

**CHAPTER 92 NUISANCES**

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**§ 92.01 ASSESSABLE CURRENT SERVICES**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**Current Service.** Shall mean one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26 as they may be amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt and rubbish.*

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Clerk-Administrator or other person designated by the City Council may cause removal from all public sidewalks of snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Clerk-Administrator or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Clerk-Administrator.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Chapter 51 of this code, the City Clerk-Administrator shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the City Clerk-Administrator.

(2) *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Clerk-Administrator shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Clerk-Administrator shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the City Clerk-Administrator, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Clerk-Administrator.

(G) *Damage to public property.* Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or

structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(H) *Assessment.* On or before September 1 of each year, the City Clerk-Administrator shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges against property benefited as a special assessment under the authority of M.S. § 429.101 as it may be amended from time to time 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.

## **§92.02 TREE DISEASES**

(A) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi (Buisman) Moreau* or which harbors any of the elm bark beetles *Scolytus Multistriatus (Eichh.)* or *Hylungopinus Rufipes (Marsh)*;

(2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any other shade tree with an epidemic disease.

(B) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no

less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record of costs.* The City Clerk-Administrator shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(D) *Unpaid charges.* On or before September 1 of each year, the City Clerk-Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

### **§92.03 CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES**

(A) *General provisions.*

(1) *Purpose and intent.* The purpose of this section is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dumpsite may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

(2) *Interpretation and application.*

(a) In their interpretation and application, the provisions of this section shall be construed to protect the public health, safety and welfare.

(b) Where the conditions imposed by any provision of this section are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(c) Should any court of competent jurisdiction declare any section or subpart of this section to be invalid, such decision shall not affect the validity of the section as a whole or any part thereof, other than the provision declared invalid.

(3) *Fees.* Fees for the administration of this section may be established and amended periodically by resolution or ordinance of the City Council.

(4) *Definitions.* For the purposes of this section, the following terms or words shall be interpreted as follows:

**Child.** Any person less than 18 years of age.

**Chemical Dumpsite.** Any place or area where chemicals or other waste materials used in a clandestine dug lab has been located.

**Clandestine Drug Lab.** The unlawful manufacture or attempt to manufacture controlled substances.

**Clandestine Drug Lab Site.** Any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, accessory structures, a chemical dumpsite or any land.

**Controlled Substance.** A drug, substance or immediate precursor in Schedules I through V of M.S. § 152.02 as it may be amended from time to time. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

**Household Hazardous Wastes.** Waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Cambridge County Health Department rules and regulations.

**Manufacture.** In places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, or drugs.

**Owner.** Any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site or chemical dumpsite.

**Public Health Nuisance.** All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

(B) *Administration.*

(1) *Law enforcement notice to other authorities.* Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must be promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

(2) *Declaration of property as a public health nuisance.* If law enforcement determines the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.

(3) *Notice of public health nuisance to concerned parties.* Upon notification by law enforcement authorities, the City Building Official shall promptly issue a Declaration of Public Health Notice for the affected property and post a copy of the Declaration at the probably entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:

(a) Occupants of the property;

(b) Neighbors at probably risk;

(c) The City of Cambridge Police Department; and

(d) Other state and local authorities, such as MPCA and MDH, that are known to have public and environmental protection responsibilities that are applicable to the situation.

(4) *Property owner's responsibility to act.* The Building Official shall also issue an order to abate the public health nuisance, including the following:

(a) Immediately vacate those portions of the property, including building or structure interiors that may place the occupants or visitors at risk.

(b) Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. The property owner shall notify the city of actions taken and reach an agreement with the city on the clean-up schedule. The city shall consider practical limitations and the availability of contractors in approving the schedule for clean up.

(c) Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy and that the clean up was conducted in accordance with the Minnesota Department of Health guidelines.

(5) *Property owner's responsibility for costs.* The property owner shall be responsible for all costs of vacation or clean up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dumpsite clean up. Public costs may include, but are not limited to:

(a) Posting of the site;

(b) Notification of the affected parties;

(c) Expenses related to the recovery of costs, including the assessment process;

(d) Laboratory fees;

- (e) Clean-up services
- (f) Administrative fees; and
- (g) Other associated costs.

