

**TOWN OF GREY CLOUD ISLAND
ORDINANCE NO. 58
NUISANCES**

An Ordinance replacing Town of Grey Cloud Island Ordinances No. 41 Nuisances and
No. 6 Firearms

**THE TOWN BOARD OF THE TOWNSHIP OF GREY CLOUD ISLAND,
WASHINGTON COUNTY, MINNESOTA HEREBY ORDAINS:**

WHEREAS, the Town Board of Grey Cloud Island Township deems it necessary to regulate and prohibit nuisances within the Township to protect the public health, safety, and welfare; and

WHEREAS, the Town Board believes that the Nuisance Ordinance contained herein will permit the Town to provide for the orderly eradication of nuisances; and

NOW THEREFORE, it is ordained as follows:

Section I. Interpretation.

In the event of conflicting provisions in the text of this Ordinance, the most restrictive shall apply. The language set forth in the text of this Ordinance shall be interpreted as follows:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present
- C. The word "shall" is mandatory, while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. As used in this ordinance, person shall include a corporation or other legal entity.

Section II. It shall be unlawful for any person or firm in the Town to commit, cause or create a public nuisance, or to permit any public nuisance to be created or placed upon, or to remain upon any premises in the Town owned or occupied by him or owned or occupied by others or owned or occupied by the public or upon any public or private land. Each day that any violation continues shall constitute a separate violation.

Section III. In addition to what may be declared in this Ordinance to be nuisances, and how the same 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 purpose of this Ordinance and may, in case the same exists within the Town limits, be treated as such and proceeded against as provided in this Ordinance or in accordance with any other applicable law.

Section IV. No person or firm shall permit any condition, which is deemed by the Town Board to be a public or private nuisance, on any premises owned or occupied by him within the Town.

Section V. Every agent or other person having the charge, control, or management, or who collects or receives the rents of any lands, premises, or other property in the Town, shall disclose the name of the owner of such land, premises or property, or the name of the person for whom such agent or other person is acting, upon application being made therefor by the Town Clerk.

Section VI. Public nuisance described.

A public nuisance is all things, acts or use of property set forth in Sections VII to IX, and in addition, any thing, condition, act or use of property which:

- A. Unreasonably annoys, injures, or endangers the health, comfort, repose, morals, or safety of any considerable number of the inhabitants of the Town.
- B. Offends public decency.
- C. Interferes with, obstructs, or renders dangerous for passage, any public highways or rights-of-way, or water used by the public.
- D. Depreciates the value of the property of the inhabitants of the town or of a considerable number thereof.
- E. In any way renders the inhabitants of the Town, or a considerable number thereof, insecure in life or in use of property.
- F. Is declared by ordinance, statute, common law, or other relevant regulation to be a nuisance.

Section VII. Public nuisances affecting health, safety, comfort, or repose.

The following are hereby declared to be public nuisances affecting health, comfort, or repose:

- A. All decayed or unwholesome food offered for sale to the public.
- B. All diseased animals running at large.
- C. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale to the public.
- D. Carcasses of animals not buried or destroyed within 24 hours after death.
- E. Accumulations, exterior storage, throwing, dumping, or depositing of any of the following on unlicensed or unauthorized public or private property:
 - 1. Waste, refuse, trash, garbage, junk, or debris of any nature or description.
 - 2. Manure, decaying matter, or unwholesome food or vegetable matter.

3. Disused machinery, household appliances, or automobile components.
4. Poisonous or injurious substances.
5. Brush piles, vegetation, uncut wood or lumber, or firewood not neatly stacked or secured.
6. Disused household goods, clothing, shoes, and furniture.
7. Piles of sand, stones, dirt, ashes, or cinders not otherwise permitted by the ordinances of the Town.
8. Other such items that tend to cause an unsightly appearance, which may create fire, health or safety hazards, which allow for the harboring of rodents, vermin, or the rank growth of vegetation.

F. Garbage cans, waste holding tanks, and other such waste receptacles which are not rodent-free and fly tight, or which are so maintained to constitute a health hazard or to emit foul or disagreeable odors.

G. Dumping the contents of any cesspool, waste holding tank, privy vault, or garbage can except at places authorized by law.

