

SECTION 3

1603.000. **DEFINING AND PROHIBITING NUISANCES.**

1603.001. **INTENT.** The City Council of the City of Winsted has determined that the health, safety, good order, general welfare, and convenience of the public is threatened by certain public nuisances on property within the city limits. It is declared to be the intention of the Council to abate these nuisances, and this Ordinance is enacted for that purpose.

(Ord. 92-02, Sec. 1, 5/19/92)

1603.002. **PUBLIC NUISANCE DEFINED.** Whoever by his or her act of 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 numbers 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. By any use of property abutting on a public street or sidewalk, which causes large crowds or obstructing traffic and the free use of public streets and sidewalks; or
- D. 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.

(Ord. 92-02, Sec. 2, 5/19/92)

1603.003. **PUBLIC NUISANCES AFFECTING HEALTH.** The following are hereby declared to be a nuisance affecting health:

- A. All diseased animals running at large;
- B. To keep or harbor any carcasses of animals not buried or destroyed within 24 hours after death;
- C. Garbage not stored in containers that are rodent free and fly free, or garbage stored so as to emit foul or disagreeable odors, or garbage stored so as to constitute a hazard to public health;
- D. Weeds, tall grasses and other rank growths of vegetation upon public or private property in a manner creating fire, health or safety hazards from such accumulation, or in a residential area in excess of ten percent (10%) of the land.

- E. The piling, storing or keeping of wood or wood debris, firewood, including logs, cut wood and timber, in a manner conducive to harboring rats, mice, snakes or vermin or the rank growth of vegetation among items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation. All wood piles shall be kept in an orderly fashion.
- F. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.
- G. Accumulations of manure, refuse or other debris; including synthetic materials, plastic and/or rubber tire and rubber products.
- H. The pollution of any public well or cistern stream of lake, canal or body of water by sewage, waste or other substance.

(Ord. 92-02, Sec. 3, 5/19/92)

1603.004. **PUBLIC NUISANCE AFFECTING PEACE AND SAFETY.** The following are declared to be nuisances affecting public peace and safety:

- A. All trees, hedges, signs, billboards, fences or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- B. All wires, limbs of trees, shrubs, hedges, signage or awnings which are deteriorated or so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- C. All buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value or which are so situated as to endanger the safety of the public, or damage described above to any portion of buildings, walls, or other structures that have not been repaired within sixty (60) days of the date of the damage being incurred.
- D. Noises.
 - 1. All obnoxious noises in violation of Minnesota Rules Chapter 7030, as they may be amended from time to time, which are hereby incorporated by reference into this code.
 - 2. Any noises that are not otherwise in violation of subsection 1 hereinabove, except that the same are frequently repeated, so as to be disturbing to others.
- E. Operation of construction equipment or machinery emitting noise onto adjacent property prior to 6:30 a.m. or after 9:00 p.m.;
- F. Use of illegal fireworks or other pyrotechnic devices without permits required by law;

- G. Accumulation of junk, construction materials not on a temporary job site, unused furniture, appliances, household items, machinery, motor vehicle bodies or parts, including tires, or any other material that may become conducive to the harboring of rats, snakes, or vermin, or repose, health, safety or welfare of the public;
- H. Barbed wire or electric fencing which is not being used for agricultural or commercial use, and not marked with reflectorized devices or proper signage;
- I. Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes a crowd of people to gather and loiter, obstructing traffic and the free use of the street or sidewalk;
- J. All dangerous, unguarded machinery, equipment or other property in any public place or right-of-way, so situated or operated on private property as to attract minor children;
- K. Wastewater cast upon or permitted to flow upon streets or other public properties;
- L. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any person coming on the premises where it is located;
- M. Obstruction of the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- N. 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 substances;
- O. The repair of motor vehicles or tires on a public right-of-way or public property, excepting only emergency repairs when it will not duly impede or interfere with traffic;
- P. The depositing of garbage, refuse, or accumulation of vegetation on any public or private property including, but not limited to: lakes, rivers and public waters, except for compost sites no larger than 10' X 10' on private property;
- Q. Radio aerials or television antenna erected or maintained in a dangerous manner;
- R. The depositing of any non-dustless surfaces or ground on private property which is maintained in such a manner or allowed to exist in such a state that surface waters carry dust, dirt, sand, gravel or other debris from such property

into the public roads, streets or sewers or other public property where normal and ordinary maintenance procedures require the removal thereof.

- S. The stacking of pallets, industrial racking, or shipping containers or materials on a public right-of-way, or on any adjacent private property (without owner consent), in a manner as to attract minor children, or in an unsafe manner;
- T. All other conditions or things which are likely to cause injury to the person or property of anyone.

(Ord. 92-02, Sec. 4, 5/19/92; Ord. 18-02, Sec. 4.D. 1/2/18)

1603.005. **ENFORCEMENT.**

- A. Duties of City Officers. The City Clerk or other officer as designated by the City Council and all law enforcement officers employed or contracted by the City of Winsted shall enforce the provisions of this Ordinance relating to nuisances. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.
- B. Procedure. Whenever an 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 of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. 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 City Council. Thereafter, the Council may, after notice to the owner or occupant of 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 seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement upon the owner of record or occupant.

(Ord. 92-02, Sec. 5, 5/19/92)

1603.006. **ABATEMENT NOTICE.** 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.

- A. Notice of Violation and Council Hearing. Written notice of a violation of this ordinance or of a Council hearing shall be served by an officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner or 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 and mailing a copy of the notice to the owner of the premises and at such address as shown on the records of the County Auditor of McLeod County.

- B. 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 Minnesota Statutes 463.17 (Hazardous and Substandard Building Act).
- C. Notice of Motion for Summary Enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minnesota Statutes 463.17 (Hazardous and Substandard Building Act).

(Ord. 92-02, Sec. 6, 5/19/92)

1603.007. **EMERGENCY PROCEDURE: SUMMARY ENFORCEMENT.** In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Sections 1603.005. and 1603.006. above 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 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 City Council shall determine whether or not the condition identified in the notice to the owner or 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 Sections 1603.005. and 1603.006. above, and may order that such 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.

(Ord. 92-02, Sec. 7, 5/19/92)

1603.008. **IMMEDIATE ABATEMENT.** Nothing in Sections 1603.005., 1603.006., and 1603.007. of this Ordinance shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

(Ord. 92-02, Sec. 8, 5/19/92)

1603.009. **RECOVERY COSTS.**

A. Personal liability. The owner of the 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 and legal costs. As soon as the work has been completed and the cost determined, the city 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-Treasurer. The city may recover by civil action against the owner and/or the person who committed or maintained the nuisance for all costs and expenditures, including attorney's fees and a civil penalty, incurred by the city in abating or enjoining the nuisance or the city may assess such costs against the property as provided in Section 1603.009.B. below.

B. Assessment. If the City of Winsted is not fully reimbursed for all its reasonable costs incurred in the abatement or enjoinder of the nuisance or enforcement of this Ordinance, all such unpaid costs, charges and fees may be assessed against each lot or parcel or property to which such costs, charges, and fees are attributable. The City Council may direct that the costs, charges and fees be certified to the McLeod County Auditor for collection along with the current real estate taxes for the following year or in annual installments, not exceeding five years, as the Council may determine in each case.

(Ord. 92-02, Sec. 9, 5/19/92)

1603.010. **PENALTY.** Any person convicted of violating any provision of this Ordinance is guilty of a misdemeanor and shall be punished by fine not to exceed \$700.00 or imprisonment for not more than 90 days, or both, plus costs of prosecution in either case.

(Ord. 92-02, Sec. 10, 5/19/92)