

**CHAPTER 150  
PUBLIC NUISANCES**

**ORDINANCE #98-1 0-01 -ORD**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF CHISAGO CITY BY  
REPEALING CHAPTER 150 ENTITLED, "PUBLIC NUISANCES" AND ADOPTING A NEW  
CHAPTER 150, ENTITLED, "PUBLIC NUISANCES"**

The City of Chisago City hereby ordains as follows:

Section I. Chapter 150, entitled, "Public Nuisances" of the City code is hereby repealed.

Section II. A new Chapter 150 is added, entitled, "Public Nuisances".

**CHAPTER 150**

- 150.1 **AUTHORITY.** This title and subsequent chapter is adopted pursuant to the authority granted to Minnesota municipalities through M.S.41 2.221, 429.021, and 463.152 -463.261.
- 150.2 **PURPOSE.** The intent of this title and its subsequent chapters is to encourage a clean, healthy and satisfying environment for its citizens, one free from nuisances, eyesores, and unhealthy or devaluating conditions. To these ends, the City of Chisago City seeks to regulate, identify and provide a means to enforce the regulations, to protect the health, safety, and welfare of residents and property owners.
- 150.3 **CONFLICTING ORDINANCE.** All ordinances or parts of ordinances in conflict with this title are inconsistent with its provisions, specifically including previous ordinance of the City or amendments thereto, are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.
- 150.4 **DEFINITIONS.** For the purpose of this ordinance, the following phrases shall be defined as follows:
- A. **Public Nuisance.** A nuisance shall mean any act, substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary conditions of the City or which is offensive or has a blighting influence on the community and which is found upon, in being discharges or flowing from any street, alley, highway, railroad, right of way, vehicle railroad car, water, excavation, building erection, lot grounds or other property located within the City of Chisago City. Nuisances shall include, but not be limited to, those enumerated below:
1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public;
  2. Interferes with, obstructs or renders dangerous for passage, any public road or right of way, street, alley or highway or waters used by the public;
  3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided;
  4. In any way renders any other person insecure in life or the use of property;

5. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- B. Engine Retard Breaking. Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

150.5 NUISANCES ENUMERATED.

- A. Public Nuisances Affecting Health, Safety, Comfort, or Repose. The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:
1. All snow and ice not removed from public sidewalks twelve (12) hours after the snow and ice has ceased to be deposited thereon.
  2. All ponds or pools of stagnant water except retention ponds designated wetlands and/or lakes.
  3. All decayed or unwholesome food offered for sale to the public.
  4. Carcasses of animals not buried or destroyed within 24-hours after death, excluding game animals.
  5. Accumulations of manure or rubbish.
  6. Privy vaults, garbage cans and garbage receptacles, which are not fly-tight.
  7. The affluence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground.
  8. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
  9. All noxious weeds as defined in Minnesota Statutes Sections 18.76, et seq., as amended from time to time and the rules and regulations promulgated hereunder, tall grasses defined as anything over eight (8") inches in height and other rank growths in the front (street facing) or side yards of the property.
  10. Any accumulation of cans, bottles, trash or debris of any nature or description, and the throwing, dumping or depositing of any dead animals, manure, garbage, waste decaying matter, ground, sand, stones, ashes, rubbish cans, glass food containers or other material any kind on private property.
  11. Trades and business, as defined by statute or ordinance, not licensed as provided by law.
  12. Dense smoke, noxious fumes, gas and soot, or cinders in quantities as to render the occupancy of property uncomfortable to a person.
  13. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed.

14. The keeping, maintaining, or harboring of live wild animals or dangerous animals, both as defined in City Ordinance Chapter 151, whether native to Minnesota or not, which in their wild state pose a threat to humans or domestic animals.
15. The keeping, maintaining, or harboring of any combination of animals and/or fowl kept in such numbers or under such conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.
16. The failure to maintain basic repairs and upkeep on a vacant residence or building, including but not limited to, snow removal, lawn maintenance, and exterior maintenance.
17. Ownership of a "hazardous building" defined as, "Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment constitutes a fire hazard or a hazard to public safety or health."
18. All other acts, omissions of acts, occupations and uses of the property which are deemed to be a menace to the health of the inhabitants of the City or a considerable number thereof.