H. All noxious weeds, tall grasses, and other rank growths over one foot in height.

I. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.

J. Outdoor wood burning furnace defined as a fuel burning device designed to burn primarily wood by hand firing and that is not located inside structures ordinarily occupied by humans.

K. Outdoor biomass burner defined as a burning device designed to burn fine particular cellulose materials such as sawdust, dried wood chips, charcoal, coal, corn, and thermoplastics and that is not located inside structures ordinarily occupied by humans.

L. All unnecessary noise or vibrations which disturbs the peace and repose of neighboring property owners or the public at large.

M. Offensive trades and business as defined by statute, ordinance or other applicable regulations not licensed as provided by law.

N. The distribution of samples of medicines or drugs, unless such samples are placed in the hands of an adult person by someone properly licensed.

O. Septic tanks and drain fields, cesspools, waste holding tanks, private sewage disposal system, or private sewer service line which malfunctions causing overflow, leakage, or offensive odors.

P. The discharge of any untreated sewage or polluted waters to any natural outlet.

Q. All ponds or pools of stagnant, polluted, or poisonous waters.

R. The pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, animal waste, toxic material, or other such potentially harmful substances.

S. All public exposure of persons having a contagious disease.

T. To permit or allow to remain on one's private property a tree which is dead, diseased, or otherwise not maintaining significant foliage during the growing season that poses a risk to the public.

U. The piling, keeping, or exterior storage of wrecked, junked, inoperative, unlicensed, or improperly licensed vehicles subject to Minn. Stat. § 168B.

V. For any person to urinate or defecate on public or private property other than in facilities provided for such functions.

W. All other acts, omissions of acts, occupations and uses of property which are deemed by the appropriate regulatory authority to be a menace to the health of the inhabitants of the Town or a considerable number thereof.

X. Violation of any township ordinance is considered to be a nuisance.

Section VIII. Public nuisances affecting morals and decency.

The following are hereby declared to be public nuisances affecting public morals and decency:

A. All gambling devices, slot machines and punchboards, except any licensed and permitted under state statutes.

B. Betting, bookmaking, and all apparatuses used in such occupations.

C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.

D. All places where intoxicating liquors are manufactured, sold, bartered, or given away 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.

E. Any vehicle used for the illegal transportation of intoxicating liquor or any immoral purpose.

F. All obscene pictures, books, pamphlets, magazines, newspapers, and billboards as the term "obscene" is defined in Minn. Stat. § 617.241.

G. The public use of profane or obscene language.

H. 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.

I. Signs or other displays using profane language, depicting obscenities, or of a vulgar nature.

J. All other things, acts, omissions, or occupations that may be considered detrimental to the moral well-being of the inhabitants of the Town or a considerable number thereof.

Section IX. Public nuisances affecting safety.

The following are declared to be nuisances affecting public safety:

- A. All snow and ice not removed from public sidewalks within 12 hours after the snow and ice has ceased to be deposited thereon.
- B. All wires which are strung less than 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 of their original value or which are so situated as to endanger the safety of the public not otherwise subject to Minn. Stat. § 463.15 to 463.26.
- D. All explosives, flammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or this Ordinance.
- E. All use or display of fireworks except as provided by law or this Ordinance.
- F. All buildings and all alterations to buildings made or erected in violation of fire codes concerning manner and materials of construction.
- 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 this Ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract children.
- H. Radio aerials strung or erected in any manner except that provided by law or this Ordinance.
- I. Any 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 and sidewalks.
- J. 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 this Ordinance, or without proper permit.
- K. 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.
- L. All dangerous unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract children.
- M. The distributing of handbills except as provided by law or this Ordinance.

