

## 601. NUISANCE

601.010. PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act or use of property which shall:

- (a) Annoy, injure or endanger the health, safety, comfort or repose of the public;
- (b) Offend public decency;
- (c) 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;
- (d) Depreciate the value of the property of the inhabitants of the City or of a considerable number thereof; or
- (e) In any way render the inhabitants of the City, or a considerable number thereof, insecure in life or in use of property.

### 601.020. DEFINITIONS.

CITY: As used herein means the City of Little Canada.

- 1. CITY OFFICIAL: Any duly authorized representative of the City as designated by the City Administrator.
- 2. COUNCIL: The City Council of the City of Little Canada
- 3. GRAFFITI: Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public or private property without the consent of the City, the owner of the property or the owner's authorized agent, and which is visible from the public street right-of-way. Graffiti may include marks, symbols, designs, inscriptions or other drawings reasonably understood as communicating threats of harm, violence, contempt or hatred on the basis of race, religion or gender.
- 4. PERSON: As used herein includes any person, firm or corporation, and the singular shall include the plural.

Where references are made herein to particular officials, councils, boards, or agencies, such officials, councils, boards or agencies are those of the City of Little Canada.

601.030. PUBLIC NUISANCES AFFECTING HEALTH OR SAFETY. The following are hereby declared to be public nuisances affecting health or safety:

- (a) All diseased animals running at large;

- (b) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- (c) Accumulation of manure or rubbish;
- (d) Garbage cans which are not fly-tight;
- (e) Dumping the contents of any septic tank or garbage can, except at places authorized by law;
- (f) All noxious weeds, grasses taller than 6 inches except ornamental varieties, and other rank growths;
- (g) 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, ground, sand, stones, ashes, rubbish, tin cans, or other material of any kind on private property;
- (h) Debris accumulated in such a way that it may attract insects or rodents;
- (i) Insect and rodent harborage. Every owner and occupant of a residential, commercial or industrial structure shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination there of shall be the responsibility of the owner.
- (j) Outdoor storage of material. It shall be unlawful to accumulate and store building material, lumber, firewood, boxes, cartons, or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such a manner as to become infested with rodents. Stored items must be stored on an impervious surface, such as a poured concrete slab or must be elevated above the ground. Firewood piles and other materials may only be located in the rear yards and side yards. Such wood piles and other materials may not encroach on any required rear or side yard setbacks and must be a minimum of one (1) foot from buildings used for habitation.
- (k) Dense smoke, noxious fumes, gas and soot in unreasonable quantities;
- (l) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed;
- (m) All other acts, omissions of acts, occupations and uses of property which are deemed by the Minnesota Department of Health to be a menace to the health of the inhabitants of the City or a considerable number thereof.

601.050. PUBLIC NUISANCES AFFECTING PROPERTY, PEACE OR SAFETY.

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

- (a) All snow and ice not removed from public sidewalks twelve (12) hours after the snow and ice has ceased to be deposited thereon;
- (b) All wires which are strung less than fifteen (15) feet above the surface of any public street or alley;
- (c) All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) their original value or which are so situated as to endanger the safety of the public.
- (d) 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;
- (e) All use or display of fireworks except as provided by law or ordinance;
- (f) All noises regulated under Little Canada City Code Chapter 2801, Noise;
- (g) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;
- (h) Telecommunications strung or erected in any manner except that provided by law or ordinance;
- (i) The piling, storing, parking or keeping of old machinery, wrecked, junked or abandoned vehicles, and other junk or debris;
- (j) The parking, keeping, placing, storing, or permitting the parking or storage of a motor vehicle, trailer or semi-trailer, which has not been properly licensed for operation on public highways within the State of Minnesota, on public land, streets or alleys, or on private land or premises, unless it is within an enclosed garage or storage building on such private premises;
- (k) 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 the free use of public streets or sidewalks;
- (l) 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;

- (m) All dangerous, unguarded machinery, equipment or other property in any public place, or so situated or operated on private property as to attract minor children;
- (n) Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grading of public streets, alleys or sidewalks without proper permit;
- (o) 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;
- (p) Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys or gutters;
- (q) All unnecessary interference and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
- (r) Keeping of non-domesticated animals. Refer to City Code Chapter 1100, Animals;
- (s) All use of any electronic or other device for the production or reproduction of sound in a motor vehicle in a loud manner so as to unreasonably disturb the peace, quiet or comfort of any person. Refer to City Code Chapter 2801, Noise;
- (t) Graffiti. The existence of graffiti on public or private property is expressly declared to be a public nuisance because it may diminish property value, create fear, lead to additional graffiti, demean persons or support gang activity. Therefore, it is the duty of both the owner of the property to which the graffiti has been applied and any responsible party to at all times keep the property clear of graffiti. Graffiti removal and corrections must be performed with materials and colors compatible with existing surfaces.

The process for graffiti abatement and cost recovery (if abated by the City) are subject to the provisions of sub-section 601.070 through 601.130.

If a property is subject to three or more occurrences of graffiti within a year, application of anti-graffiti material of a type and nature that is acceptable to the City may be required for each of the publicly viewable surfaces after notification by the City, or imposed during improvements or construction activities to the site as determined by the City.

