

**LIVONIA TOWNSHIP  
SHERBURNE COUNTY, MINNESOTA  
Ordinance No. 901**

**AN ORDINANCE AMENDING THE TOWN'S NUISANCE ORDINANCE**

The Board of Supervisors of the Town of Livonia ordains:

**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 that interfere with, obstruct, or render dangerous for passage any public right-of-way, alley, trail, or public ground, 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.

## **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. If the property owner fails to pay the bill to fully reimburse the Town for its costs within 30 days of the date of the bill, the Town may exercise any authority available to it under law to recover its costs including, but not limited to, collection as a service charge under Minnesota Statutes, section 366.012, as an unpaid special charge under Minnesota Statutes, section 429.101, or as a lien under Minnesota Statutes, section 514.67 as provided in this Section.
- (2) Service Charge. All costs associated with abating a nuisance pursuant to this ordinance shall be deemed, and shall constitute, a service charge the Town may collect pursuant to its authority under Minnesota Statutes, section 366.012. The Town Clerk shall certify the unpaid amount to the County Auditor for collection together with the property taxes imposed on the affected property or on any other property the person may own in the state. The Town Clerk shall provide the property owner written notice on or before September 15 that the Town intends to certify the unpaid charge to the County Auditor. The service charge shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.
- (3) Assessment. Alternatively, the Town Board may collect the costs as an unpaid special charge by specially assessing them against the property pursuant to its authority under Minnesota Statutes, section 429.101. The Town Clerk shall be authorized to certify the unpaid charge to the County Auditor for collection along with property taxes in a single installment or, if authorized by the Town Board, in up to ten equal annual installments.
- (4) Lien. The costs the Town incurs to abate the nuisance shall constitute a lien on the property pursuant to its authority under Minnesota Statutes, section 514.67. Such lien shall constitute and be a first and prior lien from the date the Town abated the nuisance. The Town may initiate proceedings to enforce the lien within two years from the date the Town abated the nuisance.

**Section II. Incorporation of Amendment.** The Town Clerk is hereby authorized and directed to work with the Town Attorney as needed to incorporate this amendment into the text of Livonia Township Ordinance Defining and Prohibiting Public Nuisances and Providing Penalties for

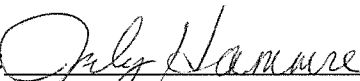
Violation (Ordinance Number 900), renumber sections as needed, and to complete the required Ordinance formalities.

**Section III. Effective Date.** This Ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 17<sup>th</sup> day of December 2018

**BY THE TOWN BOARD**

  
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Butch Hass, Chairperson

Attest:   
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Jody Hammre, Clerk