

**AN ORDINANCE DEFINING CERTAIN NUISANCES
AND ADOPTING GENERAL PUBLIC SAFETY
REQUIREMENTS AND PROCEDURES FOR THE
CITY OF GRACEVILLE, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF GRACEVILLE, MINNESOTA,
ORDAINS AS FOLLOWS:

**SECTION I. PUBLIC
NUISANCE DEFINED**

Whoever by his act or failure to perform a legal duty, or intentionally does any of the following, is guilty of maintaining a public nuisance, which is a misdemeanor:

- (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) 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.

**SECTION II. PUBLIC
NUISANCES AFFECTING HEALTH**

The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter.
- (2) All diseased animals running at large.
- (3) All ponds or pools of stagnant water.
- (4) Carcasses of animals not buried or destroyed within 24 hours after death.
- (5) Accumulations of manure, refuse or other debris.

(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.

(7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.

SECTION III. PUBLIC NUISANCES 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 wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.

(3) All unnecessary noises and annoying vibrations.

(4) Obstructions and excavations affecting the ordinary use by the public streets, alleys, sidewalks, or public grounds, except under such conditions as are permitted by this ordinance or other applicable law.

(5) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

(6) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance.

(7) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk, and not removing the same within twelve (12) hours after the snow or other precipitation causing the condition has ceased to accumulate.

(8) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way.

(9) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

(10) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.

(11) All other conditions or things which are likely to cause injury to the person or property of anyone.

SECTION IV. PUBLIC NUISANCES AFFECTING REFUSE

The following are declared to be nuisances affecting refuse:

(1) In all zoning districts, all waste materials, debris, discarded or inoperative machines shall be enclosed in a building. The owner of vacant land shall be responsible for keeping such land free of refuse.

(2) Any inoperative automobile, truck or other machinery shall be kept in an enclosed building. This provision shall include, but not be limited to auto salvage yards. Any inoperative automobile, truck or equipment not so screened shall be deemed abandoned and shall be ordered removed within a specified time by the City of Graceville.

(3) Allowing dangerous, unguarded machinery in any public place, or so situated or operated on private property in such a manner that the public is likely to be attracted.

(4) Any accumulation in open spaces on any real property located within the City of Graceville, discarded equipment or machinery not in use, household appliances, automobiles or other materials in a manner conducive to the harboring of rats, mice or other vermin or to fire or any other health or safety hazard.

(5) All garbage shall be kept in a closed container until it is delivered to an approved final disposal site.

(6) Any noxious weeds, as defined by state law, which are found growing upon any privately owned real property within the corporate limits of the City of Graceville are a public nuisance and it shall be the obligation of the owner of the property or, if applicable, the lessee or occupant, to cut and remove such weeds. If the owner, lessee, or occupant fails to remove such weeds, and such failure continues after the City has given the owner, lessee or occupant seven (7) days written notice to cut and remove such weeds, the City, its agents or employees, may enter upon the property and cut and remove such weeds, all at the cost and expense of the owner, the lessee and the occupant. The cost of cutting and removing such weeds shall be a specific lien upon the property, which may be specifically assessed against the property in the manner described in Section VII of this Ordinance.

(7) Grass or weeds which exceed 6 inches in height shall be cut by the owner of the property, or if applicable, the lessee or occupant.

SECTION V. ENFORCEMENT

In the event of a violation of any provision of this Ordinance, the City Clerk may issue a citation in a form acceptable to the Big Stone County Court Administrator. Such citation shall give due notice to the violator of the nature, time and place of the violation, and shall inform the violator when to appear in court. The City Clerk shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

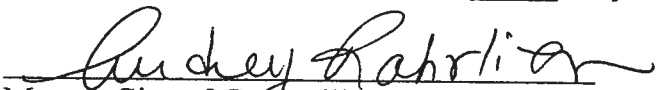
SECTION VI. PENALTY

Any violation of any of the provisions of this Ordinance shall be a misdemeanor, punishable by a fine of up to \$700.00 and up to ninety (90) days in jail.

SECTION VII. CORRECTIVE ACTION BY THE CITY OF GRACEVILLE


Should the owner, lessee, or occupant of any real property in the City of Graceville fail to correct or abate any nuisance herein defined, the City may, but shall not be required to, take such steps as are necessary to correct or abate the nuisance provided the City has given the owner, lessee or occupant at least seven (7) days written notice of the nuisance and the corrective action required. No notice shall be required for failure to remove snow and ice from public sidewalks. The city, its agents or employees may enter upon the property and correct and abate the nuisance, all at the cost of the owner, lessee or occupant. The cost of the correcting or abating such nuisance shall be a specific lien upon the property, which may be specifically assessed against the property in the manner of a special assessment and certified to the Big Stone County Auditor for collection with the following year's property taxes.

Passed by the City Council of the City of Graceville, this 14th day of May, 1998.



Mayor, City of Graceville

ATTEST:



City Clerk