

TOWN OF NORTHERN

Ordinance No. 1990-2 (revised)

AN ORDINANCE DEFINING & PROHIBITING PUBLIC NUISANCES AFFECTING HEALTH, PEACE AND SAFETY, AND A PENALTY FOR VIOLATION

The Board of Supervisors of Northern Township, pursuant to Section 368.01, Minnesota Statutes, hereby ordains the enactment of a public nuisance ordinance affecting health, peace and safety and a penalty for violation.

Section 1: PUBLIC NUISANCE DEFINED

Whoever by his/her 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:

- (a) Maintains or permits a condition which injures, or endangers the safety or health 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) 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 NUISANCE AFFECTING HEALTH.

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

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in legitimate compost heaps;
- (b) All noxious weeds upon public or private property.
- (c) Sewage, septic system effluent or seepage from soil treatment system which may constitute a health hazard (ground water contamination, contamination of garden produce, accessibility to children), emit foul and disagreeable odors, or otherwise threaten or damage real or personal property of others.
- (d) Septage pumped from a septic tank that is not land applied in accordance with MPCA guidelines and applicable local ordinances.

Section 3: PUBLIC NUISANCE AFFECTING PEACE AND SAFETY

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

- (a) To store in any area accessible to the public, an unused icebox, refrigerator, freezer, or other box with a door attached thereto, which will effectively exclude air when shut;
- (b) All other conditions or things which are likely to cause injury to the person or property of anyone.

Section 4: LAND USE PROHIBITED FROM LOCATING OR RELOCATING IN NORTHERN TOWNSHIP AS PUBLIC NUISANCES AFFECTING HEALTH, PEACE AND SAFETY.

- (a) Sanitary landfills; (household trash).
- (b) Demolition landfills; (construction debris, including concrete and asphalt) not approved by the County.
- (c) Landfills or accumulation of abandoned or discarded refrigerators, freezers, plumbing fixtures i.e. toilet bowls, bathtubs, water softeners, water heaters, washers, dryers and other white goods.
- (d) Any unreasonable accumulation of any other material which would cause a health or safety hazard.
- (e) Introduction of pre-identified contaminated soil so adjudicated by a state agency responsible for such identification.

Section 5: ENFORCEMENT DUTIES OF OFFICERS.

The duly elected Town Board of Supervisors or authorized agent, representative or appointee such as the Zoning Administrator shall enforce the provisions of this ordinance. The county sheriff and state health officers may assist in such enforcement. Such officers have the power to inspect public and private premises within the bounds of their authority and take all reasonable precautions to prevent the commission and maintenance of public nuisances; however, except in cases of emergency imminently dangerous to the public health, safety or welfare, such inspections must be done pursuant to a search warrant issued by a court of competent jurisdiction if access to private premises for such inspection is denied by the owner or occupant.

Section 6: ABATEMENT

Northern Township's Nuisance Ordinance is complaint-driven. All complainants' names shall be kept confidential. When a signed complaint from a Northern Township resident/property owner is received by the Zoning Administrator, he/she will make a copy of the complaint and determine if a violation of Northern Township's Public Nuisance Ordinance may exist. He/she shall then report his/her findings to the Town Board of Supervisors.

If the Town Board of Supervisors deems that a violation does exist, the Zoning Administrator shall notify the owner or offender of the premises, and order that said person immediately cease activities causing a public nuisance. Where applicable, the Zoning Administrator, at the direction of the Town Board of Supervisors, shall also order the owner and offender to clean up the affected area causing a nuisance, and return the site to its original appearance (abatement) within 30 days.

The Zoning Administrator must notify the owner offender of the order for abatement in writing and by certified mail. If neither the owner nor offender is known, notice may be served by officially posting it on the property.

The owner and/or offender may request a public hearing before the Board of Supervisors within 30 days of his/her receipt of the Zoning Administrator's notice. If a public hearing is requested by the owner or offender within 30 days of the notice, the owner or offender must cease activities and clean up the site within 10 days after the receipt of the hearing decision, or within 30 days of the receipt of the Zoning Administrator's original notice, whichever is later.

An appeal of any decision made by the Board of Supervisors may be made to the Town Board of Adjustment within 30 days of the rendering of that decision. An appeal of any decision made by the Northern Town Board of Adjustment may be made to the District Court within 30 days of the rendering of that decision.

If the order for abatement is not complied with within the above time periods, the Town Board may prosecute this violation as a misdemeanor or take other measures necessary in abating the nuisance within their authority.

Whenever a situation exists that immediately endangers the lives or health of the public, and under which the above notification procedures would be impractical, the enforcing officer may take immediate steps to abate the nuisance, and such action shall be immediately reported to the Town Board of Supervisors.

Section 7: RECOVERY OF COST.

(a) PERSONAL LIABILITY. The owner or offender of premises on which a nuisance has been abated by the Township shall be personally liable for the cost to the Township of the abatement, including administrative costs and attorney's fees. As soon as the work has been completed and the cost determined, the Township Clerk shall prepare a bill for the cost and mail it to the owner/offender by certified mail. The amount shall be immediately due and payable upon receipt of the bill.

(b) ASSESSMENT. On or before October 1 following abatement of a nuisance by the Township, the Township Clerk shall list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed against each separate lot or parcel to which the nuisance abatement charges are attributable. The Town Board of Supervisors may then spread the charge against such property for certification to the County Auditor for collection by the County Treasurer and paid to the Township as other taxes are collected and paid.

(c) FALSE COMPLAINTS. Northern Township reserves the right to seek reimbursement for costs incurred in prosecuting false claims, claims made in bad faith, harassment claims, and/or claims without merit, in a manner prescribed by the Town Board of Supervisors.

Section 8. PENALTY.

Any person who is found to be in violation of any provision of this ordinance may be guilty of a misdemeanor and may be punished by a fine not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

Section 9. REPEAL.

All other ordinances and resolutions of Northern Township concerning nuisances heretofore in effect, are hereby repealed.

Section 10. EFFECTIVE DATE.

This revised ordinance becomes effective on the 1st day of March, 1994.