(6) *Recovery of public costs.*

(a) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the city Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

(b) If the city is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

(c) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to M.S. Chapter 463, as it may be amended from time to time.

(d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25% of the costs for administration. The city may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special assessment against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S. § 429.101, as it may be amended from time to time.

(7) *Authority to modify or remove declaration of public health nuisance.*

(a) The Building Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

(b) Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

(C) *Violations and penalties.* Any person violating any provisions of this section is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S. § 609.02, Subd. 3, as it may be amended from time to time.

## **NUISANCES**

### **§ 92.15 DEFINITIONS**

As used in this chapter the following words and terms shall have the meanings ascribed to them in this section

**ABANDONED VEHICLE:** A motor vehicle that:

- (1) Has been illegally parked on public property for a period of more than 48 hours;
- (2) Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours; and
- (3) Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

**Front Yard Area.** All that area between the front property line and a line drawn along the front face or faces of the principal structure on the property extended to the side property lines.

**Inoperable Condition.** The vehicle has no substantial potential use consistent with its usual function and shall include a vehicle that: a) has a missing or defective part that is necessary for the normal operation of the vehicle, b) is stored on blocks or jacks or other supports.

**Junk Vehicle.** An inoperable motor vehicle which is partially dismantled, which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind unless such vehicle is kept in an enclosed garage. An abandoned vehicle shall also be considered a junk vehicle for the purpose of this chapter.

**Nuisance.** Any act, substance, matter emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged 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 Cambridge. 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 or
- (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 or
- (3) Is guilty of any other act or omission declared by law to be a public nuisance specifically provided or
- (4) Anything left or displayed for sale on public or private property without written permission by the owner or person in control of the property may be tagged and/or towed at the owner's expense.
- (5) In any way render the public insecure in life or in use of property.

**Occupant.** Includes any person living in or in control of any dwelling unit upon property wherein a motor vehicle is parked.

**Vehicle or Vehicles.** Any “motor vehicle” as defined in Minnesota Statutes.

**Vital Component Parts.** Those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

## § 92.16 NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

- (A) Diseased Animals: All diseased animals running at large.
- (B) Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.
- (C) Weeds: All noxious weeds are prohibited. Tall grasses, nuisance weeds and rank vegetative growth shall be maintained at a height of twelve inches or less.

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnson grass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sow thistle, Poison Hemlock, Purple Loosestrife, Quack grass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.

(6) The term **Weeds** does not include shrubs, trees, cultivated plants or crops.

(7) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(D) Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, and other cut vegetative debris, or other 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, tin cans or other material of any kind on private property.

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

(F) Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements of Section 156.062.

(G) Keeping of Farm Animals: The keeping of cows, horses, sheep, goats or any four legged animal commonly known as farm animals, or as defined in Chapter 95.

(H) Service Stations: Operation of a business involving the sale of motor fuel and/or the repair of motor vehicles in the following manner.

(1) The use of service station premises for the sale, or for display in aid of sale, of any motor vehicle.

(2) The use of service station premises for storage of damaged or abandoned motor vehicles for in excess of seven days without a directive of the Chief of Police.

(3) The storing of or the allowing of accumulation of any of the following items on service station premises in view of adjacent land:

- (a) Used oil cans.
- (b) Discarded auto parts.
- (c) Discarded tires.
- (d) Any other items of similar debris.

(I) Building Maintenance and Appearance: Buildings, fences, and other structures which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they: 1) are unsightly, 2) decrease adjoining landowners and occupants enjoyment of their property and neighborhood, and 3) adversely affect property values and neighborhood pattern.

(J) Standards: Any building, fence or other structure is a public nuisance if it does not comply with the following requirements:

(1) All wires which are strung less than 15 feet above the surface of any public street or alley.

(2) All exterior doors, windows, and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

(3) 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.

(4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

(5) 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.

(6) All foundations shall be structurally sound and in good repair.