- N. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over the Town from an airplane, balloon, or other aircraft or in such a manner as to cause such material to fall or land in the Town.
- O. 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.
- P. Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when the making of such repairs will not unduly impede or interfere with traffic.
- Q. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys, or gutters.
- R. Erecting, painting, or placing any sign including unauthorized traffic signs in streets or alleys or on sidewalks.
- S. All unnecessary interference and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof.
- T. Graffiti and other defacement of public and private property, including walls, rocks, bridges, fences, gates and other structures, trees, and other real and personal property within the Town.
- U. Murals, graffiti, other signs, or displays not otherwise permitted by the Town's Zoning ordinance.
- V. All trees, hedges, fences, signs, or other obstructions which prevent a clear view of any traffic approaching an intersection.
- W. Driving motorized scooters, motorcycles, or other motorized vehicles on any public sidewalk or trail or private property of others, and the driving of said vehicles in an unsafe manner.
- X. Any tree, bush, or shrub the roots of which are causing damage to any public sewer, sidewalk, roadway, alley, or other public property or the unapproved planting of any tree, bush, or shrub on public property.
- Y. All limbs of trees above the surface of a sidewalk or above the surface of a public street that interferes with the clear passage of all vehicles, pedestrians, and other users.
- Z. All barbed wire fences located in residential areas.
- AA. Any private road that serves more than one property and is generally open to public travel that is in a condition likely to cause injury of a person or damage to vehicles.
- BB. Accessing private property through a public right-of-way without the use of a driveway in a manner that may cause disturbance to the vegetation in the right-of-way and/or erosion.

- CC. Causing mud, sand, dirt, silt, or other such materials to be deposited into the storm drainage system.
- DD. A vehicle that deposits mud, sand, dirt, silt, or other such materials on a public street.
- EE. The existence of any vacant dwelling, garage, or other building unless such building is secure and otherwise protected from unauthorized entry.
- FF. To operate any artificial lighting device or to cause glare that is a distraction to passing motorists or detrimental to neighboring properties.
- GG. Any uncovered well, hole, or excavation that may constitute a hazard.
- HH. Obstruction of the free flow of water in a natural waterway or public street drain, gutter, or ditch with trash or other materials.
- II. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure a person or animal or cause damage to vehicle tires.
- JJ. Depositing snow removed from private property on public property including boulevard areas except for snow removed from boulevard areas of driveways and sidewalks.
- KK. Depositing snow from private property on to the private property of others without the consent of the owner thereof.
- LL. Property that has been disturbed by construction, grading, or other activity and is not seeded, sodded, or otherwise planted with ground cover in compliance with Ordinance 49, Section IV(B)(5).
- MM. Construction materials, including piles of dirt, sand, and sod, left in the open on property for more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.
- NN. Erosion of stockpiling of any material into a public street that is not part of a public improvement; or erosion or drainage from a property when it is causing, or has the likelihood of causing, serious harm to neighboring property or to natural resources such as significant trees, water bodies, wetlands, and wetland buffers. Serious harm includes actual damage as well as interference with reasonable use of the property.
- OO. The outdoor piling, storing, or keeping of old machinery, appliances, wrecked or junk vehicles, other junk or debris, or any combinations thereof. A junk vehicle shall include any motor vehicle or trailer which is partially dismantled, or which is used for sale of parts or as a source of repair and replacement parts for other vehicles or which is kept for scrapping, dismantling, or salvage. The following vehicles shall not be considered junk vehicles: (a) an unlicensed vehicle for sale in an automobile sales lot; and (b) a pioneer or classic car, as defined in Minn. Stat §168.10.

PP. Firearms

1. Firearm is defined by Minn. Stat. § 609.666 subd.1 (a) Firearm means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.

2. No person shall discharge a firearm, air gun, or any other weapon using a single slug at any time within the limits of the Township.

3. No person shall discharge a firearm for target, trap, skeet, sporting clay, or other types of repetitive shooting.

4. On another person's private land or a public right-of-way, a person may not discharge a firearm within 500 feet of a building occupied by humans, or livestock without written permission of the owner, occupant, or lessee of the building. This does not apply to people hunting on their own property.

5. This section does not apply to a duly appointed law enforcement officer while engaged in his or her official duties. Nothing in this section is intended to prohibit a citizen from discharging a firearm in order to protect himself or other residents of his or her property.

QQ. All other conditions, acts, or things which are liable to cause injury to the person or property of anyone in the Town.

Section X. Nuisances prohibited.

