

ORDINANCE NUMBER 126

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND
PROVIDING A PENALTY FOR VIOLATION

The City Council of Lamberton ordains:

Section 1. Public nuisance defined.

Whoever by his 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:

(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 2. 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;

(8) All noxious weeds and other rank growths of vegetation upon public or private property;

(9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

(10) All public exposure of persons having a contagious disease;

(11) Any offensive trade or business as defined by statute not operating under local license.

Section 3. Public nuisances affecting morals and decency.

The following are hereby declared to be nuisances affecting public morals and decency:

(1) All gambling devices, slot machines, and punch boards, except as otherwise authorized by ordinance;

(2) Betting, bookmaking, and all apparatus used in such occupations;

(3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;

(5) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Section 4. Public nuisances affecting peace and safety.

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

(1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;

(2) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;

(3) 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;

(4) All unnecessary noises and annoying vibrations;

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

(6) Radio aerials or television antennae erected or maintained in a dangerous manner;

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

(8) 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;

(9) The allowing of rain water, ice, snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

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

(11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(12) Waste water cast upon or permitted to flow upon streets or other public property;

(13) The allowing, keeping or maintaining in a yard or place for keeping, storing, piling or accumulation of junk or other articles which is so situated as to attract the public, or in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation, whether in or upon public or private property. "Junk" means old or scrap copper, brass, iron or other metal, rope, rags, batteries, cloth, wood, paper, synthetic or organic, trash, rubber debris, furniture, household appliances, or junk, abandoned, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, steel and other old or scrap ferrous or non-ferrous material. "Junk, abandoned, dismantled or wrecked automobiles" means motor vehicles as defined in Minnesota Statute 169.01, which have remained for a period of more than 48 hours on

public or private property in an inoperable condition, unless kept in an enclosed garage or storage building.

(14) 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;

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

(16) 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;

(17) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(18) All use or display of fireworks except as provided by ordinance or with the written approval of the city counsel;

(19) Allowing any horses, mules, cattle, hogs, sheep, goats, or domestic fowl to run at large or herding or picketing such animals on the public streets, alleys, or grounds of the city;

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

Section 5. Duties of city officers.

The city clerk shall enforce the provisions of this ordinance relating to nuisances affecting public health. The police department shall enforce provisions relating to other nuisances and shall assist the city clerk in the enforcement of provisions relating to nuisances affecting public health. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 6. Abatement.

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter the council may, after notice to the owner or occupant 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 is served and shall be given at least ten days before the date stated in 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.

Section 7. Recovery of cost. Personal liability and assessment.

If after such service by the city council as required in Section 6 herein the party or parties served fail to abate the nuisance in accordance with the terms of the notice, the council may cause such nuisance to be abated at the expense of the city

and recover such expenditure plus an additional 25% of such expenditure as an administrative cost either by civil action against the person or persons served, or if service has been made upon the owner, by ordering the clerk to extend such sum plus 25% thereof as a special tax against the property on which the nuisance existed, and to certify the same to the county auditor for collection in the same way as other special taxes.

Section 8. Penalty.

Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Each day's continuance of a nuisance as defined in this ordinance may, in the discretion of the court, constitute a separate offense.

Section 9. Repeal of conflicting ordinances.

Ordinance 1, New series, Articles XXII and XXIII as amended and all conflicting ordinances or sections of ordinances are hereby repealed.

Section 10. Effective date.

This ordinance shall take effect immediately after passage and publication according to law.

Passed by the council this 8 day of November, 1982.

Ronald Kelsey, Acting Mayor
Mayor

ATTEST:

Antia L. Phelps
Clerk

AMENDMENT TO ORDINANCE NO. 126

THE CITY COUNCIL OF THE CITY OF LAMBERTON ORDAINS THAT ORDINANCE NO.

