

SECTION 605  
PUBLIC NUISANCES

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**605.100: PUBLIC NUISANCE DEFINED:** Any condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public, or interferes with, obstructs, or renders dangerous for passage, any public highway or right of way, or waters used by the public is a public nuisance.

**605.200: SPECIFIC CONDITIONS AND ACTIVITIES:** The following conditions are public nuisances whenever they may be found within the City:

- (1) Any weeds, dirt or rubbish, or any will, offal, garbage (except in authorized containers), ashes, manure, yard cleanings, dead animals, or any other foul or unhealthy material;
- (2) Fallen trees, fallen tree limbs, dead trees and dead tree limbs which in the opinion of authorized enforcement officers constitute a health, safety or fire hazard or threaten the public welfare;
- (3) Any sewer, private drain, sinkpool, cesspool, outhouse, privy vault, putrid or unsound flesh, meat, fish, skin, carcass, garbage, stagnant water, vegetable matter, rodents or any other substance that is offensive, nauseous, dangerous or uncomfortable to any person or to the neighborhood.
- (4) Failure to promptly pay any and all false alarm penalties as defined in Section 806.300 of the Prior Lake City Code.

605.201 Anyone carrying on or working in any trade or employment which shall be dangerous to the public health, hurtful to the inhabitants of the City or injurious to neighboring property or from which noisome odors arise shall be guilty of a violation of this Section if such person fails to cease and desist from such trade or employment within forty

eight (48) hours from the time the City Manager, or authorized designees gives notice to such person to cease and desist.

**605.300: PERMITTING NUISANCE TO EXIST:** It is unlawful for any person to permit any public nuisance to remain on any premises owned or controlled by such person within the City. Such nuisances may be abated by the City in the manner prescribed by this Section.

**605.400: NOTICE TO ABATE:** When there exists on private property a condition which is in violation of this Section, the City Manager, or authorized designees shall cause a notice to abate such nuisance to be served personally upon the owner of said premises, his agent, or the occupant of the premises, if the name of such person can be readily ascertained. Such notice may be served by mail in all cases where such owner, agent or occupant is not in the City or cannot be found therein, and if his post office address is known. Such notice shall designate therein the time after the service, or the mailing, or the posting of said notice, which the City considers a reasonable time for the abatement or removal of said nuisance.

**605.500: POSTING PLACARD ON DANGEROUS BUILDING:** When a nuisance shall be such as to render the occupancy of any building or premises within the City dangerous or unhealthy, the City Manager or authorized designees shall cause to be placed upon such building or premises a placard warning the public that such building or premises are unhealthy and should not be occupied until placed in a sanitary condition. Such placard shall be placed upon such building in cases where the nuisance is not abated within thirty six (36) hours after written notice to the owner or agent of such building or premises to abate such nuisance.

**605.600: ABATEMENT BY CITY:** If, at the end of the period fixed for the abatement or removal of a public nuisance, the nuisance has not been abated or removed by the owner, agent or occupant, the City may cause the same to be abated or removed in any manner deemed appropriate.

**605.700: SECURING VACANT BUILDINGS:** Minnesota Statutes 463.251 grants cities the authority to secure buildings that are vacant and unoccupied. That statute sets forth procedures for securing vacant buildings in: (1) non-emergency and (2) emergency situations.

605.701: Secure Defined: "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.

605.702: Securing Vacant Buildings, Non-Emergency Situation: If a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the City Council may order the building secured. In order to secure such a building, the City must follow the procedure outlined below:

- (1) The City Council must adopt a resolution:
  - a. Finding the building is:
    - vacant and unoccupied,
    - hazardous due to the fact it is open to trespass and has not been secured and
    - could be made safe by securing it, and
  - b. Ordering the building be secured.
- (2) Notice of the order to secure the building must be served on the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.
- (3) If, within six (6) days after the order is served, the owner of the building fails to either comply or to provide the City Council with a reasonable plan and schedule to comply with its order, the City Council may cause the building to be properly secured, and the cost of securing the building may be charged against the property, according to the procedure outlined in Section 605.900.

605.703: Securing Vacant Buildings, Emergency Situation: If a building becomes vacant or unoccupied and is deemed by the City Manager or authorized designees to present an immediate danger to the health and safety of persons in the community, the City Manager or authorized designees may order the vacant building be immediately secured, without following the procedure outlined in Section 605.702. The cost of securing the building may be charged against the property, according to the procedure outlined in Section 605.900.

**605.800: RIGHT OF ENTRY:** The City Manager or authorized designees shall enforce the provisions of this Section, and for the purposes of enforcing the same, or satisfying themselves whether there has been any violation thereof, they shall, where they may have reasonable cause to believe that this Section has been violated, enter upon any premises whatsoever and make reasonable search and examination after the existence or presence upon such premises of a public nuisance. No person shall resist, oppose or obstruct officers in any manner in the enforcement of this Section.

**605.900: COLLECTION OF ABATEMENT COSTS:** All costs incurred by the City for the securing of a vacant building and for the abatement and removal of a public nuisance

upon privately owned property shall be assessed, levied and collected as a special assessment payable in one sum against such premises, in the manner provided by the law for the levy and collection of other special assessments.