B. Public Nuisances Affecting Morals and Decency: The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards not lawfully allowed by Minnesota State Statute
2. Betting, bookmaking and all apparatus used in such operations.
3. All places where intoxicating liquors are manufactured, sold, bartered or given away in violation of the law or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law or where intoxicating liquors are kept for sale, barter or distribution in violation of the law and all liquor, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place.
4. Any vehicle used for the illegal transportation of intoxicating liquor and/or illegal controlled substances.
5. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods or what is commonly known as "window peeping".
6. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.

C. Public Nuisances Affecting Peace and Safety: The following are declared to be nuisances affecting public peace and safety:

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

2. All limbs of trees, which are less than eight feet (8') above the surface of any public street or alley.
3. The outside piling, storing or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property.
4. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over the same.
5. The depositing of, maintaining, permitting or failing to remove, garbage, trash, rubbish, bottles, cans and other refuse on any property within the City, including large quantities of organic debris and materials, which accumulated by other than natural means, except properly maintained compost piles.
6. Property in a residential district not seeded, sodded or otherwise planted with a ground cover more than 240 days after any disturbance to the property caused by construction, grading, or other activity; or any time prior to the 240 days if the property is causing erosion or drainage problems on the same or nearby properties, including public streets.
7. The accumulation of any pile of wood which are not stacked or secured in a stable manner so as to avoid collapse.
8. Ownership of a "hazardous building" defined as: "Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health."

Subject to the above, Nuisances shall include, but not be limited to, violations of the following requirements:

- (a) No part of any exterior surface shall have deterioration, holes, breaks, loose or rotten boards or timbers.
- (b) Every exterior surface that has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface shall have pooling, cracked, chipped or otherwise deteriorated surface finish on more than twenty percent (20%) of:
  - i. Any one wall or other flat surface, or
  - ii. All door and window moldings, eaves, gutters and similar projections on any one side or surface.
- (c) All wires which are strung less than fifteen feet (15') above the surface of any public street or alley.
- (d) All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
- (e) All cornices, moldings, lintels, bay or dormer windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
- (f) Roof surfaces shall be tight and have no defects that admit water. All roof drainage systems shall be secured and hung properly.

- (g) Chimneys, antennae, air vents and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
  - (h) All foundations shall be structurally sound and in good repair.
9. All buildings, walls and other structures that have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their fair market value or which are so situated as to endanger the safety of the public.
  10. Any structure or portion thereof, in a residential district whose exterior is not completed in accordance with City-approved construction plans within 180 days after the date the City building permit was issued.
  11. Any construction materials including piles of dirt, sand and sod, left on the property more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.
  12. All buildings and all alterations to buildings made or erected in violation of Minnesota State Building Code concerning manner, materials or construction.
  13. Any vehicle that deposits mud, dirt, sticky substances, litter or other material on any street or highway.
  14. Any discarded construction material or other litter at a construction site which is not placed in an adequate waste container and thereafter removed from the site or which is buried on or under the construction site or which is allowed to blow around or off the site.
  15. All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than provided by law or ordinance.
  16. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks or public grounds, except under such conditions as provided by ordinance and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such a manner as to attract people.
  17. All use or display of fireworks, except as provided by law or ordinance.
  18. Radio aerials strung or erected in any manner except that provided by law or ordinance.
  19. 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 public streets or sidewalks.
  20. All hanging signs, awnings, and other similar structures over public streets or sidewalks or so situated as to endanger public safety not constructed and maintained as provided by law or ordinance or without proper permit.
  21. The allowing of rain, water, ice or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk.
  22. All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property so as to attract the public.
  23. The distribution of handbills, except as provided by law or ordinance.

24. Throwing, dropping or releasing printed matter, paper or any other material or object over the City from an airplane, balloon or other aircraft or in such manner as to cause such material to fall or land in the City.
25. Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks, without proper permit.
26. Making repairs to motor vehicles or tires in public streets or alleys, except for emergency repairs when it will not unduly impede or interfere with traffic.
27. The placement of mailboxes and other delivery receptacles on public right-of-way, except those, which are in compliance with United States Postal Service requirements for location and type.
28. The placement, erecting or painting of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks.

D. Noise Violations. The making or causing of loud, unnecessary, or disturbing noise is prohibited: It shall be unlawful for any person to make or cause to be made any loud, unnecessary or unusual noise which either annoys, disturbs or affects the comfort, repose, health or peace of others.

