

City of Glyndon

Minnesota



City Council:

Mayor Tracy Tollefson
Justin Schreiber
Bryant DeVries
Patrick McCoy
Steven Ring

Glyndon City Council Packet
For the Special Meeting Concerning
Nuisance Ordinance #194
September 6th, 2023, at 6:00 p.m.
Glyndon Community Center

SPECIAL MEETING

Glyndon City Council 9/6/2023
Agenda for Special Council Meeting at 6:00 p.m.
Nuisance Ordinance #194
Glyndon Community Center

1. **Call to Order:** Mayor Tracy Tollefson
2. **Roll Call:**
3. **Discussion Concerning Draft Copy of Nuisance Ordinance #194**
4. **Open Forum** - **this is the time for the General Public to address the Council regarding this topic. The Open Forum shall not be used to make political statements, political endorsements or for any political campaign purposes.*
5. **Adjournment:**

SPECIAL MEETING WILL BE HELD AT THE GLYNDON COMMUNITY CENTER

Zoom will not be available at the Community Center

The next Council Meeting will be held Wednesday, September 13, 2023, at 7:00 a.m.

**CITY OF GLYNDON, MINNESOTA
COUNTY OF CLAY**

ORDINANCE NO. 194

**AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN
THE CITY OF GLYNDON, MINNESOTA**

BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLYNDON AS FOLLOWS:

Ordinances No. 12, 77, 96, 105, 117, 135, 138 and 145 are hereby repealed and in their place and stead the following ordinance is adopted.

Section:

- 1-1-1. General Provisions**
- 1-1-2. Removal of Snow and Ice**
- 1-1-3. Weeds and Lawn**
- 1-1-4. Open Burning**
- 1-1-5. Noise Control Regulations**
- 1-1-6. Graffiti**
- 1-1-7. Nuisance Penalties and Abatement**

1-1-1. GENERAL PROVISIONS

A. PUBLIC NUISANCES PROHIBITED – A person must not act, or fail to act, in a manner that is or causes a public nuisance.

B. PUBLIC NUISANCES DEFINED

- 1. Generally** – A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time to:
 - a) Unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
 - b) Interfere with, obstruct, or render dangerous for passage any public highway or right-of-way, or waters used by the public; or
 - c) Greatly offend the public morals or decency; or
 - d) In any way renders the public insecure in life or in the use of property.

- 2. Public Nuisances Affecting Health** – The following are hereby declared to be public nuisances affecting health but shall not be construed to exclude other public health nuisances coming within the definition of division (1) above:
 - a) Exposed accumulation of decayed or unwholesome food or vegetable matter; or
 - b) All diseased animals running at large; or
 - c) All ponds or pools of stagnant water; or
 - d) Carcasses of animals not buried or destroyed within 24 hours after death; or
 - e) Accumulations of decaying animal or vegetable matter, trash, manure, refuse, rotting lumber, bedding, packing material, scrap metal, or other debris; or
 - f) Privy vaults and garbage cans 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; or

- g) The pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances; or
 - h) Any weeds or grasses, whether or not noxious as defined by state law, growing to a height greater than eight inches (8”), or which have gone or are about to go to seed, regardless of height; or
 - i) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities; or
 - j) All Public exposure of people having a contagious disease.
- 3. Public Nuisances Offending Morals and Decency** – The following are hereby declared to be public nuisances offending morals and decency but shall not be construed to exclude nuisances offending morals and decency coming within the definition of division (1) of this section:
- a) Any trade, occupation, commercial activity, or business as defined by statute not operating under local license; or
 - b) All bawdy houses, houses of ill fame, gambling houses and buildings, or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling; or
 - c) All illegal gambling devices and slot machines; or
 - d) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the city or by state laws; or
 - e) Any place or premises where the ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated; or
 - f) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state or other ordinances of the city.
- 4. Public Nuisances Affecting Peace and Safety** – The following are hereby declared to be public nuisances affecting peace and safety but shall not be construed to exclude other nuisances affecting peace and safety coming within the definition of division (1) of this section:
- a) All unnecessary and annoying vibrations; or
 - b) All obnoxious noises in violation of Minn. Rules Chapter 7030, as they may be amended from time to time which are hereby incorporated by reference into this section; or
 - c) Depositing of snow on streets as referenced in 1-1-2-B or the depositing of snow on someone else’s property without their permission; or
 - d) Solid waste and recycling totes placed in the right-of-way must be removed within forty-eight (48) hours; or
 - e) All buildings erected, repaired, or altered within the fire limits of the city in violation of the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures within said district; or
 - f) All unauthorized signs, signals, markings, or devices which purport to be or may be mistaken as official traffic-control devices placed or maintained upon or in view of any public highway or railway crossing; or
 - g) All fences, walls, shrubbery, or other obstructions to vision above thirty inches (30”) from the established street grades within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet (25’) from their point of intersection; or
 - h) All limbs of trees or shrubs which project over a public right-of-way or street at less than twelve feet (12’) or over a public sidewalk, park, or playground at less than eight feet (8’); or
 - i) All use or display of fireworks except as provided by the laws of the state or ordinances of the city; or
 - j) All buildings or structures which are potentially hazardous to persons or property, including but not limited to a structure which is in danger of partial or complete collapse, a structure with any exterior parts which are broken, loose, or in danger of falling, or a structure with any parts such as floors, porches, railings, stairs, ramps, balconies, decks or roofs which are

