

**601 – MISCELLANEOUS NUISANCES**

**601.010**     **PROHIBITION.** A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this chapter, a person who 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;
- (B) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
- (C) Does any other act or omission declared by law or §§ 601.020, 601.030, or 601.040, or any other part of this code to be a public nuisance and for which no sentence is specifically provided. Penalty, see § 604.040

**601.020**     **Public Nuisances Affecting Health, Comfort or Repose.** The following are hereby declared to be public nuisances affecting health, comfort or repose:

**A. Decayed Food.** Exposed accumulation of decayed or unwholesome food or vegetable matter;

**B. Carcasses.** Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

**C. Accumulation of Refuse and Debris.** An accumulation of refuse, rubbish or garbage or debris of any nature or description (excluding the waste and recycle bins provided by the City's waste company).

**D. Pollution of Wells or Public Water.** Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

**E. Smoke and Fumes.** Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.

**F. Other Acts Detrimental to Health.** All other acts, omission of acts, occupations and uses of property which are determined by the City Council to be a menace to health of the inhabitants of the City or considerable number thereof.

Penalty, see § 604.040.

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

A. **Gambling Devices.** All gambling devices, slot machines and punch boards, except as authorized under state statute.

B. **Betting.** Betting, bookmaking, and all apparatuses used in such occupations;

C. **Window Peeping.** The looking into or peeping through doors, windows, or openings or private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as “window peeping.”

D. **Intoxicating Liquor.** All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people 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 that place. For the purposes of this section “intoxicating liquor” shall mean any ethyl alcohol, distilled, fermented, spirituous, vinous or malt beverage containing more than ½% alcohol by volume.

Penalty, see § 604.040.

**601.040**     **Public Nuisances Affecting Peace and Safety.** The following are declared to be Nuisances affecting peace and safety:

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

B. All snow plowed or shoveled into the public street;

C. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

D. 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;

E. All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;

F. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except

through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

- G. Operation of any device referred to above between the hours of 11:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of violation of this section;
- H. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police 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 shall refuse to leave after being ordered by a police 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;
- I. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under conditions as are permitted by this code or other applicable law;
- J. Radio aerials, satellite discs, or television antennae erected or maintained in a dangerous manner;
- K. 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;
- L. All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- M. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- N. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

- O. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- P. Waste water cast upon or permitted to flow upon streets or other public properties;
- Q. Accumulations not completely enclosed within a permanent structure of discarded or disused machinery, household appliances or parts thereof, automobile bodies or parts thereof, trailers which contain refuse and discarded materials, discarded building materials, or other material 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 accumulation;
- R. Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- S. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
- T. 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 the substance;
- U. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- V. All other conditions or things which are likely to cause injury to the person or property of anyone.
- W. Noises prohibited.
  - 1) General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of this section.
  - 2) Defective vehicles or loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

- 3) Loading, unloading, unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.
- 4) Speakers, amplifiers, radios, paging systems, and the like. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, speaker, amplifier, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, speaker, machine or other device between the hours of 11:00 p.m. and 7:00 a.m. 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, shall be prima facie evidence of a violation of this section.

X. Hourly restriction of certain operations.

- 1) Domestic power equipment. No person shall operate a power lawn mower, compressor, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment and generators if needed due to electricity shortage are exempt from this provision.
- 2) Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- 3) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

Y. Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

- Z. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel.

Penalty, see § 604.040.

## **602 Nuisance Parking and Storage**

**602.010 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

- a. obstructs views on streets and private property,
- b. creates cluttered and otherwise unsightly areas,
- c. prevents the full use of residential streets for residential parking,
- d. introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited,
- e. decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and
- f. otherwise adversely affects property values and neighborhood patterns.

