

ORIGINAL

**ORDINANCE NO. 41**

**NUISANCES**

Article I. - General.

Section 1. A. It shall be unlawful for any person 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. As used in this ordinance, person shall include a corporation or other legal entity.

B. Each day that any violation of Subsection A. hereof continues shall constitute a separate violation.

Section 2. 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 3. No person 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 4. 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 Board, 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 5. A public nuisance is any thing, act or use of property which shall:

- 1) annoy, injure or endanger the health, safety, comfort or repose of the public;
- 2) 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, including the full right-of-way;
- 3) depreciate the value of the property of the inhabitants of the Town or of a considerable number thereof; or
- 4) in any way render the inhabitants of the Town, or a considerable number thereof, insecure in life or in use of property.

Section 6. The following are declared to be public nuisances, affecting health, safety, comfort or repose:

- 1) All diseased animals running at large;
- 2) Carcasses of animals not buried or destroyed within 24 hours after death;
- 3) Accumulation of rubbish, salvage, debris, tin cans or any other offensive materials;
- 4) Garbage cans which are not fly tight;



- 5) Dumping the contents of any cesspool, privy vault or garbage can, except at places authorized by law;
- 6) The throwing, dumping or depositing of any dead animals, manure, garbage, decaying matter, ashes, rubbish, tin cans or putrescent material of any kind, except for agricultural purposes, on public or private property which is not designated as a public dump;
- 7) Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities;
- 8) Offensive trades and businesses, as defined by statute or ordinance, not licensed as provided by law;
- 9) All other acts, omissions of acts, occupations and uses of property which are deemed by the Town Board to be a menace to the health of the inhabitants of the Town or a considerable number thereof;
- 10) The throwing, dumping or depositing of ground soil, sand, stones or other inert material on public property, without obtaining a permit from the Town Board; or
- 11) All rat harbors on private or public premises.
- 12) The throwing, dumping, depositing, or storing of inert materials including, but not limited to, construction debris, hazardous waste, industrial waste, garbage, auto hulks, ash, tires, recyclable materials and solid waste, on public or private land as defined by Minnesota law, without obtaining a permit from the Town Board.
- 13) Whenever any cellar, vault, private drain, cesspool, privy or sewer becomes offensive, noxious or injurious to health, such conditions shall constitute a nuisance within the meaning of this Section.

Section 7. The following are declared to be nuisances affecting public safety:

- 1) All wires which are strung less than 15 feet above the surface of any public street or alley;
- 2) 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;
- 3) All explosives, flammable liquids and other dangerous substances and materials stored or accumulated in any manner or in any amount other than that provided by law ordinance;
- 4) All excessively loud noise and unnecessary vibrations;
- 5) All buildings and all alterations to buildings made or erected in violation of the Town Code and other fire ordinances concerning manner and materials of construction, which were in effect at the time of construction;
- 6) Obstructions and excavations affecting the ordinary use of 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;
- 7) Radio aerials strung or erected in any manner except as provided by law or ordinance;
- 8) The outdoor piling, storing or keeping of old machinery, appliances, wrecked or junk vehicles, and other junk or debris. A junk vehicle shall include any motor vehicle or trailer which is



partially dismantled, or which is used for the 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 Section 168.10, Minnesota Statutes.

9) 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. No person or other legal entity shall conduct business, perform or carry on any commercial business or transaction, including but not limited to, loading or unloading of motor vehicles, whether operable or not, dismantling of motor vehicles, or other personal property, repairing of motor vehicles or other personal property upon any street, highway, public right of way or public land within the Township, regardless of whether or not such property is occupied, improved or developed;

10) 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;

11) All dangerous, unguarded machinery, equipment or other property in any public place, or so situated or operated on private property so as to attract minor children;

12) 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 materials to fall on land in the Town;

13) 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;

14) Making repairs to motor vehicles or tires upon any public property including the full right-of-way of any street or alley, excepting only emergency repairs which will not unduly impede or interfere with traffic;

15) Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass, snow or other material in the street, alleys or gutters;

16) Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;

17) All unnecessary interference and disturbance of radios or television sets caused by defective electrical appliances and equipment;

18) The storage of diseased wood is prohibited;

19) The discharge of any firearm, as defined in Minnesota Statutes 609.666 subd. 1(a), by any person within 500 feet of any residence, any other building, or any structure designed for human or animal use, including discharge of a firearm for target, trap, skeet, sporting clay, or other types of repetitive shooting. This paragraph does not apply to a duly appointed law enforcement officer while engaged in his or her official duties. Nothing in this paragraph is intended to prohibit a citizen from discharging a firearm in order to protect himself or other residents of his or her property; and

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

Section 8. Whenever any act or deed, which is defined in this ordinance as a nuisance, is committed in the presence of any police officer, the person committing such act or deed is subject to immediate arrest.



Section 9. In the case of any nuisance herein defined in this ordinance, which is in the nature of the continuing condition requiring correction or abatement, it shall be the duty of the Town Board to enforce the provisions of this article, and the Board may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this ordinance, including the power to inspect private property and the officers charged with enforcement of this article shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 10. Whenever, in the judgment of the public official charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the Town, such official shall notify in writing the person committing or maintaining such public nuisance and require him to terminate and abate said nuisance and to remove such conditions or remedy such defects. Such written notice shall be served on the person committing or maintaining said 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 posting a copy of the notice on the premises. Said notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove said nuisance, said steps in time to be designated in said notice, but the maximum time for the removal of said nuisance after service of said notice shall not, in any event, exceed 30 days. Service of notice shall be provided by filing an affidavit of service in the office of the Town Clerk setting forth the manner and the time thereof. When an order so given is not complied with, such non-compliance shall be reported forthwith to the Town Board for such action as may be necessary and deemed advisable in the name of the town to abate and enjoin the further continuation of said nuisance.