accessible and which are either collapsed, in danger of collapsing, or unable to support the weight of normally imposed loads; or

- k) All wires over streets, alleys, or public grounds which are strung less than fifteen feet (15') above the surface of the street or ground; or
- l) All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by ordinance; or
- m) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk; or
- n) All abandoned refrigerators, iceboxes, washers, or dryers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only; or
- o) Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk, or of a public street, alley, or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks; or
- p) Any abandoned above or underground tank whose capacity exceeds 1,100 gallons; or
- q) Repeated or continuous violations of the ordinances of the city or laws of the state; or
- r) Unoccupied buildings or unoccupied portions of buildings which are unsecured, including those with broken or missing windows or doors; or
- s) A vacant building or portion of a vacant building which has multiple housing code or building code violations or has been ordered vacated by the city or which has a documented and confirmed history as a blighting influence on the community.

5. Other Public Nuisances – It is hereby determined that dilapidated fences and the storage or accumulation of trash, rubbish, junk, refuse, inoperable vehicles, building materials, and demolition materials upon any private property within the city tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, and is contrary to the public peace, health, safety, and general welfare of the community.

C. DEFINITIONS – For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

D. BUILDING MATERIALS. Shall include, without limitation, lumber, bricks, cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

E. DEMOLITION MATERIALS. Shall include, without limitation, debris resulting from the demolition of buildings, such as concrete, stone, plaster, bricks, concrete blocks, and other materials that are a result of the demolition and construction operations.

F. DILAPIDATED FENCES. Any fence, in whole or in part, which has fallen on the ground, or because of decay or disrepair has deteriorated to such an extent that it presents a danger of imminent collapse on its own, or as a result of normal weather conditions.

G. INOPERABLE VEHICLES. Shall include, without limitation, any vehicle, or trailer for which, for a period of at least seven (7) days **for unregistered and thirty (30) days for currently registered**, the engine, transmission, wheels, or other parts have been removed, or on which the engine, wheels, transmission, or other parts have been altered, damaged, or otherwise treated so that the vehicle is incapable of being driven under its own power. **Any vehicle which does not display current license plates or have proof of current registration if license and registration are required by law for the vehicle to travel on public roads in the State of Minnesota.**

H. NUISANCE PARKING AND STORAGE.

1. **Declaration of nuisance.** The outside parking and storage on residentially zoned property of large numbers of vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.
2. **Unlawful parking and storage.**
 - a) A person must not place, store, or allow the placement or storage of ice fishing houses, campers, watercraft, trailers, vehicles, axles, skateboard ramps, playhouses, or other similar non-permanent structures outside within the City's right of way continuously for longer than ~~twenty four (24) hours in the front yard area of residential property unless more than one hundred feet (100') back from the front property line.~~
 - b) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
 - c) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 - i. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
 - ii. Vehicles or trailers that are parked or stored outside must be on a paved, concrete or graveled parking surface or driveway area.
 - iii. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.
- I. **JUNK.** Shall include, without limitation, parts of machinery or motor vehicles, unused furniture, furniture which is manufactured and intended to be used exclusively indoors but is kept outdoors, stoves, refrigerators or other appliances, remnants of wood, metal, or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- J. **REFUSE.** Shall include, without limitation, putrescible and non-putrescible and combustible and non-combustible waste, including paper, garbage, material resulting from the handling, processing, storage, preparation, serving, and consumption of food, vegetable or animal matter, offal (organs of a butchered animal), plant wastes such as tree trimmings or grass cuttings, ashes or incinerator residue, street cleanings, detached vehicle parts, furniture, or solid industrial and market waste.
- K. **TRASH AND RUBBISH.** Shall include any and all forms of debris not herein otherwise classified.
 1. **Unlawful to Accumulate Junk, Refuse, Inoperable Vehicles, Trash, and Rubbish** – It shall be a nuisance and an offense for any person to store or permit the storage of accumulation of junk, refuse, inoperable vehicles, trash, or rubbish on any private property within the city, except within a completely enclosed building or upon the business premises of a properly zoned business and which materials would otherwise constitute junk, refuse, inoperable vehicles, trash, or rubbish as materials that are used in the ordinary course of that business.