In accordance with the previous sections, any person who by act or failure to perform a legal duty, intentionally commits and/or maintains a public nuisance in the Town, or any person who permits real property under his control to be used to maintain a Public Nuisance or lets such property knowing it will be so used shall be guilty of a misdemeanor in accordance with Minn. Stat. § 609.02, subd. 3.

Section XI. Enforcement.

It shall be the duty of the zoning administrator, zoning enforcement officer, and such other officers or agencies of the Town as the Town Board may direct, to enforce the provisions of this Ordinance. They shall have the power to inspect private premises, to take all reasonable steps and precautions to prevent the commission and maintenance of, or to assist in the abatement of Public Nuisances within the Town. Such other officers as referred to herein may include, for example the Town Clerk of the Town.

Section XII. Procedure.

A. *Notice of violation.* Whenever, after investigation and in the judgment of an officer charged with enforcement of the provisions of this Ordinance, it is determined that a

Public Nuisance is being maintained or exists within the Town, such officer or agent shall notify, in writing, the person committing or maintaining such public nuisance. Such notification shall inform such person to terminate and abate the public nuisance in question and to remove such conditions or remedy such defects. Such written notice shall be personally served on the person committing or maintaining such nuisance, mailed to the property owner of record, mailed to the occupant of the property, or any combination thereof. The notice shall set forth the action required of the owner, occupant, or both of such premises that may be necessary to abate the nuisance and shall specify the maximum time for the abatement of the nuisance after service of such notice. Such time shall in no event exceed 30 days. Service of notice shall be proved by filing of an affidavit of service in the office of the Town Clerk setting forth the manner and time thereof.

- B. *Appeal.* Any property owner or occupant who feels aggrieved by an order issued pursuant to this section, referred to herein as the “Appellant” may request a hearing before the Town Board. Such request shall be filed in writing by the Appellant with the Town Clerk within 14 days after the date of service of the notice of violation by the Town. The Town shall notify the Appellant and the property owner (if it is not the Appellant) of the date, time, and place of the hearing before the Town Board. The hearing shall be conducted at the next Town Board meeting or within 30 days at the discretion of the Board. The Town Board shall make findings to determine if a nuisance condition is present as identified in the notice of violation. If the Town Board affirms the notice of violation, the Town Board shall determine a compliance date no more than 20 days from the date of the hearing for compliance. Failure to hold the hearing or failure to affirm the notice of violation terminates the process identified in section XII.A but does not preclude the officers of the Town from issuing subsequent notices of violation of this or any other Ordinance. Upon holding the hearing, the Town Board may affirm the order, thereby affirming all conditions, remedies, or combinations thereof necessary to remove the nuisance noted in the notice of violation based on the procedure in section XI.A. Upon holding the hearing, the Town Board may cause to have an amended notice of violation issued citing other and/or additional conditions and/or remedies than were identified in the original notice of violation issued based on the procedure in section XI.A.
- C. *Order of abatement.* Upon lack of compliance by the date in the notice in section XII.A or in the Town Board ordered compliance date or amended notice of violation issued based on section XII.B, the Town may issue an order of abatement as identified in section XIII.
- D. The foregoing procedures shall not be exclusive or preclude or impair other Township remedies at law or otherwise.

Section XIII. Abatement.

- A. *Abatement by Town Board.* When any notice of violation given pursuant to Section XII is not complied with, such noncompliance shall be reported forthwith to the Town Board for such action as may be necessary and deemed advisable by the Town

Board to abate and enjoin the further continuation of such nuisance. Unless the nuisance shall constitute a present serious threat to the health or safety of the habitants of the Town, prior to authorizing expenditures to abate and enjoin the further continuation of such nuisance, the Town Clerk shall notify in writing the persons committing or maintaining such public nuisances, advising such person of the action contemplated by the Town Board and notifying such person that the person shall have seven days from receipt of such notice within which to appeal only the contemplated action to the Town Board.

