

**AN ORDINANCE AMENDING THE PELICAN RAPIDS CITY CODE
REVISING PART 1 AND PART 2 OF
CHAPTER EIGHT. NUISANCES AND OFFENSES**

Ordinance No. 2025-01

THE COUNCIL OF THE CITY OF PELICAN RAPIDS DOES ORDAIN:

SECTION ONE. That the Pelican Rapids City Code be revised, with language being added or ~~removed~~, as follows:

801.01 PUBLIC NUISANCE DEFINED

Whoever by his 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:

1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of any members of the public; or
2. Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
3. 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.

801.02 PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Accumulations of manure, refuse or other debris;
6. Privy vaults and garbage cans, containers and equipment 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;

7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
8. All noxious weeds and other rank growths of vegetation upon public or private property;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
10. Any offensive trade or business as defined by statute not operating under local license.

801.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

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

1. All snow and ice not removed from public sidewalks as required by this City Code;
2. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
3. 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;
4. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this code or other applicable law;
5. All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
6. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
7. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies and/or automobile parts, or any other material;
8. 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;
9. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;

10. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
11. All dead or dying trees, except for elm trees, which are regulated by Part 3 of this Chapter;
12. Any building that has been destroyed by fire, has been abandoned, or is in such condition as to constitute a hazard to any child or other person coming on the premises;
13. All other conditions or things which are likely to cause injury to the person or property of anyone;
14. The storage of any unlicensed, unregistered or inoperable vehicle; *the storage of any vehicles with illegible or obstructed license plates*; or the storage of household furnishings or appliances on public or private property, unless housed within a lawfully erected building is hereby declared to be a nuisance;
15. Conditions which are conducive to the harborage or breeding of vermin shall be considered a nuisance. All property shall be maintained in such a manner as not to attract or harbor rodents or other vermin in such numbers as to cause damage to property or present a health threat, safety issue, or nuisance to adjoining properties. Vermin infestations include, without limitations, rats, mice, skunks, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies.
- 16. All unnecessary and annoying vibrations.*
- 17. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.*
- 18. Wastewater cast upon or permitted to flow upon streets or other public properties.*

801.04 DUTIES OF CITY OFFICERS

The City Administration ~~Clerk~~ shall enforce the provisions of this ordinance. The police department shall assist in the enforcement of this ordinance. Such officers (the City Administration ~~Clerk~~ and officers of the City police department) shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

801.05 ABATEMENT

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by 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. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter the Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City as permitted by applicable rules and laws of the State of Minnesota. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting the notice and the hearing. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

801.06 RECOVERY OF COST

Subdivision 1. 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 Clerk or other official designated by the Council 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.

Subdivision 2. Assessment. 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-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Chapter III, Part 2 of this code.

PART 2. WEEDS, GRASS AND OTHER USELESS AND TROUBLESOME PLANTS

802.01 DEFINITION OF WEEDS

The word “weeds” as used in this section shall be construed to mean and include all noxious weeds as defined by the Statutes of the State of Minnesota and all such useless and troublesome plants as are commonly known as weeds to the general public.

802.02 NUISANCE

All weeds or growing grass upon any lot or parcel of land in the City of Pelican Rapids to the greater height of eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the City.

802.03 ABATEMENT

When any conditions exist any parcel of land in the City described in Section 802.02, it shall be the duty of the City Clerk to serve a notice on the owner, occupant, or agent of such lot or parcel of land ordering such person to have such weeds or grass cut and removed or otherwise eradicated or removed within 10 days after the service of such notice; such notice shall also state that in event of non-compliance, removal will be done by the City of Pelican Rapids at the owner's expense. When no owner, occupant or agent of the owner can be found, notice shall be sent by certified ~~or~~ **registered** mail to the person who is listed on the records of County Auditor or County Treasurer as the owner; service will be complete with mailing. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

802.04 ASSESSMENT

If such person fails to comply with the notice within 10 days after service, the City Clerk shall have such weeds or grass cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. Any unpaid charges by the City for the cost of eliminating such nuisance may be collected as a special assessment pursuant to Chapter III, Part 2 of this code.

SECTION TWO. That this ordinance shall take effect and be in force on _____.

Adopted this _____ day of _____, _____.

ATTEST: _____

By: _____

By: _____

Its: _____

Its: _____