2. **Unlawful to Dismantle Automobiles or Machinery; Exception** – It shall be a nuisance and an offense for any person to dismantle, cut up, remove parts from, or otherwise disassemble an automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, or store such parts, except in a completely enclosed building or upon the business premises of a property zoned business and which disassembling and storing of parts are done in the ordinary course of that business.
3. **Unlawful to Store Building Materials or Demolition Materials; Exception** – It shall be a nuisance and an offense for any person to store or permit the storage or accumulation of building materials or demolition materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock and trade of a business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city, and unless that construction is completed within a reasonable period of time.
4. **Unlawful to Permit Dilapidated Fences** – It shall be a nuisance and offense for any person to allow or permit a dilapidated fence on their property.
5. **State Defined Nuisances** – Any nuisance so defined by applicable Minnesota Statutes or by the common law of the state is also a public nuisance under this chapter.

1-1-2. REMOVAL OF SNOW AND ICE *(This subchapter shall be known as the “City of Glyndon’s Removal of Snow and Ice Subchapter.”)*

A. From Sidewalks:

1. **Duty of Owner** – The owner of every building fronting upon any street or avenue, and the owner of any unoccupied lot fronting upon any street, shall be held responsible to ensure the sidewalk in front of the building or unoccupied lot is cleared of snow and ice **within twenty-four (24) hours after snowfall has been completed by 9:00 p.m. of each day**, and ~~kept cause the same to be kept~~ clear of snow and ice.
2. **City Removal** – In all cases where snow and ice are not removed from sidewalks within the time and in the manner as provided in this section, it may be removed by authorized city personnel, and the necessary expenses thereof, along with an administrative fee to be set by resolution of the City Council, shall be chargeable against the abutting property. If timely payment is not forthcoming from the landowner, the bill shall be assessed against the property as provided by law.

B. Depositing Snow on Streets or Sidewalks – No person engaged to move, blow or plow snow upon or off of any private property or city right of way within the city shall cause or permit any of the snow removed, blown, or plowed to be deposited upon any street or sidewalk within the city. The prohibition contained herein shall apply to the owners and occupants of any such property, their agents, employees, or independent contractors. The owner of the premises or the persons requesting the snow to be removed or the persons who are actually removing the snow shall make suitable arrangements to deposit the removed snow in some place other than upon the city streets or sidewalks, and snow shall not be piled so as to interfere with the vision of motorists approaching any intersection. Other than from adjacent sidewalks and driveways, no snow shall be placed upon the boulevard.

C. Penalty – Any person convicted of violating any provision of this section shall be guilty of a petty misdemeanor and be subject to a fine not to exceed the amount specified pursuant to MN Statues or an administrative penalty pursuant to section 1-1-7 of this code.

1-1-3. WEEDS AND LAWN *(This subchapter shall be known as the “City of Glyndon’s Weeds and Lawn Subchapter.”)*

