

CHAPTER XI

NUISANCES DEFINED AND REGULATED

Section 1100 – Nuisances Defined and Regulated

Section 1100:00. Nuisances Defined.

Subd. 1. Public Nuisances Defined. Whoever by his act or failure to perform a legal duty intentionally does nay of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (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) Maintains or permits a condition which unreasonably diminishes the property value of a neighborhood, or which, if allowed to exist, will tend to result in a blighted and undesirable neighborhood so as to be harmful to the public welfare; or
- (d) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Repealed by Ordinance Number 172.

Section 1100:02. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

Subd. 1. Stagnant Water. To allow pools of stagnant water to remain on any privately owned premises or on boulevards or sidewalks.

Subd. 2. Manure, Garbage, Etc. To allow any manure, excrement, tin cans, garbage, ashes or other refuse not contained in a tight covered receptacle to accumulate on any privately owned premises.

Subd. 3. Diseased Animals. All diseased animals running at large.

Subd. 4. Decayed or Unwholesome Food. All decayed or unwholesome food offered for sale to the public.

Subd. 5. Contents of Cesspools, Etc. Dumping the contents of any cesspool, privy, vault or garbage except at places authorized by law and ordinance.

Subd. 6. Dense Smoke, Etc. Dense smoke, noxious fumes, gas and soot, or cinders in such unreasonable quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibility.

Subd. 7. Vehicle With Filth. Any vehicle which shall contain animal filth or manure or any decaying animal or vegetable matter which shall be offensive to human senses shall not be parked more than twenty minutes anywhere within the corporate limits of this municipality.

Subd. 8. Keep Animals, Etc. To keep or harbor any chickens, doves, goats, pigs, horses, cows, sheep, mules, min, ducks, pigeons, rabbits, seals, foxes, or other such animals on any privately owned premises unless confined thereto under a permit obtained according to ordinances of this municipality. This section shall not apply to dogs and cats.

Subd. 9. Barbed Wire Fences. All barbed wire fences unless a permit is obtained, except for fences on corporate limit lines or this municipality or used in connection with a cemetery.

Subd. 10. Permits. A permit under Subdivision 9 above shall be granted or rejected by the Council. Application for such a permit shall be made to the Clerk in writing accompanied by an original fee of \$5.00 and the Council shall then hold a public hearing which shall be preceded by a public notice of said hearing at least ten (10) days before said hearing. No refund shall be made to the applicant if the permit application is rejected. Said permits shall then remain in permanent effect, but they shall be subject to cancellation by the Council at any time providing, however, that no public hearing need be held before cancellation. Permits cannot be transferred to another name of location.

Section 1100:04. Public Nuisances Affecting Welfare, Safety and Health. The following are declared to be nuisances affecting public peace and safety:

Subd. 1. Spilling on Streets. To transport by truck, trailer or other vehicle, over any street, alley or other public way, any fine substance, fluid material, refuse, garbage or other waste materials, unless such truck, trailer or vehicle is so constructed or maintained as to prevent leakage or spillage of such material, substance or liquid, or if such material, substance or liquid omits an offensive odor or smell, without having a tight covering thereon.

Subd. 2. Obstruct Street, Sidewalk or Alley. To place any obstruction on any public street, sidewalk or alley which will substantially interfere with the free use thereof for the purpose for which it was designed.

Subd. 3. Abandoned Excavation or Ice Box. To leave any abandoned basement, well, shaft, wall, cesspool, or septic tank, or other excavation unless covered or filled or otherwise protected as to prevent people from accidentally falling into the same or being injured thereby, or to leave any unused ice box, refrigerator, freezer, or other box with a door thereon which will effectively exclude air when shut.

Subd. 4. Discard on Street. To throw or deposit upon any street, alley or place any glass, tacks, nails, crockery, scrap iron, tin, wire, electric light carbon, electric light bulbs, or any other substance likely to cause injury to any travelers or pedestrians thereon, or to cut or puncture pneumatic tires.

Subd. 6. Fireworks and Explosives. All use or display of fireworks and use of explosives except as provided by law or ordinance.