Section 11. If, after service of notice under Section 10, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the direction of the Board, the Board may cause such nuisance to be abated at the expense of the Township and recover such expenditures, plus an additional 25 percent of such expenditures, plus recovery of all reasonable costs and legal fees necessarily incurred, by civil action against the person or persons served. If service has been had upon the owner or occupant and remains unpaid for 30 days, by ordering the Town Clerk to extend such sum, plus 25 percent 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.

Section 12. Any person who shall commit, violate any of the provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment as set forth in Minnesota Statutes 609.02, Subd. 3, and as said statute may from time to time be amended. Each day that a violation continues shall constitute a separate violation and shall be subject to the maximum penalty set forth herein.

Section 13. Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the Town in that such vehicles furnish shelter and breeding places for vermin and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the Town and therefore, a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitute a



waste of a valuable source of useful metal. It is, therefore, in the public interest that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that further abandonment of motor vehicles and other scrap metals be prevented.

Section 14. For the purposes of this ordinance, the following words, terms and phrases shall have the following respective meanings ascribed to them by this section:

Abandoned motor vehicle: "Abandoned motor vehicle" means a motor vehicle, as defined in Section 169.01, Minnesota Statutes, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. A classic car or pioneer car, as defined in Section 168.10, Minnesota Statutes, shall not be considered an abandoned motor vehicle.

Motor vehicle waste: "Motor vehicle waste" means solid waste and liquid waste derived in the operation of or in the recycling of a motor vehicle, as defined in Section 169.01, Minnesota Statutes, including, but not limited to, tires and motor vehicle drain oil, but exclusive of scrap metal.

Vital component parts: "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

Section 15. Any person who abandons a motor vehicle in the Town on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor.

Section 16. A. Any abandoned motor vehicle, wherever found in the Town, in violation of this ordinance, the other ordinances of the Town or the laws of the State, is hereby declared to be a nuisance, and the same may be summarily abated by or under the direction or at the request of a public official by removing and impounding such vehicle in a public pound, by means of towing, or otherwise, and shall only be surrendered to the duly identified owner thereof or his agent upon the payment of the fees hereinafter provided in this article.

B. Any vehicle found upon the streets of the Town in such a damaged condition as a result of an accident or disrepair that it cannot be driven, and is located as to constitute an obstruction of the street, may be removed and impounded in a public pound by the public officials. Such vehicle shall only be surrendered to the duly identified owner thereof or his agent upon the payment of the fees hereinafter provided in this article; provided that if the owner or operator thereof has requested, or does request that such vehicle be towed to his own or any garage other than the public pound, neither the police department or anyone else, shall order such vehicle to be impounded in a public pound, unless the police department considers possession of such vehicle necessary in the prosecution of any person for violation of law.

Section 17. When an abandoned motor vehicle in the Town is more than seven model years of



SECTION 17. WHEN AN ABANDONED MOTOR VEHICLE IN THE TOWN IS MORE THAN SEVEN MODEL YEARS OF AGE OR IS LACKING VITAL COMPONENT PARTS, IT SHALL IMMEDIATELY BE ELIGIBLE FOR SALE OR DISPOSAL BY THE TOWN AS THE TOWN BOARD DEEMS APPROPRIATE AND SHALL NOT BE SUBJECT TO THE NOTIFICATION, RECLAMATION OR TITLE PROVISIONS OF THIS ORDINANCE.

SECTION 18. THE PROCEEDS FROM ANY SALE OR DISPOSAL OF ABANDONED MOTOR VEHICLES AS PROVIDED UNDER SECTION 17 OF THIS ORDINANCE SHALL BE APPLIED FIRST TO THE COSTS AND EXPENSES INCURRED BY THE TOWN BOARD IN THE ENFORCEMENT OF THIS ORDINANCE. THE BALANCE OF THE PROCEEDS, IF ANY, SHALL ACCRUE TO THE TOWNSHIP. THE OWNER OF SUCH REMOVED PROPERTY SHALL BE LIABLE TO THE TOWNSHIP FOR ALL COSTS OF REMOVAL AND FOR ANY DISPOSAL CHARGES INCURRED BY THE TOWNSHIP. IN THE EVENT SUCH CHARGES AND COSTS ARE NOT PAID BY THE OWNER OF THE PROPERTY REMOVED, SUCH CHARGES AND COSTS SHALL BECOME A LIEN UPON ALL OTHER REAL AND PERSONAL PROPERTY OWNED BY THE PERSON OR OTHER LEGAL ENTITY WHO OWNED THE PROPERTY SO REMOVED BY THE TOWNSHIP.

SECTION 19, THE USE OF COMPRESSION RELEASE ENGINE BRAKES WITHIN THE TOWNSHIP ARE DETERMINED TO BE A NUISANCE AFFECTING COMFORT OR REPOSE OF THE PUBLIC. THE USE OF COMPRESSION RELEASE ENGINE BRAKING SYSTEMS ARE PROHIBITED WITHIN THE LIMITS OF GREY CLOUD ISLAND TOWNSHIP. APPROPRIATE SIGNS PROHIBITING SUCH COMPRESSION BRAKES SHALL BE POSTED AT HIGHWAY ENTRANCES TO THE TOWNSHIP.

ADOPTED THIS 8 TH DAY OF APRIL 2002

GREY CLOUD ISLAND TOWNSHIP

BY *Philip W. Jusse*  
CHAIRMAN OF THE BOARD

ATTEST: BY

*Richard E. Muller*  
TOWNSHIP CLERK

