

CHAPTER 96: NUISANCES

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PUBLIC NUISANCES

§ 96.01 GENERALLY.

No person, firm, corporation, or association shall cause, suffer, or permit any nuisance as defined in §§ 96.01 *et seq.* to exist or to be maintained upon property situated in the whole or in part within the limits of the City of Lake Elmo.

(1997 Code, § 1335.10) Penalty, see § 10.99

§ 96.02 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

(A) The following are declared public nuisances affecting public morals and decency.

(B) The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious method, or what is commonly known as "window peeping."

(1997 Code, § 1335.01) Penalty, see § 10.99

§ 96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

(A) The following are declared to be nuisances affecting peace and safety.

(B) (1) *Altering drainage.* Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or other public property or the surface or grade of public streets or sidewalks, without proper permit;

(2) *Attractive dangers.* All dangerous, unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract the public;

(3) *Dangerous objects.* The placing or throwing on any street, alley, road, highway, sidewalk, or other public or private property of any glass, tacks, nails, bottles, or other nuisances which may injure any person or animal or may cause damage to any pneumatic tire when passing over the same;

(4) *Environmental nuisances.* No odors, vibration, noise, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other sensory irritations or health hazards caused, suffered, or permitted in excess of the minimum standards as set in §§ 96.01 *et seq.* The minimum standards shall be as follows.

(a) *Odors.* Any land use or other activity shall be conducted so as to prevent the emission of odorous or solid matter of the quality and quantity as to be reasonably objectionable at any point beyond the lot line of the site on which the use or activity is located.

(b) *Vibration.* The following vibrations are prohibited:

1. Any vibration discernible (beyond the property line) to the human sense of feeling for 3 minutes or more duration in any 1 hour; and

2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure.

(c) *Toxic or noxious matter.* Any land use or other activity shall be conducted so as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public.

(d) *Noise.* Any noise caused, suffered, or permitted in violation of its provisions of §§ 96.01 *et seq.*

(e) *Lighting and glare.* Any lighting, lighting fixtures, or glare caused, suffered, or permitted in violation of §§ 96.01 *et seq.*

(f) *Minimum standards.* Unless otherwise stated in this code, the minimum standards of the Pollution Control Agency as to noise, air, and water pollution and glare, shall be the minimum standards for the purpose of §§ 96.01 *et seq.*

(5) *Explosives.* 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;

(6) *Failure to maintain improvements.* In all zoning districts it is hereby declared necessary that all structures, landscaping, and fences be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property. Failure to so maintain the improvements is declared to be a nuisance;

(7) *Fire hazards.* Any building or structure which, by reason of age, dilapidated condition, defective chimneys or stove pipes, defective electric wiring, defective gas connections, defective heating apparatus, or other defect, is susceptible to fire, and which thus endangers life or limb or other buildings or property within the city; and any accumulations of brush, tree trimming, fallen leaves, parts of dead trees, timber, or other materials or substances on either vacant or improved property, which accumulations are susceptible to fire or capable of spreading fire to adjacent property;

(8) *Fires.* The setting of fire prohibited under the provisions of this code;

(9) *Fireworks.* All use or display of fireworks except as provided by law;

(10) *Hazardous buildings.* Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health of the residents of the city;

(11) *Junk.*

(a) The accumulation, storing, or keeping of old machinery, wrecked or inoperable vehicles or household appliances, and unlicensed vehicles and other junk or debris.

(b) For purposes of §§ 96.01 *et seq.*, any personal property stored in violation of the provision of §§ 150.001 *et seq.* regulating exterior storage, shall be deemed junk.

(12) *Littering.* Causing or permitting refuse, rubbish, or garbage to accumulate or disposing of waste in violation of the provisions of § 96.06;

(13) *Low limbs.* All limbs of trees which are less than 8 feet above the surface of any public sidewalk or street. (See §§ 93.40

et seq.);

(14) *Low wires.* All wires which are strung less than 15 feet above the surface of any public street or alley;

(15) *Maintenance of boulevard.* Any boulevard which is not maintained as required by §§ 93.40 *et seq.*;

(16) *Material from air.* Throwing, dropping, or releasing printed matter, paper, or any other material or objects over the city from an airplane, balloon, or other aircraft, or in a manner as to cause the material to fall or land in the city;

(17) *Obstruction and excavation.* Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds except under the conditions as are provided by this code. Any other excavation left unprotected or uncovered indefinitely or allowed to exist in the manner as to attract people;

(18) *Obstruction of streets.* Any use of property abutting on a public street or sidewalk, or 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;

(19) *Obstruction of view of traffic.* All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

(20) *Other acts detrimental to peace and safety.* All other conditions, acts, or things which in the determination of the Council are likely to cause injury to the person or property of anyone;

(21) *Repairing vehicles on streets.* Making repairs to motor vehicles or tires in public streets or alleys, except in the case of emergency repairs when it will not unduly impede or interfere with traffic;

(22) *Signs over streets.* 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 without proper permit;

(23) *Snow on streets and sidewalks.* All snow and ice not removed from public sidewalks 12 hours after the snow and ice has stopped precipitating. Snow plowed or shoveled into a public street shall be declared a nuisance;

(24) *Unauthorized signs.* Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or sidewalks;

(25) *Unused refrigerators and the like.* Any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges, or latches, or providing locks to prevent access by the public; and

(26) *Water from buildings.* 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.

