

## Chapter 22 ENVIRONMENT\*

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\*Cross reference(s)--Animals, ch. 10; businesses, ch. 18; fire prevention and protection, ch. 30; manufactured homes and trailers, ch. 42; offenses and miscellaneous provisions, ch. 46; sanitation, ch. 54.  
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### Article I. In General

Secs. 22-1--22-25. Reserved.

### Article II. Nuisances

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### ARTICLE I. IN GENERAL

Secs. 22-1--22-25. Reserved.

### ARTICLE II. NUISANCES\*

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\*Cross reference(s)--Nuisance caused by animal, § 10-7.

**Municipal powers as to nuisances, Minn. Stat. § 412.221, subd. 23; nuisances generally, Minn. Stat. § 561.01 et seq.**

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**Sec. 22-26. Generally.**

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

- (1) Maintains or permits a condition which unreasonably injures, or endangers the safety or health of the public.
- (2) Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

(Code 1977, § 8.01; Mo. of 5-12-82, § 8.01)

**Sec. 22-27. Public nuisances affecting health.**

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

- (1) Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a rodentfree and flytight closed container designed for such purposes.
- (2) Failure to maintain a structure as to avoid health hazards.
- (3) Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger health.
- (4) Causing or allowing the effluent from any cesspool, septic tank, drainfield or sewage treatment system to discharge upon the surface of the ground.

- (5) Causing or allowing the contamination of any well, cistern, stream, lake or other body of water by sewage, waste or other material or substances.
- (6) Allowing exposed accumulation of decayed or unwholesome food or vegetable matter.
- (7) Allowing a diseased animal to run at large.
- (8) Allowing accumulation of pools or ponds of stagnant water.
- (9) Allowing accumulation of manure, refuse or other debris.
- (10) Allowing the discharge of dense or excessive smoke, noxious fumes, soot or cinders in unreasonable quantities.

(Code 1977, § 8.02; Mo. of 5-12-82, § 8.02)

**Sec. 22-28. Authority of sanitarian.**

It shall be the duty of the council by and through the sanitarian to enforce the provisions of this article and the sanitarian is hereby delegated authority to enforce the provisions of this article, including the power to inspect private premises, issue orders for abatement and abate nuisances.

(Code 1977, § 8.03; Mo. of 5-12-82, § 8.03)

**Sec. 22-29. Enforcement procedure.**

Whenever in the judgment of the sanitarian, or the representative charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the sanitarian or representative shall notify in writing the person committing or maintaining such nuisance and require him to terminate and abate the nuisance and to remove such conditions or remedy such defects. The written notice shall be served upon the person

committing or maintaining the nuisance in person or by registered or certified mail. If the premises are not occupied, and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance. The maximum time for the removal of the nuisance after service of the notice shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service with the clerk setting forth the manner and time thereof. When the order to abate, as contained in the notice, has not been complied with, such noncompliance shall be reported to the council for such action as may be necessary and deemed advisable to abate and enjoin the further continuation of the nuisance.

(Code 1977, § 8.04; Mo. of 5-12-82, § 8.04)

#### **Sec. 22-30. Abatement.**

If, after service of notice pursuant to section 22-29, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the sanitarian, the council may cause such nuisance to be abated at the expense of the city and recover such expenditures by civil action against the person served; or, if service has been had upon the owner or occupant, by ordering the clerk to extend such sum as a special tax against the property upon which the nuisance existed and to certify the same to the county auditor-treasurer for collection in the same manner as taxes and special assessments are certified and collected.

(Code 1977, § 8.05; Mo. of 5-12-82, § 8.05)

#### **Sec. 22-31. Penalty.**

Any person who shall cause or create a nuisance or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the

provisions of this article, upon conviction thereof, shall be guilty of a misdemeanor.

(Code 1977, § 8.06; Mo. of 5-12-82, § 8.06)