126, SECTION SIX, SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION SIX. Abatement.

a) Except as hereinafter provided in Subparagraph (b), whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter the Council may, after notice to the owner or occupant 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 is served and shall be given at least 10 days before the date stated in 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) The City may take into custody and impound any junk, abandoned, dismantled or wrecked automobile as hereinabove defined in Section 4. Except as hereinafter provided, when an abandoned motor vehicle is taken into custody by the City, the City shall give notice of the taking within 10 days. The notice shall (i) set forth the date of the place of taking, the year, make, model and serial model of the abandoned motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (ii) inform the holder and any lien holders of their right to reclaim the vehicle upon payment of all towing and storage charges resulting from the taking of the vehicle into custody within 15 days after the date of the notice, and (iii) state that failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the sale of the vehicle and contents at a public auction as hereinafter provided. The notice shall be sent by mail to registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the local newspaper of general circulation.

When an abandoned motor vehicle is more than 7 model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction as hereinafter pro-

vided and shall not be subject to the notification or reclamation provisions as herein set forth. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

If an abandoned motor vehicle and contents taken into custody and not reclaimed as hereinabove provided is sold at public auction or sale, it shall be sold to the highest bidder following reasonable published notice of such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. From the proceeds of the sale the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle. Any remainder of the proceeds shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the City's general account. Abandoned motor vehicles not sold pursuant to this Section shall be disposed of in accordance with Minn. Stat. 168B.09.

This Amendment shall become effective upon publication according to law.

Passed, approved, and adopted by the City Council of the City of Lamberton, Minnesota, on this 12 day of June, 1989.

City of Lamberton

Donald Kelley
Mayor

ATTEST:

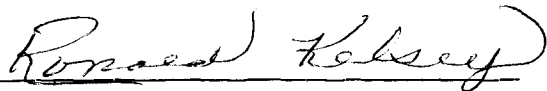
Steven Flay
City Clerk

AMENDMENT TO ORDINANCE NUMBER 126

The City of Lambertton ordains that Ordinance Number 126 entitled "AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION" shall be amended by adding Paragraph (12) to Section 2, which will read as follows:

(12) All weeds or grass growing to heights in excess of ten (10) inches on any parcel in the City of Lambertton.

Passed by the City Council this 13th day of April, 1987.



Mayor

ATTEST:



Clerk

AMENDMENT TO ORDINANCE NO. 126

The City of Lambertton ordains that Ordinance No. 126 entitled "AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION" shall be amended as follows:

1. Section 4, Paragraph (1) will read as follows:

(1) All snow, ice, dirt, or rubbish not removed from public sidewalks twelve (12) hours after its deposit thereon;

2. Section 6 will read as follows:

Except as hereinafter specifically provided, whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter the council may, after notice to the owner or occupant 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 is served and shall be given at least ten days before the date stated in 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.

The Maintenance Supervisor shall remove from all public sidewalks all snow, ice, dirt and rubbish as defined in Section 4, Paragraph (1) and (9) herein, as soon as possible, beginning 12 hours after any such matter has been deposited thereon or after the snow has ceased to fall. He shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the city clerk.

On or before June 1st of each year and at such other times as ordered by resolution of the council, the city clerk shall publish once in the official newspaper a notice directing owners and occupants of the property within the city to destroy all weeds and grass declared by Section 2, Paragraph (12) to be a nuisance and stating that if not so destroyed within 10 days after publication of the notice, the weeds and grass will be destroyed by the Maintenance Supervisor at the expense of the owner and that if not paid, the charge for such work will be made a special assessment against the property concerned. If the owner or occupant of any property in the city fails to comply with the notice within 10 days after its publication, the Maintenance Supervisor shall cut and remove such weeds and grass. He shall keep a record showing the cost of such work attributable to each separate lot and parcel and shall deliver such information to the city clerk.

CITY OF LAMBERTON:

Ronald Kelsey

Mayor

Steven Flay

City Clerk


AMENDMENT TO ORDINANCE NUMBER 126

The City of Lambertton ordains that Ordinance Number 126 entitled "AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION" shall be amended by adding Paragraph (13) to Section 2 which will read as follows:

(13) The deposit of any grass clippings or other debris on the streets or in the curb and gutter, within the City of Lambertton.

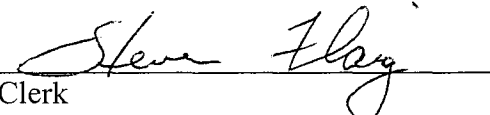
This Amendment shall take effect immediately after passage and publication according to law.

Passed by the Council this 14th day of July, 2003.



Mayor

ATTEST:



Clerk