

SCAMBLER TOWNSHIP NUISANCE ORDINANCE

Subdivision 1. Superseding Effect

This Nuisance Ordinance is to supersede in its entirety what was formerly codified as Article 3, Section 3.02 of the Scambler Township Zoning Ordinance prior to adoption of this Ordinance.

Subdivision 2. Public Nuisance Defined

- (01) 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:
- (02) Maintains or permits a condition which unreasonably annoys, injures or endangers the health, safety, comfort or repose of any members of the public; or
- (03) Interferes with, obstructs or renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- (04) 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.

Subdivision 3. Public Nuisances Affecting Health

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

- (01) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (02) All diseased animals running at large;
- (03) All man-made ponds or pools of stagnant water;
- (04) Carcasses of animals not buried or destroyed within 24 hours after death;
- (05) Accumulations of manure, refuse or other debris;
- (06) 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;
- (07) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
- (08) All noxious weeds and other rank growths of vegetation upon public or private property;

- (09) 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; and
- (11) Any other land use or condition found unreasonably to injure or endanger the health of any members of the public.

Subdivision 4. Public Nuisances Affecting Safety

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

- (01) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (02) All wires and limbs of trees which are so close to the surface of a street as to constitute a danger to vehicles;
- (03) Obstructions and excavations affecting the ordinary use by the public of public grounds and roads except under such conditions as are permitted by law;
- (04) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (05) Accumulations in the open of disused machinery, household appliances, automobile bodies, scrap metal, rags, paper, rubber products, glass products, lumber products, products resulting from the wrecking of automobiles or other vehicles, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating a fire, health or safety hazard from such accumulation;
- (06) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any person coming on the premises where it is located;
- (07) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
- (08) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- (09) Any building that has been destroyed by fire, has been abandoned, or is in such condition as to constitute a hazard to any person coming on the premises;
- (10) The storage of two or more unlicensed, unregistered or inoperable vehicles,

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; and

- (11) Any other land use or condition found unreasonably to endanger the safety of any members of the public.

Subdivision 5. Duties of Township Officers

The Town Board shall enforce the provisions of this ordinance. The Town Board shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Subdivision 6. Abatement

Whenever the Town Board determines that a public nuisance is being maintained or exists on premises in the township, the Town Board 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 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 of violation is not complied with within the time specified, the Town Board may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance, and further order that if the nuisance is not abated within the time prescribed by the Town Board, the Town Board may seek injunctive relief by serving a copy of the Town Board order and notice of motion for summary enforcement.

Subdivision 7. Penalty

Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor.

Subdivision 8. Limits on Retroactivity

This Ordinance shall not apply retroactively to penalize past land uses; however, any continuing land use which may be defined as a nuisance under this Section as of the effective date of this Nuisance Ordinance shall have thirty (30) days after such effective date to be brought into compliance with this Nuisance Ordinance, after which the penalties specified under this Nuisance Ordinance and the remainder of the Scambler Township Zoning Ordinance shall apply.