(1997 Code, § 1335.02) Penalty, see § 10.99

§ 96.04 PUBLIC NUISANCES AFFECTING HEALTH, COMFORT, OR REPOSE.

(A) The following are declared to be public nuisances affecting health, comfort, or repose.

(B) (1) *Decayed food.* All decayed or unwholesome food offered for sale to the public;

(2) *Milk from untested cows.* Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of the milk for sale to the public;

(3) *Diseased animals.* All diseased animals running at large;

(4) *Carcasses.* Carcasses of animals not buried or destroyed within 24 hours after death;

(5) *Garbage cans.* Privy vaults and garbage cans which are not fly-tight;

(6) *Cesspool contents.* Causing or suffering the effluent from any cesspool, septic tank, drainfield, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents of it at any place except as authorized by law;

(7) *Accumulation of refuse and debris.* An accumulation of refuse, rubbish, or garbage (as defined in § 96.05) or debris of any nature or description;

(8) *Pollution of wells or public water.* Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(9) *Smoke and fumes.* Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;

(10) *Medicine samples.* The distribution of samples of medicines or drugs unless the samples are placed in the hands of an adult person by someone properly licensed; and

(11) *Other acts detrimental to health.* All other acts, omissions of acts, occupations, and uses of property which are determined by the Council to be a menace to the health of the citizens or a considerable number of citizens.

(1997 Code, § 1335.03) Penalty, see § 10.99

§ 96.05 LITTERING.

(A) Unless specifically defined in §§ 96.01 *et seq.*, words or phrases used in §§ 96.01 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code.

(B) Definitions are found in § 11.01.

(1997 Code, § 1335.04)

§ 96.06 DUMPING.

It shall be unlawful for any person to cause or permit refuse, rubbish, or garbage to be thrown or scattered upon any street, alley, highway, vacant or occupied real estate; or to fail, neglect, or refuse to remove the same from the real estate.

(1997 Code, § 1335.05) Penalty, see § 10.99

§ 96.07 STORING.

It shall be unlawful for any owner or occupant of any property in the city to cause or permit refuse, rubbish, or garbage to accumulate or be stored on the property, except in containers as provided by Ch. 52 relating to solid waste disposal.

(1997 Code, § 1335.06) Penalty, see § 10.99

§ 96.08 IMPROPER GROUND DISPOSAL.

It shall be unlawful for any person to pump or empty the effluent from any sewage disposal system on to or allow the contents of it to flow on to the surface of any public or private ground including that of the owners.

(1997 Code, § 1335.07) Penalty, see § 10.99

§ 96.09 NUISANCE DISPOSAL.

It shall be unlawful to dispose of any liquid or solid wastes when the result of the disposal shall be a nuisance, a source of filth, a cause of obnoxious odors, or a cause of sickness.

(1997 Code, § 1335.08) Penalty, see § 10.99

§ 96.10 PEDDLING AND SOLICITING.

(A) *Entering private property.* The practice of going in and upon private residences or residential properties in the city by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so

by the owner or owners, occupant or occupants, of the private residences, for the purpose of soliciting orders for sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling the same, is declared to be a nuisance, except as provided in §§ 96.01 *et seq.*

(B) *Exceptions.* The provisions of §§ 96.01 *et seq.* shall not apply to the sale or soliciting of orders for the same of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named in §§ 96.01 *et seq.* is authorized by law.

(C) *Charitable organizations exempted.* The provisions of this section shall not apply to any charitable, religious, patriotic, or philanthropic organization, society, association, or corporation desiring to sell or distribute any items of literature or to sell or distribute any goods, wares, and merchandise, for which a fee is charged or solicited from the persons other than members of the organization upon the streets, in office or business buildings, by house to house canvass, or in public places, for a charitable, religious, patriotic, or philanthropic purpose.

(1997 Code, § 1335.09) Penalty, see § 10.99

§ 96.11 ABATEMENT.

If any nuisance occurs as defined in §§ 96.01 *et seq.*, the Council may by majority vote order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

(1997 Code, § 1335.12)

§ 96.12 ASSESSMENT OF COSTS.

If the nuisance is not abated within 5 days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor, collection may be made by ordering the Administrator to extend the sum, plus 25% of it as a special assessment against the property upon which the nuisance existed. This amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.

(1997 Code, § 1335.13)