

LIVONIA TOWNSHIP
COUNTY OF SHERBURNE
STATE OF MINNESOTA

ORDINANCE NO. 900

AN ORDINANCE DEFINING AND PROHIBITING PUBLIC NUISANCES AND PROVIDING
PENALTIES FOR VIOLATION

The Board of Supervisors of the Town of Livonia, pursuant to Minnesota Statutes Section 368.01, ordain as follows:

Section 1. Public Nuisance Defined. Whoever by an act or failure to perform a legal duty intentionally does any of the following, is guilty of maintaining a public nuisance:

- (1) 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
- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) Any other act or omission declared by law or this ordinance to be a public nuisance and for which no penalty is specifically provided.

Section 2. Public Nuisances Affecting Health. The following are hereby declared to be public nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in permitted compost heaps.
- (2) All diseased animals running at large.
- (3) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- (4) Accumulations of refuse, garbage, or other debris not contained in tight-covered receptacles.
- (5) Accumulations of manure not in compliance with State, County, or local regulations.
- (6) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors, and which waste is not removed at least once a week.
- (7) The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, industrial waste, or other substances.
- (8) All noxious weeds as defined in Minnesota Rules 1505.0730 and other rank growths of vegetation upon public or private property.
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- (10) All public exposure of persons knowingly having a contagious disease.
- (11) Any offensive trade or business as defined by statute not operating under local license, or such trade or business whose operation constitutes a clear and present danger to the health of the public in general.

- (12) Sewage, septic system effluent or seepage from a soil treatment system which may constitute a health hazard, emit foul and disagreeable odors, or otherwise threaten or damage real or personal property of others.
- (13) Burning in violation of State, County or local ordinance.

Section 3. Public Nuisances Affecting Morals: The following are hereby declared to be nuisances affecting morals and decency:

- (1) All gambling devices, slot machines, and punch boards except as otherwise authorized by state law.
- (2) Betting or bookmaking not allowed by State or Federal law, and all apparatus used in such occupations.
- (3) All houses kept for the purpose of prostitution.
- (4) All places where intoxicating liquor or illegal drugs are manufactured or dispensed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor or ingesting or otherwise using illegal drugs, or where intoxicating liquor or illegal drugs are kept for sale or other disposition in violation of law, and all liquor, illegal drugs, and other property used for maintaining such a place.
- (5) Any vehicle used for the illegal transportation of intoxicating liquor and/or illegal drugs, or for prostitution and/or any other immoral or illegal purpose.

Section 4. Public Nuisance Affecting Peace and Safety: The following are declared to be nuisances affecting public peace and safety:

- (1) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.
- (2) All structures, wires, and limbs of trees which are less than eight (8) feet above the surface of the ground over any road right-of-way.
- (3) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, precludes the enjoyment of property, or affects a property's value.
- (4) Obstructions and excavations affecting the ordinary use by the public of public rights-of-way, alleys, trails, or public grounds except under such conditions as are permitted by this ordinance or other applicable law.
- (5) Lack of appropriate vegetation which results in erosion of silt, sand, or gravel onto public right-of-way or adjacent properties.
- (6) Radio aerials or television antennae erected or maintained in a dangerous manner.
- (7) All interference and disturbance of radios and television sets caused by electrical appliances and equipment or improper operation thereof.
- (8) All use or display of fireworks and use of explosives except as permitted by law.
- (9) Any use of property abutting on a public right-of-way or trail or any use of a public right-of-way or trail which causes large crowds to gather, obstructing traffic or the free use of the right-of-way or trail.
- (10) All hanging signs, awnings, and other similar structures over public right-of-way and trails, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance.
- (11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (12) Waste water, waste automobile crankcase or transmission oil, or any hazardous substance as defined by state or local law or rule cast upon or permitted to flow upon public rights-of-way or other public property.

