

**SPRING LAKE PARK
ORDINANCE 481**

**AN ORDINANCE AMENDING SECTION 9.20.020 OF THE CITY CODE
RELATING TO PUBLIC NUISANCES**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “9.20.020 Public Nuisances” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.20.020 Public Nuisances

- A. *Public Nuisance*. A public nuisance is a thing, act, or use of property which shall:
1. Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
 2. Offend public decency (for example, affect public morals or offend public decency);
 3. Unlawfully interfere with the use of, or obstruct, or tend to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;
 4. Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or
 5. In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.
- B. *Public Nuisances Affecting Health, Safety, Comfort, Or Repose*. The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:
1. All decayed or unwholesome food offered for sale to the public;
 2. All diseased animals running at large;
 3. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;
 4. Carcasses of animals not buried or destroyed within 24 hours after death;
 5. Accumulations of manure or rubbish;
 6. 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;
 7. Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see SLPC 5.08 for definition of “garbage”) except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
 8. All noxious weeds, tall grasses defined as anything over nine inches in height,

and other rank growths;

9. An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, rubbish, tin cans, or other material or debris of any kind on private property;
10. Dense smoke, noxious fumes, gas, and soot, or cinders in unreasonable quantities;
11. Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
12. All public exposure of persons having a contagious disease;
13. The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;
14. All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a considerable number thereof;
15. The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;
16. The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and
17. The keeping, maintaining, or harboring of any combination of animals or fowl kept in numbers or under conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.

C. *Public Nuisances Affecting Morals And Decency*. The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
2. Betting, bookmaking, and all apparatuses used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating liquors are manufactured, sold, bartered, or given away, or otherwise disposed of in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
5. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;
7. The public use of profane and obscene language;
8. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as "window peeping;" and
9. All other things, acts, commissions, or occupations that may be considered

detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

D. *Public Nuisances Affecting Peace And Safety.* The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 12 hours after the snow has ceased to be deposited thereon;
2. All wires which are strung above the surface of any public street or alley;
3. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;
4. All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;
5. All use or display of fireworks except as provided by law or ordinance;
- ~~6. It shall be unlawful for any person to make, continue, permit or cause to be made, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.~~
- ~~7. The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of Paragraph D,5,a shall include, without limitation, the following:~~
 - ~~a. The time of day or night when the noise occurs.~~
 - ~~b. The duration of the noise.~~
 - ~~c. The proximity of the noise to a sleeping facility and/or a residential area.~~
 - ~~d. The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.~~
 - ~~e. The number of people and their activities that are affected or are likely to be affected by the noise.~~
 - ~~f. The sound peak pressure level of the noise, in comparison to the level of ambient noise.~~
- ~~8. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the amplified sound.~~
- ~~9. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or ally, or any commercial or residential parking facility, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this paragraph is produced or reproduced by any device that is located in a~~

~~motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this paragraph is guilty of the violation.~~

10. All buildings and all alterations to buildings made or erected in violation of fire ordinance concerning manner and materials and construction;
11. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds, except under conditions as are provided by ordinance;
12. Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;
13. Radio aerials strung or erected in any manner except that provided by law or ordinance;
14. The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
15. The 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 public streets or sidewalks;
16. All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit;
17. The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
18. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
19. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;
20. Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;
21. Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
22. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
23. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
24. All unnecessary interferences and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
25. All other conditions, acts, or things which are liable to cause injury to the

- person or property of anyone;
26. Exposed accumulation of decayed or unwholesome food or vegetable matter;
 27. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
 28. All wires 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;
 29. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
 30. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
 31. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies 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 safety hazards from accumulation; ~~and~~
 32. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
 33. 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 the substance; and
 34. The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the property of another.

E. Noise violations.

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

- a. 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 in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of this noise (this general prohibition is not

limited by any specific restrictions provided in this ordinance.

PLAINLY AUDIBLE is defined as sound that can be detected by a person using their unaided hearing faculties.

- b. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
- c. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
- d. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, 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 therefrom and complies with all applicable state laws and regulations.
- e. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
- f. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

2. Hourly Restriction of Certain Operations.

- a. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power equipment, except between the hours of 7:00am and 10:00pm on weekdays and 8:00am and 10:00pm on any weekend or public holiday. Snow removal equipment is exempt from this provision. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quite or repose of a person of ordinary sensibility.
- b. Refuse Hauling. See SLPC 5.08.010, Paragraph I.
- c. 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 7:00am and 9:00pm on any weekday or between the hours of 9:00am and 9:00pm on any weekend or public holiday.
- d. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Paragraph E, 1, f between the hours of 10:00pm and 7:00am in a manner so as to be plainly 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.
- e. 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 takes its evaluation into account in approving or disapproving the license or permit applied for or the zoning change(s) requested.

3. *Participation in Noisy Parties or Gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or repose of other persons. When a peace 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 peace officer to do so. 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.

4. *Exception for Emergency Work.* Noise created exclusively in the performance of emergency work to preserve the public health, safety or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, shall be exempt from the provisions of this Section. Any persons responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

F. *Enforcement.* It shall be the duty of the City Council to enforce the provisions of this section and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises. The officers charged with the enforcement of this section shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

G. *Notice To Abate; Abatement By City; Recovery Of Costs.* Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects.

1. *Service of notice.* This written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.

2. *Contents of notice.* The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.

3. *Proof of service.* Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the

manner and time thereof. When an order so given is not complied with, the non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.

4. *Non-compliance with notice to abate.* If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.
5. *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park