(K) Declaration of Nuisance: The outside parking, storage, or installation on residentially-zoned property of vehicles, signs, 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: 1) obstructs views on streets and private property, 2) creates cluttered and otherwise unsightly areas, 3) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, 4) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and 5) otherwise adversely affects property values and neighborhood patterns.

(L) Unlawful Parking and Storage:

(1) No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, play houses, or other similar nonpermanent structures outside continuously for longer than 24 hours in the front-yard area of residentially-zoned property.

(2) No person may place, store, or allow the placement or storage of pipe, lumber, steel, machinery or similar materials including all materials used in connection with a business, outside on residentially-zoned property.

(3) No person shall cause, undertake, permit or allow the outside parking and storage of vehicles in residentially-zoned property unless it complies with the following requirements.

(a) Vehicles which are parked or stored outside shall be on an improved surface as defined in Chapter 156.062.

(b) All vehicles, watercraft and other articles stored outside on residential property must be owned by a person who is a legal resident of that property.

(4) No person owning, driving, or in charge of any commercial vehicle exceeding 12,000 GVW may cause or permit that vehicle to be parked outside except in the UR or RA districts.

(5) No truck or commercial vehicle weighing in excess of 9,000 pounds licensed weight shall be parked on a public street at any time in a residential zone.

(M) Exceptions: The prohibitions of this Section shall not apply to the following:

(1) Any motor truck, pickup truck, or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

(2) Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

(N) Vehicles Constituting a Public Nuisance:

(1) Abandoned and Junk Vehicles Create Hazard: Abandoned and junk vehicles are declared to be a public nuisance creating hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter and unsightly debris and is a blight on the landscape and a detriment to the environment. It shall be unlawful for a person to pile, store or keep wrecked, junked or abandoned motor vehicles on private or public property.

(2) Vehicles Impeding Traffic Flow: Any vehicle, whether occupied or not that is found stopped, standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to be a public nuisance.

(3) Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.

(4) Vehicles Without License Plates: Except where expressly permitted by state law, any vehicle shall be deemed to be junked or abandoned if said vehicle does not have attached thereto a valid and current license plate issued by the proper State agency.

(O) Abatement of Vehicles:

(1) Impounding: Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner by the towing contractor only upon payment of the required impound, towing and storage fees.

(2) Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles.

(P) Graffiti: Graffiti shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, dumpsters or other permanent structures on public or private property and which has the effect of defacing the property.

(Q) Any condition inside a dwelling that may pose a threat to the health, safety, and general welfare of the community, including garbage, filth, feces, mold accumulations, and the like.

(R) Un-secured Dwellings: A dwelling that is not secured including open doors, windows, and garage doors.

### **§ 92.17: NUISANCES AFFECTING PEACE AND SAFETY**

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

(A) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall.

(B) Low Wires and limbs: All wires and limbs of trees which are so close to the surface of the sidewalk or street as to constitute a danger to pedestrians or vehicles.

(C) Dangerous Buildings: All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their original value or which are so situated as to endanger the safety of the public.

(D) Explosives: All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law.

(E) Noises: All unnecessary noises and annoying vibrations. The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 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.

A property owner in the B-1 Downtown Business District that holds a valid liquor license issued by the City of Cambridge may request as part of the Street Closure Process to hold a single-day event in the B-1 Downtown Business District that would generate noise until 11:00 p.m. The Council may allow up to six such events per year with a maximum of two events per licensed establishment.

(F) Radio Aerials: Radio aerials strung or erected in any manner except that provided by law.

(G) Storage of Wood: The storage of any wood or wood product used or intended to be used as fire wood on residential properties within the City unless wood piles are erected, located and maintained in accordance with Section 156.062.

(H) Junk: The outside piling, storing or keeping of old machinery, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property.

(I) Obstruction of Streets: 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 public streets or sidewalks.

(J) Dangers Attractive to Children: All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.

(K) Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such material to fall or land in the City.

(L) Interfering With Drainage: 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.

(M) Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when it will not unduly impede or interfere with traffic.

(N) Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys or gutters.

(O) Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks

(P) Interference With Radio Or TV: All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation of any defective electrical appliances and equipment.