- B. *Appeal.* A hearing shall be conducted at the next Town Board meeting or within 30 days at the discretion of the Board and such person appealing shall be notified of the time, date, and place of such hearing by the Town Clerk. Notice shall be considered served upon mailing or service upon the property. If the Town Board affirms the notice of violation, the Town Board shall determine a compliance date no more than 20 days from the date of the hearing for compliance. Failure to hold the hearing or failure to affirm the Order of abatement terminates the process identified in section XIII.A but does not preclude the officers of the Town from issuing subsequent notices of violation, subsequent orders of abatement, or any other processes indicated by other Ordinances of the Town or at law. Upon holding the hearing, the Town Board may affirm the order of abatement, thereby affirming all actions necessary to abate the nuisance noted in the order of abatement. Upon holding the hearing, the Town Board may cause to have an amended order of abatement issued citing other and/or additional actions than were identified in the original order of abatement issued based on the procedure in section XIII.A.
- C. *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Section XII would permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the Town Board may order summary enforcement and abatement of the nuisance. To proceed with summary enforcement, the designated official shall determine that a public nuisance exists or is being maintained on property in the Town and that delay in abatement will unreasonably endanger public health, safety, or welfare. The designated official shall notify in writing the occupant, owner of the property, or both, of the nature of the nuisance, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth in section XII and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Town Board may order summary enforcement and abatement of the nuisance.
- D. Any activity declared to be a nuisance by any provisions of this Ordinance may be abated pursuant to this division. To do such abatement, the Town, through its employees or independent contractors, may enter upon any property where the nuisance exists, with such workers and equipment as the Town deems necessary to abate such nuisance. Abatement may be accomplished by preventing, stopping, removing, or destroying the nuisance.

Section XIV. Recovery of costs.

- A. *Personal liability.* The owner of the property on which a nuisance has been abated by the Town, a person who has caused a public nuisance on property not owned by that person, or both, shall be personally jointly liable for the cost to the Town of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Town Clerk or other officer designated by the Town shall prepare a bill for the cost and mail it to the owner, occupant, or both. Thereupon the amount shall be immediately due and payable at the office of the Town Clerk.
- B. *Civil penalty.* The Town may also add an additional civil penalty to the amount in subsection A. not to exceed 25 percent of the total amount.
- C. *Assessment.* After notice and hearing as provided in Minn. Stat. 429.061, as it may be amended from time to time, the Town Clerk shall, on or before September 1 or a date that allows for inclusion in the next year's property tax assessment, whichever is later, 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 Town Board 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 10, as the Town Board may determine in each case.
- D. Health or safety hazard.
 - 1. *Generally.* If the nuisance is a health or safety hazard on private property, it may be abated and the cost collected and assessed pursuant to this Ordinance.
 - 2. *Public Health.* If the nuisance is a threat to public health such as a public health nuisance, the Town may proceed to remove or abate the threat, and recover the cost thereof, pursuant to Minn. Stat. §145A.04.
- E. If the nuisance is included within any of the items herein, then it may be abated, and the cost collected and assessed pursuant to Minnesota Statutes.
- F. In addition to the foregoing, without limitation, a nuisance may be abated and the cost collected and assessed pursuant to the provision of this division.
 - 1. *Conditions to enter property.* The Town Board may hold a public hearing pursuant to Minn. Stat. §429.031, and the Board may order entry and abatement in the same manner as it orders an improvement pursuant to Minn. Stat. §429.031.
 - 2. *Determination of Cost.* After the Board has ordered entry and abatement, the Town shall do such abatement by use of its own employees or by letting a contract to an independent contractor.
 - 3. *Assessment of Cost.* When the abatement is done, the Town shall determine the cost and shall hold a public hearing pursuant to notice as provided by Minn. Stat. §429.061, and such cost, with interest as determined by the Board pursuant to

Minn. Stat. §429.061, shall be levied and collected as an assessment against the property or properties where the nuisance was located, all pursuant to Minn. Stat. §429.061.

Section XV. Effectuation.

A. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building or other structure, such judgment shall not affect that application or said provision to any other property, building or structure not specifically included in said judgment.
3. Any reference to any statute made herein shall mean to include its amendments and successors.

B. *Validity and Date Effective.* Ordinance No. 41 and Ordinance No. 6 are hereby repealed. This Ordinance shall be effective upon its passage and publication according to law.

TOWN OF GREY CLOUD ISLAND

Chair, Town Board of Supervisors

ATTEST:

Town Clerk