1. Loud or disturbing noises enumerated restrictions: The following acts set forth in the following paragraphs are declared to be loud, disturbing and unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive:
  - a. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with the MN Rule 6102.0040.
  - b. It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.
  - c. All off-highway motorcycles must follow the sound emissions as regulated in the MN State Statute 84.789.
  - d. Prohibited noises made by sound producing or reproducing equipment: No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. This includes operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 pm and 8:00 am in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building.
  - e. Nighttime noise in Residential Areas. Noisy Parties or Gatherings:
    - (1) No person shall between the hours of 10:00 p.m. and 7:00 a.m., on any weekday or weekend day participate in any loud party or gathering of people from which noise emanates of a sufficient volume as to disturb the peace, quiet or repose of persons residing in any residential areas.

- (2) Loud noises between the hours of 10:00 p.m. and 7:00 a.m. of such volume as to be plainly audible at a distance of one hundred feet (100') from the residential premises wherein such loud party or gathering is located shall be prima facie evidence of a violation of this Chapter.
  - (3) No persons shall visit or remain within any residential dwelling unit wherein such loud party or gathering is taking place, except the owner, persons residing in that unit or persons who are there for the sole purpose of abating the disturbance.
- f. Loud sound amplification systems. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, driveway or public/private property shall operate or permit the operation of any sound amplification system ("SAS") from within the vehicle so that the sound is plainly audible at a distance of 50 feet or more from the vehicle.
- (1) "Sound amplification system" ("SAS") means any radio, tape player, compact disk player, loudspeaker, or other electronic device used for the amplification of sound.
  - (2) "Plainly audible" means any sound produced by an SAS from within the vehicle that clearly can be heard at a distance of 50 feet (50') or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway on either public or private property.
  - (3) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the SAS and that any of the following apply:
    - (a) The SAS was being operated to request medical or medical or vehicular assistance or to warn of a hazardous road condition;
    - (b) the vehicle containing the SAS was an emergency or public safety vehicle;
    - (c) the SAS was owned and operated by the City, or a gas, electric, communications, or refuse company and said system was being used for a bona fide function of said entity;
    - (d) the SAS was being used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with the ordinances of the City;
    - (e) the SAS was used for a bona fide public activity including but are not necessarily limited to parades, fireworks, sports events, musical productions and other activities for which a permit has been issued or for which has otherwise been licensed or been expressly approved by the City Council.
2. Hourly restriction on certain operations: Certain operations shall be restricted during certain hours as follows:
- (1) Recreational vehicles. Hours of operation for snowmobiles, All terrain vehicles, off-road vehicles and Motorcycles shall follow the regulations set forth in the Chisago City Municipal Code Chapter 302.

- (2) Domestic power equipment. No person may operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 8:00 am and 10:00 pm. Snow removal equipment is exempt from this subsection.
- (3) Construction activities. No person may erect, excavate, demolish, alter or repair any building-between the hours of 10:00 p.m. and 6:00 a.m. on weekdays and 6:00 p.m. and 8:00 a.m. on Saturdays and all day Sunday except where single individuals or families work on single- family residences for their own occupancy owned by them. The City Administrator or their designee in case of emergency may grant permission to repair at any time when he finds such repair work will not affect the health and safety of persons in the vicinity.

3. Receiving land use standards; maximum noise levels. No person may operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table I for the receiving land use category specified when measured at or within the property line of receiving land use.

Table I. Sound Levels by Receiving Land Use Districts.

Land Use Districts	Day (8:00 a.m.--10:00 p.m.)		Night (10:00 p.m.--8:00 a.m.)	
	L10 Standard	L50 Standard	L10 Standard	L50 Standard
Residential	65 dBA	60 dBA	55 dBA	50 dBA
Commercial	70 dBA	65 dBA	70 dBA	65 dBA
Industrial	80 dBA	75 dBA	80 dBA	75 dBA

For noise relative to period less than L-10 Standard, the following conditions apply: No indoor sound level shall be raised more than six dbc over existing background, and no outdoor sound level shall be raised more than ten dbc over existing background noise level. The limits of the most restrictive district shall apply at the boundaries between the different land use categories. The determination of land use shall be by its zoned designation.

