

NUISANCE ORDINANCE

ORDINANCE #54

An ordinance defining nuisances, prohibiting their creation, or maintenance and providing for the abatement and penalties thereof.

The City Council of the City of Rose Creek does hereby ordain:

SECTION I: That the following are hereby declared to be public nuisances, affecting health, safety, comfort, public repose, public peace and safety, and unlawful acts.

- a. Permitting domestic farm animals to run at large within the City Limits.
- b. Accumulating trash, or dumping or depositing any dead animals, garbage, waste, or material of any malodorous nature on any public or private property.
- c. Storage or keeping (1) unlicensed, dismantled, wrecked, or inoperative automobiles or vehicles for non-commercial purposes within the City limits for more than 45 days, excluding any bona fide salvage yards.
- d. All other conditions, acts, or things which are liable to cause injury to the person or damage to the property of others.
- e. All other acts, omissions, occupations and uses of property, which are deemed by the City Council, to be a menace to the health of the inhabitants of the city, or a considerable number thereof.

SECTION II: The Council may by resolution, delegate the power to enforce particular provisions of this ordinance, to public officers or agencies, or to its agents and employees.

SECTION III: Whenever, in the judgement of the City Council, it is determined, upon a preliminary investigation of a complaint, filed with the City Clerk, that a public nuisance may be maintained, or is existing within the City, the City Clerk shall notify the person committing or maintaining such public nuisance, in writing. Such notice shall require him to appear at a specified time and place, to discuss and explain said public nuisance, and its abatement or removal.

If after said notice, said person shall fail to appear, or after said preliminary hearing, in the judgement of the City Council, it is determined that a public nuisance is being maintained, or exists within the City, the City Clerk shall notify the person committing or maintaining said public nuisance to remove said conditions, or remedy such defect. Said final notice shall require the owner or occupant of such premises, or both, to take steps within a reasonable time, as designated in said notice, to remove said public nuisance.

Said preciminary and final notices shall be served on the person committing or maintaining said nuisance in person or by certified mail. If the premises are not occupied and the address of the owner is unknown, service may be made upon the owner thereof by posting a copy thereof upon the premises..

SECTION IV: If after such services of notice, the person fails to abate the nuisance, or make the necessary repairs or changes, in accordance with the direction of the City Council, the City Clerk may cause such nuisance to be abated at the expense of the City, and to recover such expenditures, by civil action against the person, or persons served, and by ordering the City Clerk to extend such suit, as a special tax against the property upon which the nuisance existed, and to further certify the case to the Auditor of Mower County, Minnesota, for collection, in the same manner as special assessments are certified and collected, and a criminal complaint or citation for violation of this ordinance shall be issued.

SECTION V: Anyone violating any of the provisions of this Ordinance, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars(\$300.00) or imprisonment of not more than ninety days (90) or both, for each and every day that such violation continues.

SECTION VI: Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part, and if any part thereof shall be held in valid, it shall not affect any other section, provision, or part thereof.

SECTION VII: This Ordinance shall take effect and be in force from and after its passage and publication, according to law.

Passed by the City Council this 2nd day of December, 1975.

B. N. Schammel  
Mayor