

ORDINANCE No-4

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

THE TOWNSHIP SUPERVISORS OF SOUTH BEND TOWNSHIP
BLUE EARTH COUNTY, MINNESOTA ORDAINS:

Section 1. Public Nuisance Defined

A public nuisance is a thing, act or use of property which shall:

- a) Annoy, injure or endanger the health, safety, comfort or repose of the public;
- b) Offend public decency;
- c) Unlawfully interfere with the use of or obstruct, or tend to obstruct or render dangerous for passage, a public water, park, square, street, alley or highway;
- d) Depreciate the value of the property of the inhabitants of the Township of South Bend or of a considerable number thereof; or
- e) In any way render the inhabitants of the Township of South Bend or a considerable number thereof insecure in life or in use of property.

Section 2. Definitions

Subdivision 1

The term Township as used herein means the Township of South Bend, Blue Earth County, State of Minnesota.

Subdivision 2

The term "person" as used herein includes any person, firm or corporation and the singular shall include the plural.

Subdivision 3

Where references are made herein to particular officers, councils, boards or agencies are those of the Township of South Bend, Blue Earth County, Minnesota.

Subdivision 4

The term "Township Supervisors" as used herein means the Township Supervisors of the Township of South Bend, Blue Earth County, Minnesota.

Section 3. Public Nuisance

Affecting Health, Safety, Comfort or Repose

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

- a) All decayed or unwholesome food offered for sale to the public;
- b) All diseased animals running at large;
- c) Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale to the public;
- d) Carcasses of animals not buried or destroyed within twenty-four hours after death;
- e) Storage or keeping wrecked or inoperative automobiles or vehicles within the Township limits for more than forty five days, excepting therefrom all junk yards duly licensed by the Township.
- f) Parking or letting stand automobiles or vehicles on the Township streets for a continuous period of forty eight hours or more;
- g) Accumulations of manure or rubbish;
- h) Privy vaults, and garbage cans which are not fly-tight;
- i) Dumping the contents of any cesspool, privy vault or garbage can except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
- j) All noxious weeds, tall grasses, and other rank growth;
- k) An accumulation of tin cans, bottles or trash or debris of any nature or description; and the throwing, dumping, or depositing

of any dead animals, manure, garbage, waste, decaying matter, ground sand, stones, ashes, rubbish, tin cans or other material or debris of any kind on private property;

- l) Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;
- m) Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
- n) All public exposure of persons having a contagious disease;
- o) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed;
- p) All other acts, omission of acts, occupations and uses of property which are deemed by the Township Supervisors to be a menace to the health of the inhabitants of the Township of South Bend or a considerable number thereof.

Section 4. Public Nuisances

Affecting Morals and Decency

The following are hereby declared to be public nuisances affecting public morals and decency:

- a) All gambling devices, slot machines and punch boards;
- b) Betting, bookmaking and all apparatuses used in such occupation;
- c) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- d) All places where intoxicating liquors are manufactured, sold, bartered or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale,

barter or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place.

- e) Any vehicle used for the illegal transportation of intoxicating liquor or any immoral purpose;
- f) All indecent or obscene pictures, books, pamphlets, magazines and newspapers and billboards;
- g) The public use of profane and obscene language;
- h) The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as "Window Peeping"
- i) All other things, acts, commissions or occupations that may be considered detrimental to the moral well being of the inhabitants of the Township of South Bend or a considerable number thereof.

Section 5. Public Nuisances

Affecting Peace and Safety

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

- a) All snow and ice not removed from public sidewalks twelve (12) hours after the snow has ceased to be deposited thereon;
- b) All wires which are strung less than fifteen (15) feet above the surface of any public street or alley;
- c) All buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one half of their original value or which are so situated as to endanger the safety of the public;
- d) All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than provided by law or ordinances;

- e) All use or display of fireworks except as provided by law or ordinance;
- f) All unnecessary noises and annoying vibrations;
- g) All buildings and all alterations to buildings made or erected in violation of fire ordinances concerning manner and materials and construction;
- h) Obstructions and excavations affecting the ordinary use of the public of streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;
- i) Radio aerals strung or erected in any manner except that provided by law or ordinance;
- j) The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
- k) The use of property abutting on 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 public streets or sidewalks;
- l) All hanging signs, awnings and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance or without proper permit;
- m) The allowing of rain, water, ice or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk.
- n) All dangerous, unguarded machinery, equipment or other property in any public place, or so situated or operated on private property as to attract minor children;

- o) Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the Township from an airplane, balloon or other aircraft, or in such a manner as to cause such material to fall on land in the Township;
- p) Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit.
- q) Making repairs to motor vehicles, or tires in public streets, or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
- r) Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys or gutters;
- s) Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
- t) All unnecessary interferences and disturbances of radios or TV sets caused by defective electrical appliances and equipment or improper operation thereof.
- u) All excessive or unusual noises or sharp popping or crackling sounds emitting from the exhaust system of any motor driven vehicle and motorcycle.
- v) All other conditions, acts, or things which are liable to cause injury to the person or property of anyone.
- w) All other acts, omissions, occupations, and uses of property which are determined by the Township Supervisors to be a menace to the health of the inhabitants of the Township of South Bend or a considerable number thereof.

Section 6. Enforcement

It shall be the duty of the Township Supervisors to enforce the provisions of this ordinance and the Township Supervisors may, by resolution, delegate to police officers or agencies, or to its agents and employees, 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. Power of Officers

Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the Township, such officer shall notify in writing the person committing and maintaining such public nuisance and require him to terminate and abate said nuisance and to remove such conditions or remedy such defects. Said written notice shall be served on the person committing or maintaining said 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 had 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 a reasonable time¹ to abate and remove said nuisance, said steps and time to be designated in said notice, but the maximum time for the removal of said nuisance after service of said notice shall not in any event exceed thirty days. Service of notice may be proved by filing an affidavit of service in the office of the Township Clerk setting forth the manner and time thereof.

When an order so given is not complied with, such noncompliance shall be reported forthwith to the Township Supervisors for such action as may be necessary and deemed advisable in the name of the Township to abate and enjoin the further continuation of said nuisance.

Section 8. Abatement of Nuisance by Township Supervisors

If, after such service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the Township Supervisors, the Township Supervisors may cause such nuisance to be abated at the expense of the Township and recover such expenditure, plus an additional twenty-five percent (25%) of such expenditures, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering Clerk to extend such sum, plus twenty-five percent (25%) thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor of Blue Earth County, Minnesota, for collection in the same manner as taxes and special assessments are certified and collected.

Section 9. Penalties

Any person who shall cause or create a nuisance or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this ordinance upon conviction thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars or by imprisonment in the county jail for not more than ninety days.

Section 10. 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, it shall not affect any other section, provision or part.

Section 11. Effective date

This ordinance shall be in force and effect from and after its passage and publication according to law.

Passed this 7th day of Sept, 1966.

Herbert G. Smith
CHAIRMAN, BOARD OF SUPERVISORS,
SOUTH BEND TOWNSHIP, BLUE EARTH
COUNTY, STATE OF MINNESOTA.

ATTEST:

Wayton Young
CLERK OF SOUTH BEND TOWNSHIP
Sept 7 - 1966

Frank M. Quisenberry
Herby Strand
Supervisor South Bend Twp
- Sept 8 - 1966
Sept 7 - 1966