

ST. STEPHEN CITY CODE  
CHAPTER 9: NUISANCES AND OFFENSES

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ORDINANCE 93     NUISANCES

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Section 93.01: DEFINITIONS OF PUBLIC NUISANCE. It shall be unlawful and a public nuisance to do any act, or to permit the occurrence on property under a person's control any act or omission which is defined or declared a nuisance in this ordinance, or which:

- a)     Annoys, injures or endangers the safety, health comfort or repose of the public.
- b)     Offends public decency.
- c)     Unlawfully interferes with the use of or obstructs, or intends to obstruct or render dangerous for passage, a river, lake, stream, creek, canal, or basin or unlawful interference with the use of a public park, square, street, alley or highway.
- d)     In any way renders a considerable number of persons insecure in life or in the use of property.

Section 93.02: NUISANCES AFFECTING PEACE & SAFETY ENUMERATED. The following are declared to be nuisances affecting public peace and safety.

Subd. 1: Old Machinery and Debris. The uncovered piling, storing or keeping of old machinery, motor vehicle component parts including but not limited to engines, transmissions, wheels, tires and doors, cut or uncut timber, pipes or other junk or debris.

Subd. 2: Junk Cars. To have located upon any property in a residentially zoned area any motor vehicle which:

- a)     Lacks vital component parts, which are defined to mean those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.
- b)     If it is in an inoperable condition such that it has no immediate potential for further use consistent with its usual function.
- c)     If wrecked or junked and does not have a valid current motor vehicle license attached thereto, unless such motor vehicle is stored entirely within an enclosed permanent structure or within a fenced area which entirely hides the vehicle from the view of people who are on adjacent property.

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Subd. 3: Abandoned Excavation. To leave any abandoned basement, well, shaft, wall, cesspool, or septic tank, or other excavation unless covered or filled or otherwise protected as to prevent persons from accidentally falling into the same or being injured thereby.

Subd. 4: Abandoned Refrigerator. To leave any unused icebox, refrigerator, or other box with a door thereon which will effectively exclude air when shut.

Subd. 5: Dangerous Machinery. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.

Subd. 6: Leaking or Spilling Liquids from Trucks. To transport by truck or other vehicle, over any streets, alleys or other public way, any line substance or fluid materials, unless such truck or vehicle is so constructed as to prevent the leakage of such material, substance or liquid, or if such material, substance or liquid emits an offensive odor or smell, without having a tight covering thereon.

Subd. 7: Rubbish and Garbage. To allow any accumulation of rubbish, garbage, ashes, trash or waste oil or any combination thereof that exceeds that which would ordinarily occur in one week. All garbage or refuse shall be stored in a container designed and constructed for the purpose of storing garbage or refuse, and the container shall be covered.

Subd. 8: Animals. To negligently or willfully permit diseased animals owned or controlled by him/her to escape control or to run at large; or to permit infestation or harborage of pests or rodents and/or other vermin such that development and/or reproduction occurs or may occur.

Subd. 9: Furniture and Mattresses. To prevent or allow upholstered furniture or a bed mattress to be stored in a place or location where it would be exposed to the weather elements, except under circumstances where the item will be picked up and transported to a disposal site within 48 hours.

Subd. 10: Weeds. To permit or maintain on any lot or land any growth of noxious weeds to a height greater than 10 inches. For purposes of this ordinance, "noxious weeds" shall be as defined in Minnesota Statutes ' 18.171 and 21.47.

Section 93.03: DUTY TO COMPLY WITH ORDINANCE. No person shall cause or create any nuisance or permit any nuisance to be created or be placed upon or remain upon any premises owned or occupied by them; nor shall any persona fail to comply with any reasonable order made pursuant to the provisions of this Ordinance.

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Section 93.04: ENFORCEMENT. It shall be the duty of the Health Committee (acting in conjunction with the City's Police Department or Stearns County Sheriff's Department) to enforce the provisions of this Ordinance, including the power to inspect private premises and issue orders for abatement. Whenever, in the judgment of the Health Committee, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the following shall apply:

Subd. 1: Notification. The Health Committee shall notify in writing the person/s committing or maintaining such nuisance and require the person/s to terminate and abate said nuisance and to remove such condition or remedy any such defects. Such written notice shall be served upon the person/s committing or maintaining such nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be made by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within five days to abate and remove said nuisance. The maximum time for the removal of said nuisance, after service of said notice, shall not, in any event, exceed ten days. Service of said notice may be proved by filing an Affidavit of Service with the Court Administrator, setting forth the manner of time thereof.

Subd. 2: Abatement of Nuisance. If, after service of notice, the person/s fail/s to abate the nuisance or make the necessary repairs, alterations or changes, in accordance with the order of the Health Committee, the City may cause such nuisance to be abated at the expense of the City and recover such expenditure by assessing the cost of the enforcement action against the real property upon which the nuisance existed and to certify the same for collection in the same manner as taxes and special assessments are certified and collected. In addition, the violation of this Ordinance shall be a petty misdemeanor as set forth below.

Section 93.05: PENALTY. A violation of this Ordinance shall constitute a petty misdemeanor. Each violation of the provisions of this Ordinance shall constitute a separate offense. Each day of violation shall constitute a separate offense. If the same individual is charged with a second violation of this Ordinance, within one year of a prior conviction under the Ordinance, the second offense shall constitute a misdemeanor.