

CHAPTER 3**POLICE REGULATIONS****330. NUISANCE**

Section 330.01. 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, which is a misdemeanor:

Subd. 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

Subd. 2. Interferes with, obstructs, or renders dangerous for passage, in public streets, highway or right-of-way, or waters used by the public; or

Subd. 3. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance, whether or not any sentence is specifically provided therefore; or

Subd. 4. Permits real property under his or her control to be used to maintain a public nuisance, or rents the same, knowing it will be so used.

Section 330.03. Definitions. The following words, when used in this ordinance, shall have the meanings ascribed to them:

Subd. 1. Garbage. All putrescible animal, vegetable or other matter, including the cans, containers, or wrappers wasted along with such materials.

Subd. 2. Rubbish. All non-putrescible wastes such as wood waste, tree trimmings, shavings, paper, rags, clothing, soil, plaster, glass, ashes, tin cans and other metal products, plastics and any other debris, whether combustible or non-combustible.

Section 330.05. Additional Public Nuisances Defined. It is hereby declared to be a public nuisance to permit, maintain, cause, deposit, or harbor any of the following:

Subd. 1. Diseased animals, fish or fowl, wild or domestic, whether confined or running at large.

Subd. 2. Carcasses of animals, fish or fowl, wild or domestic, not buried or destroyed within 24 hours after death.

Subd. 3. Garbage not stored in rodent free and fly-tight containers, or garbage stored so as to emit foul and disagreeable odors, or garbage stored so as to constitute a hazard to public health.

Subd. 4. Accumulations of rubbish as defined herein.

Subd. 5. The dumping of any effluent, garbage, rubbish, wastewater, or other noxious substance upon public or private property.

Subd. 6. Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.

Subd. 7. The pollution of any public or private well or cistern, any public stream, lake, canal, or body of water by effluent, garbage, rubbish or other noxious substance.

Subd. 8. Any noxious weeds, or any other vegetation which endangers public health, safety or welfare, or which is contraband within the meaning of State or Federal laws.

Subd. 9. The emitting or production of dense smoke, noxious fumes, gases, soot, cinders or sparks in unreasonable quantities.

Subd. 10. The public exposure of persons having a contagious disease or condition which endangers public health, safety or welfare.

Subd. 11. Accumulation of disused furniture, appliances, machinery, automobiles and parts thereof, which may become a harborage for rats, snakes or vermin, or which may be conducive to fire, or which endangers the health, safety or welfare of the public.

Subd. 12. The placing, setting or maintaining of any steel jawed, leg hold trap within any area posted by the city for no trapping or trapping in violation of section 320.23 of city code.

Subd. 13. Accumulations of animal waste, litter or manure which pose a risk of pollution of ground or surface waters or which endanger public health, safety or welfare.

Subd. 14. Any motor vehicle which is not currently licensed in Minnesota or any other state, or which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts, or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping or dismantling or salvage of any kind, or any abandoned or junk vehicle as those terms are defined in Minn. Stat. Section 168B.011.

Subd. 15. Maintenance of grass or weeds on a property at a height of more than eight inches, except:

- (a) on those portions of a property actively farmed or used for agricultural purposes;
- (b) on residential properties one acre or larger in size and located in the AG, RR, RR-UR, RR1, or RR2 zoning districts, except that those portions of such properties that are maintained as lawn shall be kept in compliance with the above standard;

(c) on residential properties, on slopes in excess of 3:1; wetlands; wetland buffers; areas maintained in prairie or other native vegetation; or areas subject to a conservation or similar easement; and

(d) publicly owned parks, trails or nature areas.

Subd. 16. Barking and other animal noises that are unreasonable and plainly audible from within nearby property:

(a) after 7 a.m. and before 10 p.m. for a continuous period greater than 3 minutes, more than once per hour;

(b) after 10 p.m. and before 7 a.m. for a continuous period greater than 2 minutes, more than once per hour; or

(c) of such magnitude, character, or frequency that is determined to be a nuisance.

Subd. 17. The keeping of any combination of animals of any age kept in such numbers and under such conditions which unreasonably annoy, injure, or endanger the health, safety, comfort, repose or welfare of the public or of said animals.

Subd.18. Anything else declared to be a nuisance by Minnesota statute or by the Medina city code.

Section 330.07. Abatement of Abandoned and Junk Vehicles. The chief of police or his or her designee may take into custody and impound any vehicle described in Section 330.05, subd. 14 in the manner authorized under Minnesota Statutes, Chapter 168B.

Section 330.09. Abatement of Other Nuisances.

Subd. 1. Procedure. Except with regard to the abatement of vehicles described in Section 330.05, subd. 14, whenever a designated city official determines that a public nuisance is being maintained or exists on a property in the city, the official shall notify in writing the owner of record or occupant of the property of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the city council. Thereafter, the city council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the city council, the nuisance be abated by the city.

Subd. 2. Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the city council; and notice of the city council order shall be served by a peace officer or designated official on the owner of record or occupant of the property either

in person or by certified or registered mail. If the property is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the property.

Subd. 3. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions 1 and 2 of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city council may order summary enforcement and abatement of the nuisance. To proceed with summary enforcement, the designated official shall determine that a public nuisance exists or is being maintained on property in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The designated official shall notify in writing the occupant or owner of the property of the nature of the nuisance, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth in subdivision 1 of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the city council may order summary enforcement and abatement of the nuisance.

Subd. 4. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 5. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy in lieu of an administrative remedy.

Section 330.11. Recovery of Cost.

Subd. 1. Personal liability. The owner of the property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, 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 city official 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. After notice and hearing as provided in Minn. Stat. 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of the streets, or unsound or insect-infected trees, the city 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 Minn. Stat. 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the city council may determine in each case.

Amendment History of this Section

Amended April 15, 1986 (Ord. 229). Amended Subsection 330.25 regarding removal of inoperable or unlicensed motor vehicles.

Amended July 7, 2009 (Ord. 464). Amended Section 330 Police Regulations.

Amended July 19, 2011 (Ord. 506). Added Subd. 16 & 17 to Section 330.05 regarding animal noises and numbers. Deleting Limitation on Keeping of Animals from 330 and moving it to 343.

Amended November 17, 2015 (Ord. 592). Amended Sections 330.05 and 330.07.