

ORDINANCE 2019-01

**AN ORDINANCE REGULATING PUBLIC NUISANCES
WITHIN THE CITY OF TRIMONT, MINNESOTA**

The City Council of the City of Trimont, Minnesota hereby ordains:

Section 6.18 Public Nuisance Prohibition.

Subd. 1. Public Nuisance Prohibition.

A person must not act, or fail to act in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

- (A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- (B) Interferes with, obstructs, or renders dangerous for Passage, any public highway or right-of-way, or waters used by the public; or
- (C) Does any act or omission declared by law or this Ordinance to be a public nuisance.

Subd. 2. Public Nuisances Affecting Peace and Safety.

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

- (A) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
- (B) All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles. A minimum of 12 feet of clearance is required.
- (C) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under construction as are permitted by this ordinance or other applicable law.

Subd. 3. Duties of City Officers.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

Subd. 4. Abatement Procedure.

(A) Procedure.

Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek an injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) Notice.

Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified

or registered mail. If the premises is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

(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 Subdivision (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) Immediate Abatement.

Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) Unlawful parties or gatherings.

When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subd. D, the officer may order all persons, 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 to do so by law enforcement. 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.

(F) Judicial Remedy.

Nothing in this section shall prevent the City from seeking a Judicial remedy when no other adequate administrative remedy exists.

Subd. 5. Recovery of Cost.

(A) Personal Liability

The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

(B) Assessment.

After notice and hearing as provided in Minn. Stat. Section 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect infected trees, the City Clerk shall on or before September 1 next following abatement 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 Section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council 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 ten (10) as the City Council may determine in each case.

Subd. 6. Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Subd. 7. Severability.

If any provision of this ordinance is found to be valid for any reason by a Court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Subd. 8. Effective Date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Statutes Section 412.91, Subd. 4, as it may be amended from time to time, which meets the

requirements of Minn. Statutes Section 331A.01,
Subd. 10, as it may be amended from time to time.

By _____
Mayor Thomas Eckman

ATTEST:

Melissa Sirovy – City Clerk

Introduced: April 15, 2019
Adopted: May 20, 2019
Published: May 29, 2019