- (13) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other 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 in a manner creating fire, health, or other safety hazards from such accumulation.
- (14) To store in any area open to the public, any unused icebox, refrigerator, freezer, or other box with a door attached thereto, which will effectively exclude air when shut.
- (15) Any well, hole, basement, or other excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
- (16) Obstruction to the free flow of water in a natural waterway or a public right-of-way drain, gutter, or ditch with trash, debris, silt, or other materials.
- (17) The placing or throwing on any public right-of-way, trail, or other public property of any glass, tacks, nails, bottles, or any other substance which may injure any person or animal or damage any vehicle tire when passing over such substance.
- (18) The depositing of garbage or refuse on a public right-of-way, public property, or on adjacent private property, except if placed inside tightly sealed containers which are placed specifically for garbage or refuse pickup by an authorized public or private contractor.
- (19) Any unattended vehicle which constitutes an obstruction to traffic or hinders snow removal or road improvement.
- (20) Any abandoned or junk vehicles as defined in Minnesota Statutes.
- (21) All other conditions or things which are likely to cause injury to the person or property of anyone.

Section 5. Enforcement Duties of Officers. The Town Clerk and County Sheriff shall enforce the provisions of this ordinance relating to nuisances affecting health, and duly authorized County or State health officers may enforce such provisions. The Town Clerk and County Sheriff shall enforce the provisions of this ordinance relating to nuisances affecting public safety and such officers have the power to inspect public and private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances; however, except in cases of emergency imminently dangerous to the public health, safety or welfare, such inspections must be done pursuant to a search warrant issued by a court of competent jurisdiction if access to private premises for such inspection is denied by the owner or occupant.

Section 6. Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the Town, 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 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 thirty (30) days within which the nuisance is to be abated. The notice shall also specify that the owner or occupant upon whom the notice is served may request, in writing to the Town Clerk, a hearing before the Town Board of Supervisors, or a person appointed by the Town Board to hear such appeals. Such hearing must be requested before the deadline for abatement stated in the notice or within ten (10) days after service of the notice, whichever date is longer. If the notice is served by posting, thirty (30) days must elapse between the day of posting and the deadline for abatement. If the notice is not complied with within the time specified, and a hearing has not been requested, the enforcing officer shall take immediate steps to abate the nuisance. If a hearing has been requested, such action may not take place

until after the hearing and the Town Board of Supervisors or hearing officer has rendered a decision.

Whenever a situation exists that immediately endangers the lives or health of the public, and under which the above notification procedures would be impractical, the enforcing officer may take immediate steps to abate the nuisance, and such action shall be immediately reported to the Town Board of Supervisors.

Section 7. Recovery of Cost.

- (1) Personal Liability. The owner of the premises on which a nuisance has been abated by the Town shall be personally liable for the cost to the Town of the abatement, including administrative, engineering, attorney, and any other costs associated. As soon as the work has been completed and the cost determined, the Town Clerk 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 Town Clerk.
- (2) Assessment. On or before October 1 following abatement of a nuisance by the Town, the Town Clerk shall list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed against each separate lot or parcel to which the nuisance abatement charges are attributable. A notice of an assessment hearing shall be sent to the affected property owner and a public hearing on the assessment shall be conducted in accordance with State statute. The Town Board of Supervisors may then spread the charges against such property for certification to the County Auditor for collection by the County Treasurer and paid to the Town as other taxes are collected and paid.

Section 8. Penalty. Any person who violates any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of this ordinance. Alternatively, the Town may proceed with any civil action available to it under law or equity. In the event that the Town adopts administrative enforcement procedures for ordinances, these procedures may be utilized to enforce this ordinance.

Section 9. Separability and Repealer. All ordinances or portions of ordinances conflicting herewith are hereby repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provision shall remain in full force and effect.

Section 10. Effective Date. This ordinance becomes effective immediately upon its passage and publication according to law.

ADOPTED this 26th day of November, 2007 by the Town Board of Supervisors of Livonia Township, Sherburne County, Minnesota.

IN FAVOR: Berg, Doeblner, Hewitt, Sherper, Wallin

OPPOSED: None

LIVONIA TOWNSHIP



Don Sherper, Chair



Rose Olson, Deputy Clerk/Treasurer