## **602.020 Unlawful Parking and Storage**

- (1) "Vehicle," as used in this Section and throughout the Code, is defined as a thing used for transporting people or goods. This definition includes, but is not limited to the following: snowmobiles, trailers (open-bed and enclosed), RVs/motorhomes, campers, storage trailers, ice houses, automobiles, ATVs, UTVs, motorcycles, any other machine or device that is on wheels, motorized or pulled by motorized vehicles, including storage pods.
- (2) A person must not place, store, or allow the placement or storage of pipe, firewood in excess of three chords, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property.
- (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 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. This maximum number does not include vehicles of occasional guests who do not reside on the

property. A vehicle which is placed on a trailer may be counted as one total vehicle, per the discretion of a designated person of the City Council.

- b. Automobiles, trucks, and motorhomes that are parked or stored outside must be on a concrete, paved asphalt, or gravel driveway.
  - 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 at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
- (4) A nuisance may still exist under this section if the stored materials or vehicles are covered or partially covered under a tarp or similar covering. Tarp or similar materials may only be used if maintained in a slightly and sanitary condition.

Penalty, see § 604.040.

**602.030 Inoperable Motor Vehicles**

- (1) Declaration of a nuisance. Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.
- (2) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed and insured for operation with the state.
- (3) This section does not apply to a motor vehicle enclosed in a building.

Penalty, see § 604.040.

**602.040 Building and Property Maintenance and Appearance**

- (1) Declaration of nuisance. Buildings, fences, landscaping, retaining walls, driveways, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.
- (2) Standards. A building, fence or other structure is a public nuisance if it does not comply with the following requirements:

- a. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.
- b. Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 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. No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.
- d. Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.
- e. Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.
- f. Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.
- g. Chimneys, satellite dishes, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.
- h. Foundations must be structurally sound and in good repair.

Penalty, see § 604.040603.010.

**602.050**

**Duties of City Officers.** For purposes of §§ 602.060 and 602.070, the Washington County Sheriff's Department, or person designated by the City Council, may enforce the provisions relating to nuisances. Any peace officer or designated person 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 person shall 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 the entry.

**602.060**

**Abatement**

- A. Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.
  - 1) Notice of violation. Written notice of violation shall be served by a peace officer or designated person by the City Council on the owner of record or occupant of the premises either in person or by mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant



refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

- 2) Notice of City Council hearing. Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.
- 3) Notice of City Council order. Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.
- 4) Notice of motion for summary enforcement. Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

B. Procedure. Whenever a peace officer or designated person by the City Council determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated may notify in writing the owner of record or 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 officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or 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.

C. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (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 officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify in writing the occupant or owner of the premises of

the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (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 which poses an imminent and serious hazard to human life or safety.

Penalty, see § 604.040.

### **602.070      Recovery of Cost**

- A. Personal liability. The owner of premises on which a nuisance has been abated by the city or a person who has caused a public nuisance on a 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 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 M.S. § 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 charges as well as other charges for current services to be assessed under M.S. § 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 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, as the City Council may determine in each case.

Penalty, see § 604.040.

## **603    SEASONAL PARKING**

- 603.010      Declaration of Purpose.** To ensure the public health, convenience and safety of the people of Willernie during the wintertime and at such time as snow

accumulates on the public streets of Willernie, it is necessary and expedient for the City of Willernie to plow snow off its streets. The presence of motor vehicles, boats or trailers on streets to be plowed presents a hazard to the operator of the plowing vehicle, impedes and frustrates plowing efforts, and the plowed-in vehicles further restrict the usable portion of the street thereby creating a greater hazard to the public health, safety and convenience.

**603.020**     **Definitions.** The following definitions shall apply herein:

**Snowfall** means a ground accumulation of snow of one inch or more within a 24-hour period. The 24-hour period shall be counted back from 8:00 o'clock a.m. of a given day in determining whether there is an accumulation of one inch.

**Registered owner** of motor vehicle and trailer means the owner and address as shown by the records in the office of motor vehicle registration of the Minnesota Department of Transportation.

**Motor Vehicle** is defined as a thing used for transporting people or goods. This definition includes, but is not limited to the following: snowmobiles, trailers (open and enclosed), RVs/motorhomes, campers, storage trailers, ice houses, automobiles, ATVs, UTVs, motorcycles, any other machine or device that is on wheels, motorized or pulled by motorized vehicles.

