

CHAPTER 8 NUISANCE REGULATIONS

Article I: In General.Section 8-1. **Public Nuisance Defined.**

Whoever by his act or failure to perform a legal duty does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (a) 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
- (b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (c) 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.

Section 8-2. **Public Nuisance Affecting Health.** The following are hereby declared to be nuisances affecting health:

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (b) All diseased animals running at large;
- (c) Pools of stagnant water;
- (d) Carcasses of animals not buried or destroyed within 24 hours after death;
- (e) Accumulation of tin cans, bottles, trash, ashes, refuse, or debris of any nature or description;
- (f) 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;
- (g) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (h) All noxious weeds including all weeds defined by the State Commissioner of Agriculture to be injurious to the public health, roads, crops, livestock and other property;

- (i) Dense smoke, noxious fumes or odors, gas and soot, or cinders, in unreasonable quantities;
- (j) All public exposure of persons having a contagious disease;
- (k) The placing of the contents of any cesspool, septic tank, privy vault, portable or satellite toilet or garbage can upon the surface of public or private property. (Placement of substances or matter from a public landfill or sewage disposal system shall require a permit from the Town Board.)
- (l) Clandestine drug laboratories.
- (m) Any offensive trade or business as defined by Statute.

Section 8-3. **Public Nuisances Affecting Peace and Safety.**

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

- (a) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (b) All wires and limbs of trees which are so close to the surface of a road as to constitute a danger to pedestrians or vehicles;
- (c) All unnecessary noises and annoying vibrations;
- (d) Obstructions and excavations affecting the ordinary use of public streets, roads, alleys, public ways, or public grounds except under such conditions as are permitted by the Zoning Ordinance or other applicable law;
- (e) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (f) Any use of property abutting on a public road or any use of a public road which causes large crowds to gather, obstructing traffic and the free use of the road;
- (g) All hanging signs, awnings, and other similar structures over public roads, or so situated as to endanger public safety, or not constructed and maintained in a sound condition;
- (h) Any fence within the public right-of-way;
- (i) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

- (j) Waste water cast upon or permitted to flow upon roads or other public property;
- (k) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, lumber, wood, or other material, or the rank growth of vegetation among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or in a manner creating fire, health or safety hazards from such accumulation.
- (l) 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;
- (m) Obstruction to the free flow of water in a natural waterway, gutter, or ditch through accumulation of trash and other materials;
- (n) The placing or throwing on any public road, 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 such substances;
- (o) The depositing of paper, litter, debris, garbage or refuse on a public right-of-way or on adjacent private property, or the throwing of any such matter from a motor vehicle;
- (p) All other conditions or things which are likely to cause injury to the person or property of anyone; and
- (q) No person shall store, in the open, a vehicle that is unlicensed and/or inoperable.

Section 8-4. Noise Restrictions.

The following regulations for noise shall apply in the Township.

- (a) Night Restrictions. The following activities shall be restricted between the hours of 10:00 p.m. and 7:00 a.m.:
 1. Participation in noisy parties or gatherings. No person shall participate in any party or gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or response of another person at any time. Whenever an officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person(s) shall refuse to leaving after being ordered by an officer to do so. 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.

2. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment. Snow removal equipment is exempt from this provision.
 3. Heavy Machinery Use. No person or persons shall engage in or permit heavy machinery activity involving the use of any kind of electric, diesel or gas-powered machine or other power.
 4. Construction Activity. No person shall engage in or permit construction activities involving any type of equipment, mechanical or non-mechanical.
 5. Recreational Vehicles. No person shall drive or operate any minibike, snowmobile, ATV, or other recreational vehicle not licensed for travel on public highways.
- (b) Permitted Noise. The following acts or noises are permitted between the hours of 10:00 p.m. and 7:00 a.m.
1. Equipment used in connection with special events or activities that are approved by the Town Board.
 2. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals.
 3. Anti-theft devices.
 4. Machines or devices for the production of sound on or in authorized emergency vehicles.

Section 8-5. **Administration and Enforcement.**

Officers, employees, or agents as the Township may designate, shall enforce the provisions of this Chapter. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

- (a) General Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the Township, the officer shall notify in writing the owner or occupant of the premises of such fact and order that the nuisance be terminated and abated. 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 thirty (30) days, within which the nuisance is to be abated, provided the time for abatement shall not exceed ten (10) days in the case of noxious weeds. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Township supervisors. Thereafter, the Board, after notice and hearing, may cause the nuisance to be abated by the Township.

- (b) Emergency Abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

Section 8-5. **Violations And Penalties.**

Any person who violates any provision of this Chapter shall upon conviction thereof be fined and/or imprisoned according to M.S. § 609.02. The defendant may be assessed the costs of prosecution if convicted. Each day that the violation is permitted to exist constitutes a separate offense.