

SECTION 1225 DEFINING AND PROHIBITING NUISANCES

1225.01 DEFINITIONS.

- Subd. 1. Deteriorated Structures. Any structure or part of any structure which because of fire, wind, or other disaster, or physical deterioration is no longer habitable nor useful.
- Subd. 2. Junk/Rubbish. Any material or substance stored in the open or not enclosed in a building which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to, refuse; empty cans; bottles; debris; used furniture; unused appliances; machinery parts; motor vehicle parts; remnants of wood; decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.
- Subd. 3. Junk Cars. Any unlicensed, unregistered or inoperable vehicle stored in the open.
- Subd. 4. Unsafe Buildings. Any building or structure which is structurally unsafe, does not provide adequate egress, is dangerous to human life or constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment.

1225.03 GENERAL POLICY.

It is hereby determined that the uses, structures, activities and causes of blight factors described within this Section, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained any public nuisance identified with this Section on any platted or subdivided property within the City which is either owned, leased, rented or occupied by such person, firm or corporation. A violation of any provision of this Section shall constitute a misdemeanor punishable by a fine of not more than \$700 and imprisonment for not more than 90 days, or both, in addition to the other remedies set forth herein.

1225.05 PUBLIC NUISANCE; GENERAL.

Whoever, by act or failure to act does any of the following is guilty of maintaining a public nuisance.

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

1225.07 PUBLIC NUISANCES; HEALTH.

The following are hereby declared to be public nuisances affecting health:

Subd. 1. All diseased animals running at large.

Subd. 2. Carcasses of animals.

Subd. 3. Accumulation of manure.

Subd. 4. Garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or emit foul and disagreeable odors.

Subd. 5. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.

1225.09 PUBLIC NUISANCES; PEACE AND SAFETY.

The following are hereby declared to be public nuisances affecting peace and safety:

Subd. 1. All trees, hedges, signs, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.

Subd. 2. All obnoxious noises in violation of Minnesota Statute 116.07, Subd. 2-4 or Minnesota Pollution Control Agency Rules Section 7010.0010-7010.0080.

Subd. 3. Unauthorized obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds.

Subd. 4. Any limbs or trees, shrubs or hedges which are so close to the surface of the street or sidewalk as to constitute a danger to pedestrians or vehicles.

Subd. 5. Any well, hole or similar 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.

Subd. 6. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch.

Subd. 7. 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 tire when passing over such substance.

Subd. 8. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

Subd. 9. Any junk cars as defined in this Section 1225.01 Subd. 3.

Subd. 10. Any deteriorated or unsafe building or structure as defined in this Section.

Subd. 11. Any Junk or Rubbish as defined in Section 1225.01 Subd. 2.

1225.11 ENFORCEMENT.

Subd. 1. The City shall determine that conditions exist which may violate this Section. Upon identification of a violation, notification by certified or registered letter or personal service shall be issued to the owner of the property. Said notice shall identify the nature of the nuisance, the violation of this Section, and order that the nuisance be abated within ten (10) days of receiving notice. Upon receipt of said notification, the property owner shall proceed with alleviating the nuisance.

Subd. 2. The property owner shall have the right to a hearing before the Wabasha City Council provided that any request for hearing must be submitted in writing to the City of Wabasha no later than ten (10) days following receipt of the violation notice.

Subd. 3. If the property owner requests a hearing in compliance with the provisions established by this Subsection, a hearing before the City Council shall be scheduled. Following said hearing, the City Council shall, by resolution, determine whether a violation is evident. Upon finding of a violation, the City Council shall order that the cited conditions be abated.

Subd. 4. If an appeal to the City Council's order is not made within ten (10) days following the City Council's decision and the property is not brought into compliance as ordered, the City will initiate action to eliminate the violation.

Subd. 5. The City shall proceed with making the necessary arrangements to have the cited violation abated. Any and all costs that may be incurred by the City to alleviate the cite violation shall be the property owner's obligation.

Subd. 6. Failure by the property owner to reimburse the City of Wabasha for any reasonable costs incurred concerning the enforcement of this Section shall be cause to certify said costs to the Wabasha County Auditor as a special assessment against the property.