150.6 SALES ON PUBLIC RIGHTS OF WAY PROHIBITED – EXCEPTIONS. No person shall sell, buy, barter or offer to sell, buy, barter for any goods, wares, merchandise, or otherwise engage in any type of business or sales transaction on any public sidewalk, street or right-of-way within the City, including, but not limited to the sale or barter of the following goods:

- a. Motor vehicles;
- b. Boats; and
- c. Trailers

This section shall not apply when the activities prohibited in this chapter are expressly permitted in a defined area for a specified period of time by resolution of the City Council.

150.7 PENALTY. Any person, occupant, property owner or owners, firm partnership or corporation violating any provision of this Chapter shall be guilty of misdemeanor and punished according to law. Each date that a violation is permitted to exist constitutes a separate offense.



150.8 VEHICLES CONSTIUTING A PUBLIC NUISANCE. Any Violation of Chapter 303 of the City Code regarding abandoned, junk, and unauthorized vehicles is declared a public nuisance.

150.9 ENFORCEMENT. It shall be the duty of the City Council to enforce the provisions of this ordinance and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises, and the officers charged with the enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisance.

The City Administrator or designee is authorized to enter upon any property if necessary to determine whether the provisions of this code or any applicable state statute has been violated, to make any examinations or surveys, or to conduct any tests as be reasonably necessary in the performance of their duties. All inspection and testing must be done in a reasonable manner.

- a. Abatement. Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the City, such officer shall notify in writing the person committing and maintaining such a public nuisance and require him to terminate and abate said nuisance and remove such conditions or remedy such defects. Notice to the owner shall be satisfied by notice to the person listed as the taxpayer on the county's tax records if the premises are not occupied, the address of the owner is unknown and no other responsible party can be reasonably identified, notice may be served on the property by posting a comp of the notice on the premises. Said notice shall require the owner or occupant of such premises or both, to take reasonable steps within a reasonable amount of time to be designated in said notice, but the maximum time of the removal of said notice after service of said notice shall not in any event exceed 30 days. If the owner, occupant or other responsible party does not comply with the notice within the time specified, the City Council may, after notice to the owner and occupant or other responsible party and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer and shall be given at least ten days before the date stated the notice when the Council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting and the hearing.
  
- b. Summary Abatement. The enforcing officer may provide for abating a public nuisance without following the procedure required above when:
  - 1. There is an immediate threat to the public health or safety.
  - 2. There is an immediate threat of serious property damage.
  
  - 3. A public nuisance has been caused by private parties on public property, or if the enforcing office abates the nuisance pursuant to this section, the officer must reasonably attempt to notify the owner, occupant or other responsible party if the intended action and the attempt to notify the owner, occupant or other responsible party of the intended action and the right to appeal the abatement and any cost at the next regular scheduled City Council meeting.
  
- c. Cost Recovery. The owner of property in 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 to the City for the cost of abatement, including administrative costs. As soon as the work has been completed and the cost determined, the clerk-administrator or their designee shall prepare a bill for the cost and mail it to the owner or other responsible party. Thereupon, the amount shall be immediately due and payable at the office of the clerk-administrator.

- d. Assessment. If the cost, or any portion of it, has not been paid under paragraph 3, within 30 days after the date of the bill, the unpaid cost may be certified against the property to which the cost is attributable. Before certification against the property, reasonable notice of the impending certification against the property, reasonable notice of the impending certification and an opportunity to be heard by the City Council must be given to the taxpayer of record. Failure of the taxpayer to receive the notice shall not invalidate the certification, however. Thereafter the unpaid cost may be certified to the County Auditor for collection along with current taxes in the following year or in such annual installments, not exceeding ten, as the City Council may determine in each case.
- e. Other Remedies. The City is also authorized to use any remedy provided by Minnesota Statute including but not limited to Minn. Stat 463.16-463.152, regarding the right to correct or remove, "hazardous buildings".
- f. Penalty. Any person in violation of any of the provisions in this Chapter shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

150.10 This Ordinance shall take full effect and be in full force from and after its passage and publication as provided by Minnesota Statute.

**CITY OF CHISAGO CITY**

By: \_\_\_\_\_  
Donald Taylor, Mayor

ATTEST:

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John D. Pechman, City Administrator

Amended: Ord. # 97-06-03-ORD (6/24/97), Ord.#. 98-10-01-ORD (10/27/98), Ord 285 (1/26/10)