**605.1000: NOISE:** The purpose of this section is to protect and promote the public health, safety and general welfare by restricting activities emitting noise which unreasonably annoys, disturbs, injures or endangers the health, peace, safety or welfare of any persons or precludes their enjoyment of property.

605.1001: Unnecessary Noise, Generally:

- (1) No person, in any public or private place, at any time, shall make or assist in making, by any manner or means, any loud, unpleasant, or raucous noise or odor disturbing to others, unless the same be reasonably necessary to the preservation of life, health, safety or property.
- (2) No person shall, at any time, use or maintain any sound-amplifying equipment when the use or maintenance of such equipment creates noise so loud and unnatural in their time, place, use or maintenance as to annoy, injure, or endanger the safety, health, comfort, or repose of any persons.

605.1002: Noisy Assembly:

- (1) Definition: The term "noisy assembly" shall mean a gathering of more than one person in a residential area or building between the hours of 10:00 P.M. and 7:00 A.M. that produces noise that unreasonably disturbs the peace, quiet, or repose of a person or persons of ordinary sensibility.
- (2) Prohibition:
  - a. No person shall participate in, visit, or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except persons who have come to the gathering-for the sole purpose of abating the disturbance.
  - b. No person shall knowingly permit real estate under such person's care or control to be used for a noisy assembly. This section is enforceable during the hours stated.
- (3) Outdoor Event Permit Exception: Any event or gathering which has obtained an Outdoor Event Permit under the provisions of Section 307 of the City Code is exempted from this section.

605.1003: Equipment and Construction Activity Noise Regulations: The following activity shall be permitted on public or private property only between the hours of 7:00 A.M. and 7:00 P.M., Mondays through Saturdays, and between the hours of 8:00 A.M. and 7:00 P.M. on Sundays and legal holidays.

- (1) Construction activity, including but not limited to: operation, repair, servicing and engine start-up/warm-up of heavy construction equipment; loading and unloading of heavy equipment; and delivery of supplies;
- (2) The use of any power tools for construction activity including, but not limited to: saws; jackhammers; nail drivers; impact wrenches; and air compressors; and
- (3) Commercial repair and servicing of motor vehicles, recreational vehicles or other vehicles or equipment.
- (4) Construction activity outside of the hours listed in this Section may, upon application to the City, and for good cause shown, upon approval of the City Manager or his designees, commence prior to 7 a.m. but no earlier than 6 a.m. where it is determined by the City that to do so would be in the best interest of the public. Said application shall include, together with such other information as reasonable requested by the City, a work plan outline, detailing that the need for an earlier start time is not merely a convenience but needed to adhere to an accelerated or established project schedule. Further, the application shall include the types of activities that will occur before 7 a.m.

605.1004: Exemptions: The following activities are specifically exempted from the prohibitions under this section.

- (1) All activities and land uses regulated by conditional use permits including but not limited to fuel facilities, fast food establishments, major auto repair, school activities and day care facilities;
- (2) Snow removal activities on public or private property;
- (3) Parking lot maintenance or sweeping.

605.1005 Exceptions for Residential Maintenance.

- (1) The use of power lawn or landscape maintenance equipment, including but not limited to: lawn mowers; hedge clippers; grass/weed trimmers; garden tillers; chainsaws; leaf blowers; wood chippers by individual homeowners or occupants shall be permitted between the hours of 7:00 A.M. and 9:00 P.M., Mondays through Saturdays, and between the hours of 8:00 A.M. and 7:00 P.M. on Sundays and legal holidays.
- (2) Repair and servicing of personal motor vehicles, recreational vehicles or other vehicles or equipment by individual homeowners or occupants, in a manner consistent with the provisions of Sections 803.900 through 803.905 of the City Code, shall be permitted between the hours of 7 a.m. and 9 p.m., Mondays through Saturdays, and between the hours of 8 a.m. and 7 pm. On Sundays and legal holidays.

605.1006 Exceptions for Public Improvement Projects. Construction activity on public improvement projects under the operation and control of the State of Minnesota, or an

agency thereof, County of Scott or the City of Prior Lake, on public improvements generally for the benefit of the public may, upon application to the City, and for good cause shown, upon approval of the City Manager or his designees, commence prior to 7:00 A.M. but no earlier than 6:00 A.M. where it is determined by the City that to do so would be in the best interest of the public. Said application shall include, together with such other information as reasonably requested by the City, a work plan outline, detailing that the need for an earlier start time is not merely a convenience but needed to adhere to an accelerated or established project schedule. Further, the application shall include the types of activities that will occur before 7:00 A.M.

605.1007 Emergency Exceptions. Situations wherein immediate work is necessary to restore property to a safe condition or when immediate work is required to protect persons or property from imminent exposure to danger are exempt from operational limits.

Ord. Amend. 108-04, publ. 8/4/08

(Entire section amended with Ord. Amend. 108-03, publ.6/16/08)