

CHAPTER 93. NUISANCES

93.01 PUBLIC NUISANCES GENERALLY.

(C) Keeps upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to neighbors and passerby in the public right of way is hereby declared to be a nuisance. Accordingly, no person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right of way or from the ground level of adjacent property, and no property owner or property manager shall knowingly permit any such activity to occur on property owned or managed by such person.

1. The following shall constitute specific defenses to any alleged violation of this section:

a. That such furniture was placed in the location in question in order to allow it to be moved during a move of a resident or residents of the premises or has been removed as part of a trash or recycling program on a day scheduled for such moving or removal.

b. That such furniture was temporarily placed in the location in question in order that it be offered for sale at a yard or garage sale if each of the following conditions exist; provided, however, that this defense shall not apply if upholstered furniture is located in an outside location for more than five (5) days in any six-month period:

i. The furniture is located in an outside location only between the hours of 7:00a.m. and 7:00p.m.

ii. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale; and

iii. A sign is in placed on or near the furniture indicating that it is for sale.

(D) No vehicles, whether self-propelled or towed, shall be parked or kept in the front or side yard area of a residence. Properly licensed and operable vehicles may be stored in the rear yard of a residential unit; however, such storage is limited to a maximum of three (3) vehicles. Parking areas, other than the principal

driveway, must maintain a minimum 3-foot setback from lot lines. For this section, definitions as described in Minnesota Statutes 168.011 shall apply.

(E) At all times that a vehicle which is being repaired or restored is not being worked on, said vehicle shall be covered by a vehicle cover capable of resisting wind, rain, and other weather-related circumstances. The area where the vehicle is being repaired or restored shall be free of debris, litter, discarded parts or equipment. The vehicle cover must cover the entire vehicle and be securely fastened to the vehicle. The use of bricks, stones, blocks or other material as a fastener shall not be permitted. Any such vehicle repairs or restoration shall be limited to a period not longer than 30 calendar days or the area wherein the vehicle is being repaired or restored shall be in an enclosed structure.

(F) No person operating a business within the City of Watkins shall display or permit to be displayed, whether self-propelled or towed, more than 5 vehicles for sale, unless he/she has obtained a license from the State of Minnesota to operate as a car dealer and operates under the regulations specified in that license.

(G) No vehicle, whether self-propelled or towed, shall be parked or stored or offered for sale on any vacant property in the City of Watkins, unless the property is zoned appropriately and a designated parking area for vehicle display has been established. The display or storage of vehicles on such sites shall be in compliance with other provisions of this Code in regard to time limits for parking.

(H) No person shall store or accumulate any worn out or discarded materials or items which are no longer used for the purposes for which they were manufactured or made, including, but not limited to, motor vehicle parts, motor vehicle waste, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard or other debris, brush or materials. This section does not apply to persons and sites licensed as solid waste or recycling operations.

(I) Cans, buckets, pots, tires, pools, and other similar containers that may hold standing/stagnant water is considered potential breeding grounds for mosquitoes and are thus considered a public nuisance and must be removed.

(J) All motor vehicle vital component parts and related accessories must be kept or stored within a building.

(K) Storage of junk automobiles and junk equipment prohibited. In any area within the city, the storage upon any property of junk automobiles and junk equipment is prohibited.

(1) For the purpose of this chapter, the term **JUNK AUTOMOBILES** shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either:

(a) Unusable or inoperable because of lack of, or defects in component parts; or

(b) Unusable or inoperable because of damage from collision, deterioration, or having been

(c) Beyond repair and therefore not intended for future use as a motor vehicle; or

(d) Being retained on the property for possible use of salvageable parts.

(2) The term **JUNK EQUIPMENT** shall include equipment such as farm equipment and other machinery, all-terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed and is either:

(a) Unusable or inoperable because of lack of, or defects in component parts; or

(b) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or

(c) Beyond repair and therefore not intended for future use as a motor vehicle; or

(d) Being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

(L) Storage of junk, rubbish and refuse prohibited. In any area within the city storage or accumulation of junk, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days is prohibited.

(1) The term **JUNK** shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for sale as approved building materials; metal or any other material or cast-off material of any kind whether or not the same could be put to any reasonable use.

(2) The term **RUBBISH** shall include any material rejected or thrown away as worthless.

(3) The term **REFUSE** shall include all organic and inorganic material resulting from the manufacture, preparation or serving of food or food products; spoiled, decayed or waste foods from any source; crockery, ashes, rags and discarded clothing; tree, lawn or bush clippings and weeds; furniture, household furnishings or appliances, or parts or components thereof; human or household waste of all kinds not included in any other portion of this definition.

(M) Exterior of structures.

(1) The exterior of structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

(2) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amount of peeling paint.

(3) All doors and windows shall be maintained in good repair, fit reasonably well within their frames and be free of open breaks or holes.

(4) Exterior renovation projects must be completed in a timely manner (180 days) and shall be maintained in good repair throughout the duration of the renovations.

(N) Interior areas of structures, including residential dwellings. (1) The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

(2) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.

(3) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks and defects.