- (u) All composting consisting of yard waste and/or kitchen waste which has been left unattended and which cause offensive odors, attract rodents and/or pests or are

unsightly.

- (v) All other conditions, acts, or things which are liable to cause injury to the person or property of anyone.

601.060. COMMON LAW AND STATUTORY LAW AND STATUTORY NUISANCES BY REFERENCE. In addition to what may be declared in this article to be nuisances and how the nuisances may be removed, abated or prevented, those offenses which are known to the common law of the land and the statutes of the state as nuisances are hereby adopted by reference to be nuisances for the purposes of this article and may, if they exist within the city limits, be treated as such and proceeded against as provided in this article or in accordance with any other applicable law.

601.070. ENFORCEMENT. It shall be the duty of the Council to enforce the provisions of this Chapter. The Council hereby authorizes the City Official to enforce this Chapter, including the power to inspect private premises and to issue tags for violations of this Chapter.

601.080. POWERS OF OFFICERS. Whenever, in the judgment of the City Official, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the City Official shall notify the person committing or maintaining such public nuisance and require him or her to terminate and abate such nuisance and to remove such conditions or eliminate such defects. Notice requiring abatement or removal must be served on the owner, occupant, or agent of the property by certified and United States mail, or personal service. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, service may be had by posting a written or printed notice on the property. Said notice shall require the owner, occupant, or agent to abate or remove said nuisance in a manner set forth in the notice within a period not longer than ten (10) days. The notice may also include a notice of intent to abate nuisance advising the owner, occupant, or agent that if the nuisance is not removed within ten (10) days, the nuisance will be abated or removed at the expense of the owner.

When an order so given is not complied with, such noncompliance shall be reported forthwith to the City Administrator for such action as may be necessary and deemed appropriate to abate and enjoin further continuation of said nuisance.

601.090. ABATEMENT OF NUISANCE BY COUNCIL: COST RECOVERY. If, after service of notice of intent to abate nuisance, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the direction of the City Official, the City Council may cause such nuisance to be abated at the expense of the City and recover such costs against the person or persons served. To cover administrative costs necessarily incurred in the abatement and assessment procedure, an administrative fee in the amount of not more than 25% of the cost to abate the nuisance shall be imposed, except that in no event shall the administrative fee be less than \$250.00. As to any such costs, the City Council shall direct the City Administrator to extend such sums as an assessment against the property upon which the nuisance existed and shall certify the same to the Ramsey County Auditor for

collection in the same manner as taxes and special assessments are certified and collected.

601.100. ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES. The City Official charged with enforcement of this chapter may follow the accelerated procedure described below for abating accumulations of snow and ice, decaying garbage or similar organic matter and graffiti.

Whenever the City Official charged with enforcement determines that a nuisance proscribed under this chapter is being maintained or exists on premises in the city, written notice shall be served in person; or by posting the premises; or by regular or certified first-class mail to the property owner or occupant. The notice shall specify the nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the nuisance is not abated within 5 working days, that the City will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.

If the owner or occupant fails to comply with the notice within 5 days, the City shall provide for abatement of the nuisance. The City Official shall keep records of the cost of abatement and shall provide this information to the City Administrator for assessment against the property pursuant to section 601.080 of this chapter.

601.110. PUBLIC NUISANCE VARIANCE. A variance request pertaining to nuisances occurring on public or private property must be filed by a property owner or occupant with the following requirements:

1. Shall be submitted on forms supplied by the City; and,
2. Shall include a specific description detailing the reason for the variance request; and,
3. Shall be delivered to the City Official within the time frame given in the notice provided pursuant to 601.080; and,
4. Shall be accompanied by the fee established by a prior City Council resolution.

Variance requests will be considered, approved or denied by the City Official. The City Official or his or her designee(s) shall notify the applicant within 5 business days after receiving the application of the decision whether the request has been approved or disapproved.

Variance approvals may be granted with or without conditions, including but not limited to a time limited duration at the discretion of the City. Violations of any approved public nuisance variance shall be grounds for immediate revocation of the variance. Additional nuisance activity or violation to the City Code may be grounds for the revocation of an approved variance.

601.120. VARIANCE APPEAL. Variance denials or revocations may be appealed to City Council by the applicant. If an appeal is filed it must:

1. Be submitted on forms supplied by the City; and,

2. Be delivered to the City Clerk within 10 days of the denial or revocation.

When an appeal is filed, a public meeting regarding the matter shall be held before the City Council at a regularly scheduled Council meeting held within 30 calendar days of the receipt of the appeal. The City Council may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the City Council at its sole discretion if that information serves to clarify information previously considered by the City Official.

601.130. PENALTIES. Any person who shall cause or create a nuisance, or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this Code, upon conviction thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or by imprisonment in the County jail for not more than ninety (90) days. Such penalty is in addition to the administrative fee that may be charged under section 601.090 Abatement of Nuisance by Council.

601.140. SEPARABILITY. Every section, provision or part of this Chapter is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

(Source: Ord. 29, Amended: Ord. 284, 339, 391, 413, 440, 443, 844)