Subd. 7. Machinery and Debris. To pile, store, or keep discarded, non-functional, or old machinery, junked vehicles, cut and uncut scrap lumber, pipes, debris, household appliances, furniture or other salvage type material 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 any manner creating fire, health or safety hazards from such accumulation.

(a) For purposes of this section, a junked vehicle is one which is inoperative because it lacks vital component parts essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, wheels and battery. A junked vehicle shall also include any vehicle which, although not lacking any vital component parts, cannot be operated on public roadways due to such things as defective parts of any type and shall also include a vehicle which is not currently licensed for use on public roadways in the State of Minnesota.

(b) The storing on private property of an inoperative vehicle, for the purpose of repairing or restoring such vehicle, may be authorized by the Chief of Police or community service officer for periods up to ninety (90) days. The owner of said vehicle must procure a permit from the Chief of Police or community service officer and the permit must be conspicuously displayed on or about the vehicle.

(c) Notwithstanding the above, storage of junked vehicles, non-functional or old machinery, or other salvage type material may be permitted in areas other than areas zoned as residential provided:

(i) Such storage is a permitted or conditional use pursuant to the City of Foley Zoning Ordinance.

(ii) The area used for storage is enclosed or screened from view by an opaque fence.

(iii) Such storage is not in a manner conducive to the harboring of rats, mice, snakes, or vermin or the rank growth of vegetation among the items so stored or accumulated, or in any manner creating fire, health, or safety hazards from such accumulation.

Subd. 8. Dangerous Machinery, Etc. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract the public.

Subd. 9. Hand Bills. The distribution of hand bills except as permitted by law or ordinance.

Subd. 10. Material from Aircraft. Throwing, dropping or releasing printed material, paper or other material or objects from an airplane, balloon, or other aircraft or in such a manner as to cause such materials to fall within the City.

Subd. 11. Electrical Disturbances. All interference and disturbance of radios or television sets caused by electrical appliances and equipment or improper operation thereof.

Subd. 12. Firewood, Including Logs. The piling, storing or keeping of wood or wood debris, including logs, cut wood and timber, in a manner conducive to 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 such accumulation, or covering an area in excess of ten percent (10%) of land area in the rear of the premises and exceeding five (5) feet in height. All wood piles shall be kept in an orderly and safe fashion.

Section 1100:06. Duties of City Officers. The Health Officer shall enforce the provisions of this ordinance with reference to nuisances affecting public health. The City Engineer shall enforce the provision relating to nuisances affecting public safety. The Mayor, the Police Department or the community service officer shall enforce and shall assist the other designated officers in the enforcement of provisions of this ordinance. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 1100:08. Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the Officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter the Council may cause the nuisance to be abated by the City.

Section 1100:10. Recovery of Cost.

Subd. 1. Personal Liability. The owner of premises on which a nuisance has been abated by the City 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 designated by the Council 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.

Subd. 2. Assessment. If the nuisance is a public health or safety hazard on private property or the accumulation of snow and ice on public sidewalks, the Clerk shall, on or before September 1 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 Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such property under that statute and 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, as the Council may determine in each case.

Section 1100:12. Penalty. Any person convicted of violation any provision of this ordinance is guilty of a misdemeanor and subject to penalty.

Sections 1100:00 Subd. 1, 1100:02 Subd. 7 & 8, 1100:04 Subd. 2, 7, 8, 12, 1100:06, 1100:08, 1100:10 and 1100:12 were amended, repealed and replaced by Ordinance Number 172, passed and adopted August 12, 1980. Published August 27, 1980.

Section 1100:00 Subd. 1 (c) & (d) Public Nuisances Defined, and Section 1100:04 Subd. 7 Discarded or Disused Machinery and Vehicles, were amended and replaced by Ordinance Number 205 passed and adopted September 3, 1985. Published September 18, 1985.

Section 1100:04 Subd. 7 Machinery and Debris was amended and replaced by Ordinance Number 233 passed and adopted December 20, 1990. Published December 25, 1990.

Section 1100:04, Subd. 7 (b) and Section 1100:06 of the 1974 Code of Ordinances were amended by Ordinance Number 396, passed and adopted January 3, 2012.