(4) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

(O) In any area the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

(P) In any area the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

(Q) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

(R) In any area the existence of any noxious or poisonous vegetation, such as poison ivy, ragweed, or other poisonous plants, or any weeds, grass over six inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

(S) In any area, outdoor storage of any material, whether or not it can be considered junk, rubbish, or refuse, if in the judgement of the City Council or their agents said material is considered unsightly or detrimental in appearance to the neighborhood, said material must be removed from the area and the area cleaned to the satisfaction of the city.

(T) Any audio or visual blight, or smell, is prohibited within the city. This means that in the judgement of the City Council, they may act on any complaint of a non-conforming use of land or a building in a residential area or other nuisance within the city. (Ord 98-2, passed 6-11-1998)

(U) The placement of storage/cargo containers including, but not limited to, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, transport containers, any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity, storage PODS's, shall be prohibited EXCEPT as follows:

1.For purposes of loading and unloading household contents for a period of time not exceeding 60 days in any one calendar year; or

2.During a construction project, provided all local, state and other necessary permits are obtained and the construction project remains in compliance with all local, state and federal laws for the duration of the project not to exceed 180 days. Once the construction project is complete, said containers must be removed within 30 days of the date of completion.

3.Existing lots or parcels which contain a portable storage device prior to the adoption of this ordinance are hereby "grandfathered" and may be continued for that purpose as non-conforming until moved.

Vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(V) Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided. (Ord. 93-2, passed 7-8-1993) Penalty, see 10.99

SECTION 93.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

(D) All unnecessary noises and annoying vibrations, to include, but not be limited to:

~~(1) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, saw, or other~~

~~similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any day of the week, including weekdays and holidays. Snow removal equipment is exempt from this provision.~~

(1) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, saw, or other similar domestic power maintenance except between the hours 7:00 a.m. and 9:00 p.m. on any day of the week including weekdays and holidays. Snow removal equipment is exempt from this provision.

~~(2) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine, air nailers, or other power equipment, or any loud or excessive pounding except between the hours of 7:00 a.m. and 10:00 p.m. on any day of the week, including weekends and holidays.~~

(2) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine, air nailers, or other power equipment, or any loud or excessive pounding except between the hours of 7:00 a.m. and 9:00 p.m. on any day of the week, including weekends and holidays.

A business or firm may request an exemption to exceed these hours at the discretion of Council. If an exemption is granted, neighbors within a 500ft radius of the property line of the project must be notified. The grantee shall be responsible for notifying the neighbors.

(W) No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.; and

(X) All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 93-2, passed 7-8-1993; Am. Ord. 2005-8, passed 11-10-2005) Penalty, see 10.99.

SECTION 93.05 NUISANCE PARKING AND STORAGE.

A) Declaration of nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

93.06 DOMESTICATED ANIMAL NUISANCE.

Any nuisance caused by dogs, other pets and domesticated animals is prohibited within the city. The City Council may act upon a complaint such as a barking dog, or odors, noise, litter, or anything else coming from these pets that may affect the health or peace of mind of the residents. (Ord 98-2, passed 6-11-1998)

93.15. DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

93.16. ABATEMENT PROCEDURE.

(A) Procedure. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises 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 and 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 city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise 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 positing it on the premises.

(C) 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 (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) 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 abate the nuisance.

(D) 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.

(E) Unlawful parties or gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or

tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(F) Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

93.17. RECOVERY OF COST.

(A) Personal liability. The owner of the premises 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.

(B) 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 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 ten (10), as the City Council may determine in each case.

93.18. PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

93.19. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

93.20. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

§ 72.02 SNOW REMOVAL AND PARKING; FINES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET. Any street, avenue, or other public way in the city.

VEHICLE. Any self-propelled motor vehicle or other vehicle on wheels which would ordinarily travel on public streets.

(B) No person shall park a vehicle in the Central Business District on Central Avenue between the hours of 2:30 a.m. and 6:00 a.m., November 1 to April 1. Vehicles found parked or abandoned in the Central Business District on Central Avenue in violation of this provision shall be cited by the Meeker County Sheriff's Department. The first offense shall be a \$25 fine. Violators committing recurring offenses shall have their vehicle towed at owner's expense. Owners of vehicles so cited shall pay the fine to the State of Minnesota. If the fines are not paid within ten days of the date of the citation, the violation may be prosecuted as a petty misdemeanor.

(C) When snow has accumulated to a depth greater than one (1) inch, a parking ban will be in effect over the entire city. The parking ban shall remain in effect until the streets are plowed and cleared of snow. The first offense shall be a \$25 fine. Violators committing recurring offenses shall have their vehicle towed at owner's expense. Owners of vehicles so cited shall pay the fine to the State of Minnesota. If the fines are not paid within ten days of the date of the citation, the violation may be prosecuted as a petty misdemeanor.

(D) No person shall remove snow from public or private property and deposit snow onto any public street or parking lot.

(E) In addition to the foregoing penalties, any person violating any provision of this section shall be penalized as provided in § 72.99.

(Ord. 79-3, passed 12-12-1979; Am. Ord. 97-4, passed 12-11-1997; Am. Ord. 2003-7, passed 11-13-2003) Penalty, see § 72.99

Cross-reference: Fee, see Chapter 35, Appendix A Public nuisances affecting peace and safety; failure to remove snow from sidewalks, see § 93.04