

38-1 Public Nuisances

- (a) *Generally.* A public nuisance is a thing, act, occupation, condition or use of property that shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - (2) In any way, render the public insecure in life or in the use of property.
 - (3) 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 health nuisances.* The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition 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) 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.
 - (6) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage or industrial wastes or other substances.
 - (7) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing or sewer pipes or any other collection or seepage of dangerous, hazardous or poisonous liquids.
 - (8) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood or materials or other similar rubbish except as approved by the city.
 - (9) Any use of property, substances or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons that annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the city.
 - (10) All abandoned wells not securely covered or secured from public use.
- (c) *Peace and safety nuisances.* The following acts, omissions, places, conditions and things are declared to be public nuisances 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 this section:
- (1) All buildings erected, repaired or altered within the 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.

- (2) All trees, hedges, billboards, signs 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, including private signs placed on public property that obstruct the view of motorists, pedestrians or bicycles at roadway intersections.
 - (3) All limbs of trees that project over a public sidewalk, trail or bicycle path, less than eight feet above the surface thereof or less than ten feet above the surface of a public street.
 - (4) All use or display of fireworks except as provided by the laws of the state and ordinances of the city.
 - (5) All wires over streets, alleys or public grounds that are strung less than 15 feet above the surface of the street or ground.
 - (6) All loud and discordant noises or vibrations of any kind, including loud noises associated with construction prior to 6:30 a.m. or later than 10:00 p.m.
 - (7) The playing of any radio, musical instrument, loud speaker or other device in such a manner, with such a volume as to disturb the peace, quiet, comfort or repose of persons in any dwelling, apartment, hotel or other type of residence.
 - (8) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by ordinance.
 - (9) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 - (10) 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.
 - (11) Unreasonable acceleration of any motor vehicle on any street, private road, public or private parking lot or driving way in the city. Unreasonable acceleration of a motor vehicle is defined as acceleration which spins a tire or tires resulting in the breaking of 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 the vehicle or both. Prima facie evidence of such unreasonable acceleration shall be squealing or screeching sounds emitted by the tires or the throwing of gravel or sand by the tires or both.
 - (12) Repeated or continuous violations of the ordinances of the city or the laws of the state.
- (d) *Exceptions.* The following types of sounds are permitted and not a violation of this chapter:
- (1) Temporary community events, limited in time, as designated by the city council.
 - (2) Organized motor vehicle races at the Itasca County Fairgrounds for which prior approval has been given by the city council who may place reasonable restrictions regarding days of the week and time of day.
- (e) *Blight nuisances.* It is determined that the uses, structures, activities and causes of blight or blighting factors described in this section, 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 and are a public nuisance. No owner of property shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city.

- (1) In any area zoned for residential and residential business purposes, the storage upon any property of junk automobiles. For the purpose of this chapter, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open for a period greater than 90 days, for which the license for use upon the highways of the state is more than 90 days expired, or is:
 - a. Unusable or inoperable because of lack of, or defects in, component parts;
 - b. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 - c. Beyond repair and therefore not intended for future use as a motor vehicle; or
 - d. Being retained on the property for possible use of salvageable parts.
- (2) In any area zoned for residential purposes or in a 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. 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 construction as 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 zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuildings, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance to vandals.
- (4) In any area zoned for residential purposes, the keeping or storage of a stock car, demolition derby car, mud running vehicle or racing car, unless such vehicle is legal to operate on a public roadway, currently registered and insured; or it is completely enclosed in a building or screened from public view.
- (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.
- (6) Except in undeveloped open space, tall grass or weeds over eight inches in height, including grass and weeds in the right-of-way. In undeveloped open space, that has no utilities or predesignated building site, tall grass and weeds must be cut back at a distance of at least 30 feet from the roadways unless otherwise approved by the city.

(f) *Exceptions.* This section does not apply to:

- (1) Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.
- (2) Portions of lots used for flower gardens, shrubbery or vegetable gardens.
- (3) Naturally wooded areas, regulated wetlands or meadows.
- (4) Areas designated by the city and actively maintained as prairie restoration.
- (5) Areas designated by the city and actively maintained as rain gardens, fresh water vegetation buffers or holding basins.
- (6) Ornamental grasses that are maintained.
- (7) The city may, at its discretion, grandfather in existing uses and place reasonable limitations on those uses.

(g) *Unlawful acts.*

- (1) It shall be unlawful for the owner of any lot or undeveloped open space to which this chapter applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, traffic hazard, or fire hazard.
- (2) No person shall mow, rake, blow or otherwise deposit grass clippings or leaves on a street, gutter, curb, catch basin, sidewalk or trail.
- (3) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance including blight within the city.
- (4) Any nuisance so defined by state statutes or by the common law of the state is also a nuisance under this article.

(h) *Enforcement, penalties and abatement.*

- (1) The owner of any property upon which any of the causes of public nuisance, including blight or blighting factors, are set forth in any section of this chapter shall be notified in writing by the city to remove or eliminate such causes of the nuisance, blight or blighting factors from such property within ten days after service of the notice upon the owner. Such notice may be served personally or by leaving such notice on the door of the dwelling on the land, or by United States Mail to the owner of record as is indicated on the Itasca County Tax Records or the last known address of the owner. Additional time may be granted by the city where bona fide, continual, significant efforts to remove or eliminate such causes of nuisance, including blight or blighting factors, are in progress. Failure to comply with such notice within the time allowed shall constitute a misdemeanor.
- (2) In case of failure to remove any nuisance, including blight or blighting factors, within the time prescribed, the city administrator or his/her designee may make arrangements for the blight to be removed or eliminated, and shall certify the cost thereof to the city finance director. The city finance director 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 such 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.

(Ord. No. 18-08-05, Exh. A, 8-13-2018)

State Law reference— Public nuisances, Minn. Stat. §§ 609.74, 609.745.