval of the City, public dances and other special events sanctioned by the City, shall be exempt from the prima facie provisions of Section 5, subsections A6 and B4.

C. Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for, or the zoning changes requested.

SECTION SIX. NUISANCE PARKING AND STORAGE.

A. Declaration of nuisance. The outside parking and storage on the residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it:

1. obstructs views on streets and private property,
2. creates cluttered and otherwise unsightly areas,
3. prevents the full use of residential streets for residential parking,
4. introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited,
5. decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and
6. otherwise, it adversely affects property values and neighborhood patterns.

B. Unlawful parking and storage.

1. A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than twenty-five feet back from the front property line.
2. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, household furnishings, or appliances outside on the residential property, unless shielded from public view by an opaque cover or fence.
3. A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles

on a residential property unless it complies with the following requirements:

- A. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. All items stored must have a current license and registration. Students away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
- B. Any recreational vehicle designed for sport, amusement, or recreation, regardless of its eligibility to be licensed, must be in the rear or side yard provided a 5-foot setback from property lines is maintained. All recreational items should be stored to prevent any water accumulation or rodent infestation. The recreational vehicle cannot obstruct any walkways or impede any view for traffic or pedestrians. All recreational vehicles must be on wheels or securely attached to a wheeled trailer or wheeled vehicle, with wheels fully inflated. Recreational vehicles cannot be parked on residential streets for longer than forty-eight (48) hours. Recreational vehicles are not to be used as a residence for any length of time.

SECTION SEVEN. INOPERABLE MOTOR VEHICLES.

1. **Declaration of nuisance.** Any motor vehicle described in this section shall constitute a hazard to the health and welfare to community's residents as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids, which, if released into the environment, can and do cause significant health risks to the community.
2. **Inoperable motor vehicles.** It shall be unlawful to keep, park, or store any unlicensed, unregistered, or inoperable vehicle, including boats, snowmobiles, trailers, or any other means of conveyance, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, disassembling, or salvage of any kind, or which is not correctly licensed for operation within the state, according to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time. Commercial salvage yards are exempt from this provision.
3. **Screening.** This section does not apply to a motor vehicle enclosed in a lawfully erected building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the City. Privacy fencing is permissible.

SECTION EIGHT. NOXIOUS WEEDS AND GRASS.

1. **Nuisance.** All weeds or grass growing to a greater height than six (6) inches, or weeds or growing grass which have gone or are about to go to seed, existing on any parcel of real property in the city, are hereby declared to be a nuisance and are hereby declared to be detrimental to the health, safety and general welfare of the residents. It shall be unlawful for the owner, lessee, occupant or representative of any such owner, lessee or occupant, of any land described above in the city, to allow, permit, or maintain a nuisance as defined herein on any such land or along the sidewalk, street or alley adjacent therein.
2. **Notice.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the City, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance is to be terminated or abated. The notice shall be by certified or registered mail. 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. The notice shall order that the nuisance be abated within five (5) days after service of such notice. Service on persons living temporarily or permanently outside the City of Greenbush whose property is vacant or unoccupied, may be made by sending the notice by certified mail to

the last known address of such person, to be ascertained, if necessary, from the last tax list in the county treasurer's office. The notice shall also state that in the event of failure to comply, the nuisance will be abated by the City of Greenbush at the expense of the owner of the property. This section of the ordinance has a different abatement period due to the growth of vegetation occurring quickly.

3. **Assessment.** If such person fails to comply with the notice within five (5) days after service, the city clerk or authorized representative, shall have the nuisance cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the city clerk. Notice in writing of the work done and the costs and expenses leveled shall be served on the owner, lessee or occupant of the property. Said notice shall indicate that if the total amount is not paid to the city within thirty (30) days of service of the notice, the amount of the costs and expenses incurred, shall be certified to the county auditor on or about the first day of November of each year and shall be collected in the same manner as other taxes are collected.

SECTION NINE. DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

SECTION TEN. ABATEMENT PROCEDURE.

1. **Procedure.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the City, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance is to be terminated or abated. The notice shall be by certified or registered mail. 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, not to exceed 15 days. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or 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 City Council, the City may take any and all action necessary to abate said nuisance immediately and may assess to the landowner any and all costs incurred therein, including legal fees and costs, and said assessment shall be a specific lien against any real estate owned by said landowner.
2. **Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.
3. **Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall

notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

4. **Immediate abatement.** Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
5. **Unlawful parties or gatherings.** When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
6. **Judicial remedy.** Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

SECTION ELEVEN. RECOVERY OF COST.

1. **Personal liability.** The owner of the premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, 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 city clerk or other city official 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 clerk.
2. **Assessment.** After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, 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 city clerk 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 Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECTION TWELVE. PENALTY.

Any person found to be in violation of any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine or imprisonment, not to exceed the maximums provided by Minnesota Statutes, or both, plus the costs of prosecution in either case.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SECTION THIRTEEN. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION FOURTEEN. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council this 17th day of May, 2021.

Eric Etherington, Mayor

Attested:

Anita Locken, Clerk-Treasurer