**603.030**     **Parking After Snowfall.** After any snowfall, it shall be unlawful to park any motor vehicle upon a public street within the City until after the street has been plowed. Upon direction of the law enforcement officer, the owner shall move his motor vehicle to permit street plowing, and if the owner cannot be located at his residence within the City or if the registered owner of a motor vehicle is a non-resident of the City, the law enforcement officer is authorized to ticket and move such motor vehicle or to store the same at the owner's expense.

**603.040**     **Penalty.** The violation of any provision of this Ordinance shall be punishable in the same manner as a misdemeanor under state statute. Furthermore the City Council of the City of Willernie finds that vehicles parking in violation of any provision of this Ordinance constitute a nuisance and as such may be removed and towed away under direction of the authorized agent of the City Council. Vehicles towed for illegal parking shall be stored in a safe place and returned to the owner upon advance payment of a reasonable fee.

## **604**     **PLACING OF NUMBERS ON BUILDINGS IN THE CITY**

**604.010**     **Numbering System.** A numbering system is hereby established for the City of Willernie so that each building shall have a number placed and kept thereon. It

shall be the duty of the Clerk to maintain a map and to assign numbers so as to avoid duplication and have available an assigned number for each building now in existence or that may be built within the limitations of the City of Willernie.

**604.020 Owners of all residences shall place thereon and maintain thereon the numbers assigned by the Clerk.**

Such numbers shall be at least six inches high and of a surface that will reflect light directed on them during darkness and shall be so placed that they can be read from the edge of the street on which a building faces.

If the number is used from a cross street, then the street name must appear beneath.

Numbers and background shall be contrasting.

If numbers are not in place 120 days after Ordinance is effective, the City of Willernie will purchase and mount same and bill residence with total charges on the next water bill.

**604.030 Effective Date.** This Ordinance shall take effect and be enforced from and after its passage and publication according to law.

**604.040 Penalty.** Violation of any provision of this Chapter, including maintaining a nuisance after being notified in writing of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in Willernie Code Section 104.010.

**605 JUVENILE CURFEW**

**605.010 Findings and purpose.**

A. In recent years there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of crime occurs during the curfew hours established by this code provision.

B. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.

C. While parents have the primary responsibility to provide for the safety and welfare of juveniles, Willernie also has a substantial interest in the safety and welfare of juveniles as well as an interest in preventing juvenile crime, promoting parental supervision and providing for the well being of the public.

**605.020 Definitions**

A. “Juvenile” means a person under the age of seventeen (17) except persons who are legally married or have been legally emancipated.

B. “Parent” means biological parents, adoptive parents, and step-parents.

C. “Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parking lots and retail establishments.

D. “Establishment” means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment or refreshment.

**605.030 Prohibited Acts**

A. It shall be unlawful for a juvenile under the age of 17 to be present in any public place or establishment within Willernie any time between 10:00 p.m. and 5:00 a.m. of the following day unless the juvenile is:

i) accompanied in close proximity by the juvenile’s parent, step-parent, foster parent or guardian;

ii) engaged in lawful employment activity;

iii) involved in an emergency situation requiring immediate action to prevent property damage, serious bodily injury or loss of life; or

iv) going to or returning home from an official school, religious or other recreational activity sponsored by a public entity or a civic organization

B. It is unlawful for the parent or guardian of a juvenile knowingly, or through negligent supervision, to permit a juvenile to be in any public place or establishment within Willernie during the hours prohibited by this section 605.

C. It shall be unlawful for the proprietor of an establishment within Willernie to knowingly permit a juvenile to remain in the establishment or on the establishment’s property during the hours prohibited by this section 605.

D. The provisions in this code section shall be in addition to any curfew limitations contained in the ordinances of Washington County or the laws of the State of Minnesota.

**605.040** Violation

A. Violation of any provision of this section shall be punishable as a misdemeanor under state law.

**606 LURKING**

**606.010** Prohibited Acts.

It shall be unlawful for any person to lie in wait or be concealed in any house or other building, or in any yard, or premises within the City of Willernie without the permission of the owner of such property.