

**CITY OF EMPIRE
COUNTY OF DAKOTA
STATE OF MINNESOTA**

ORDINANCE NO. 281-A

**AN ORDINANCE DEFINING NUISANCES,
PROHIBITING THEIR CREATION OR
MAINTENANCE AND PROVIDING FOR
CHARGING PENALTIES FOR VIOLATION THEREOF**

The City Council of the City of Empire Ordains as follows:

Section 1. **Purpose.** The purpose of this ordinance is to protect the general, health, safety and welfare of the citizens of the City of Empire by prohibiting the occurrence and maintenance of public nuisances and eliminating junk and blight within the City. This ordinance allows for the charging of a payable offense against those causing or maintaining a public nuisance.

Section 2. **Public Nuisance Defined.** A public nuisance is a thing, act or use of property which:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable numbers of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Any other act or omission declared by law or this ordinance to be a public nuisance.

Section 3. **Public Nuisance Affecting Health.** The following are hereby declared to be nuisances affecting health:

- A. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- B. Depositing garbage, rubbish, litter or refuse on any public property, including streets, sidewalks, and parks, except in public receptacles and in such a manner that the garbage, rubbish or litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place.

Section 4. **Public Nuisances Affecting Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

- A. Depositing, or causing to be deposited, any snow or ice on or against any fire hydrant or on any sidewalk or roadway; pushing snow across road per MN Stat. §§ 160.2715, subd. (a)1; 169.42, subd.1.
- B. 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 City Ordinances or other applicable law;
- C. Placing or storing on any street, sidewalk, alley or public right-of-way any boxes, dumpsters, goods, wares, merchandise, building materials, machinery, business or trade article except for the purpose of immediately transferring the same to some other proper place;
- D. Any use of property abutting 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 the street or sidewalk and which activity is conducted without a permit, license or other permission duly granted by the City;
- E. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- F. The outdoor keeping of non-farm animals which make habitual or excessive barking, howling, crying, whining, baying, or other detectable sounds which disturb the peace and quiet of adjacent or nearby properties. Habitual or excessive animal noises are those which occur repeatedly for a period of five minutes or more with a time lapse of 30 seconds or less of no sounds or are those intermittent sounds lasting for a period of 30 minutes or more.
- G. Any distinctly and loudly audible noise, except noise generated from normal farm practices, that unreasonably annoys, disturbs, or endangers the comfort, peace, or welfare of any person, or precludes their enjoyment of property.
- H. The deposition of garbage or refuse on a public right-of-way or on adjacent private property;
- I. Permitting dirt, rocks or mud from construction or landscaping activities to be carried or deposited onto nearby streets, storm sewers, sidewalks, ditches or other public ways and the gutters thereof;
- J. It shall be unlawful in the MXR Mixed Residential District to operate gas-operated all-terrain vehicles, amphibious vehicles, off-road four-wheel drive vehicles, dune buggies, motor bikes, motor scooters, motor cycles, mopeds, go-karts and similar

self-propelled off-road or on-road wheeled vehicles on public property, except for golf carts that have obtained a permit from the City, at any time or on private property for more than one hour per day. No more than three vehicles shall be operated on the same property at the same time. The lawful hours of operation for said vehicles in the MXR Mixed Residential District shall be from 12:00 p.m. to 7:00 p.m. The operation of said vehicles shall require operable stock mufflers and said vehicles shall be operated consistent with Minnesota State noise standards. No property shall include construction of a track for the operation of said vehicles and the operation of said vehicles shall not result in the visible loss of natural vegetation, or paths, or ruts on any property. It shall be unlawful in the MXR Mixed Residential District (whether on public or private property) to operate dirt bikes at any time. This subsection shall not regulate the operation of any properly licensed vehicles on public roadways or the use of self-propelled children's vehicles, provided said vehicles do not exceed ten miles per hour, nor shall this subsection affect the use of any self-propelled vehicle, wheelchair or equipment used by persons with physical disabilities as an aid to compensate for the physical disability.

Section 5. **Responsibility.** The owner and tenant of any premises on which a violation of this ordinance occurs shall make every reasonable effort to see that the violation ceases. Violations of this ordinance shall be deemed the act of both the person committing the act and the person in possession, control, custody, or having charge of the premises who allows or permits the violation to take place. Violations of this ordinance shall also be deemed the act of a nonresident landlord, provided he or she has received written notice from the City of the violation and has failed to make every reasonable effort to see that the violation ceases.

Section 6. **Enforcement.**

Officers. The City Council shall have the duty of enforcing the provisions of this Ordinance. In addition, any law enforcement agency with which the City Council has contracted for law enforcement services shall have the authority to enforce the provisions of this Ordinance. The City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this Ordinance, including the power to inspect private premises, and the officers charged with enforcement of this Ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 7. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction be guilty of a misdemeanor and shall be punished pursuant to applicable State Statute regarding misdemeanor penalties, as amended, plus the costs of prosecution. The City hereby designates such an offense a "payable" offense in the amount of \$75 per offense. Each day a nuisance continues to exist is deemed a separate punishable offense under this ordinance.

Section 8. **Separability.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid by a court of competent jurisdiction, it shall not affect any other section, provision, or part.

Section 9. **Effective Date.** This Ordinance is effective upon its passage and publication according to law.

Section 10. **Repealer.** Any previous ordinance adopted by the City of Empire that is inconsistent with this ordinance is hereby repealed to the extent of such inconsistency.

Passed this 8th day of August 2023.

Trent Larson, Mayor

ATTEST:

Charles Seipel-Teng, Clerk-Administrator