(Q) Storing of Boats, Trailers, any Sport vehicle, Recreational Vehicles, and Inoperative Motor Vehicles In Front Yards unless on the driveway during the season of customary use only:

(1) For the purpose of this Section, "front yard" means any area between any public street and a line parallel to the public street at the building line

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

(S) 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.

(T) 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.

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

(V) Engine Braking: No person may slow a vehicle by the practice known as engine braking, also referred to as “jake braking” or “dynamic braking,” whereby rapid downshifting of a vehicle’s engine is used in lieu of applying a vehicle’s brakes, causing loud noises to emit from the vehicle’s engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the corporate limits of the City of Cambridge is hereby declared to be a public nuisance and is prohibited. This section shall not apply to emergency vehicles.

(1) Penalty. Any person violating item V of this section may be issued an administrative citation.

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

(X) Throw items from, jump from, hang from, climb upon, or engage in any other unsafe or disruptive behavior on any bridge within the City limits.

## **§ 92.18 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

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

(A) All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;

(B) Betting, bookmaking and all apparatus used in those occupations;

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

(D) 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;

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

**§ 92.19 PUBLIC NUISANCE UNLAWFUL**

It shall be unlawful for any person, firm, corporation or association to maintain any public “nuisance” as defined in this Chapter and it shall further be unlawful to do any act which act is defined as a public “nuisance” in this Chapter.

**§ 92.20 ENFORCEMENT**

The City Council authorizes the Police Department or Community Development Director (or designee) to administer and enforce this Chapter. The Police Department or Community Development Director may institute, in the name of the City, any appropriate actions or proceedings against a violator as provided by law.

**§ 92.21 CITY ABATEMENT OF PUBLIC NUISANCES**

(A) Notice: Whenever an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, and determines that the City abatement process is appropriate, the officer shall notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated or abated.

(B) Service of Notice: The notice shall be served in person or by regular, 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.

(C) Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall immediately report that fact to the City Council. The enforcing officer shall also provide notice to the owner or occupant of the premises that the City Council will consider the matter and may provide for abating the nuisance by the City. The notice shall state the date on which the City Council will consider the matter Notice by the enforcing officer shall be given at least ten days before the date stated in the notice when the City Council will consider the matter. If notice of the fact that the City Council will consider the matter is given by posting at least 30 days shall elapse between the day of posting, and the date of consideration by the City Council.

(D) Action of City Council: Upon notice from the enforcing officer of noncompliance, the City Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City.

(E) Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the City may abate the nuisance immediately with no hearing.

## **§ 92.22 RECOVERY OF COST**

(A) Personal Liability: The owner of premises on which a nuisance has been abated by the City 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 Administrator, or other official designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Administrator .

(B) Assessment: If the nuisance is a public health or safety hazard on private property, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect infected trees, the City Administrator shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes section 429.101 against each separate lot or parcel to which the charges are Attributable. The City Council may then spread the charges against such 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 10, as the City Council may determine in each case

## **§ 92.23: ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES**

(A) Notwithstanding the provisions of section 92.21 of this chapter, city officers charged with enforcement of this chapter shall follow the accelerated procedure described below for abating tall grasses, nuisance weeds, and other vegetative growth under subsection 92.16C of this chapter, debris and garbage under subsection 92.16D, graffiti under subsection 92.16P of this chapter, debris or garbage in dwellings under subsection 92.16Q, unsecured dwellings under subsection 92.16R, junk and debris under subsection 92.17H.

(1) Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance proscribed under subsection 92.16C, 92.16D, 92.16P, 92.16Q, 92.16R, 92.17H of this chapter is being maintained or exists on premises in the city, written notice by regular or certified first class mail shall be provided to the property owner or occupant. If the premises are not occupied and the owner is not known, the notice may be served by posting it on the premises. The certified notice shall specify the nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the nuisance is not abated within 5 working days that the city will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.

(2) Abatement by City: If the owner or occupant fails to comply with the certified mail notice, within 5 days, the city shall provide for abatement of the nuisance. The officer charged with enforcement shall keep records of the cost of abatement and shall provide this information to the City Administrator for assessment against the property pursuant to section 92.22 of this chapter.