- A. Removal** – Every owner or occupant of land or, if the land is unoccupied, the owner or resident agent, shall cut down, destroy or eradicate all weeds as defined by the laws of the State and grasses standing or growing upon such lands, in such manner and at such times as may be directed or ordered by a City authorized weed inspector or designee. Any land, with the lesser of thirty percent (30%) or more of its turf grass and weed growth above the height of eight inches (8”), or with an area of two hundred fifty (250) contiguous square feet or greater of weeds or grass exceeding the height of eight inches (8”), or with weeds as defined by the laws of the State, will be considered in violation of this section unless the property is operating under an approved “Natural Lawn” as described in subsection D of this section. Further, all land must remain debris free, such that it does not become a dumping site for grass clippings, garbage, dirt and any other substances that would directly alter the normal condition of the land and that would make adequate maintenance of said land difficult. Any violation of the aforementioned conditions and following issuance of a citation for said violation, the City may cause the land, including private property and adjoining public boulevard area, to be cleared, cultivated and/or leveled to eradicate the improper condition of the land, with the expense for doing so becoming the responsibility of the landowner.
- B. Establishment** – Owners of property shall establish turf grass lawns or other approved landscaping within one (1) year (365 days) of the date a final building inspection is approved by the City for a property.
- C. Weed Inspector** – A City authorized weed inspector(s) or designee shall examine the lands, highways and public grounds for the purpose of ascertaining if the provisions of this section are being complied with, and if it is found that such is not the case, shall issue a notice in writing on a form to be prescribed by the City to the owner(s) or occupant(s) requiring them to cut down, destroy or eradicate, all noxious weeds which are growing or in danger of going to seed as follows:
1. Lots with structures (building or parking) shall have five (5) days for the first violation in a calendar year and twenty-four (24) hours for additional violations within a calendar year.
 2. Vacant lots shall have ten (10) days. If the owner is a nonresident of the City, then the occupant shall be deemed to be the owner’s agent to receive any such notice.
- D. Weed Cutting** – Whenever any person(s) fails to comply with the notice served upon them, the City authorized weed inspector or designee shall cause the same to be cut down, destroyed, cleared, leveled, cultivated and/or eradicated at the expense of the owner of the property. The expense of maintenance of said land and any related administrative penalty as outlined within the City Fee Schedule shall be billed directly to the landowner. Said notice shall be served by depositing a copy in the Post Office addressed to the owner at the address shown on the Real Estate Tax roll of the County. If timely payment is not forthcoming from the landowner, the bill shall be assessed against the property as provided by law.
- E. Natural Lawns**
1. **Purpose** – The City of Glyndon finds the installation and management of Natural Lawns is beneficial to the city’s environment and residents and finds Natural Lawns serve to further adopted goals by enhancing stormwater retention, reducing pollution, increasing water quality, improving biodiversity and native habitat for pollinators and wildlife.
 2. Any owner or occupant of land within the City may have a natural lawn or rain garden, which consists of planned, intentional, and maintained plantings of native or non-native grasses (not including turf grass), wildflowers, forbs, ferns, or shrubs where the grasses and other growth may exceed eight inches (8”) in height, provided that such plantings shall be maintained so as not to present hazards to adjoining properties, persons or vehicles traveling on the public ways, structures on such affected land, shall be maintained as to enhance the appearance of the property on which located and other public benefits as described in Section D1.
 3. **Definitions:**

- a) **Natural Lawn** – A lawn consisting of plantings other than turf-grass lawn (such as wildflowers, native or non-native grasses, forbs, ferns and shrubs).
- b) **Noxious Weeds** – Annual, biennial and perennial plants which are deemed to be injurious to public health, environment, public roads, crops, livestock and other property as specified by State or local laws, regulations, rules and guidelines. This includes any plant as described in Minnesota Statutes, Section 18.77, Subd. 8.
- c) **Rain Garden** – A stormwater treatment practice consisting of a landscaped depressed area that can accept stormwater runoff from impervious surfaces and allow it to infiltrate into and/or through the soil below as defined by the Minnesota Pollution Control Agency and/or the Environmental Protection Agency.
- d) **Turf-Grass Lawn** – A lawn comprised mostly of grasses commonly used in residential lawns, such as Kentucky bluegrass, that forms an even turf when mowed and maintained.

4. Compliance Requirements:

- a) No Natural Lawn may exceed twenty-four inches (24”) in height within five feet (5’) of a driveway or alleyway, within thirty feet (30’) of an intersection or within three feet (3’) of a fire hydrant.
 - b) A Natural Lawn must be maintained with no overhang or encroachment onto the sidewalk, curb, street or adjacent property.
 - c) Natural lawns do not include turf-grass lawns left unattended.
 - d) Any Natural Lawn within the City shall be maintained so as to not include unintended vegetation including any noxious or invasive weed or plant.
 - e) Natural lawns and rain gardens shall not be planted within the boulevard or right-of-way without first obtaining a permit.
 - f) Any property owner that plants a Natural Lawn is responsible for requesting utility location and ensuring that no planting area interferes with utilities. Repairs to Natural Lawn areas that are damaged as a result of a utility accessing or performing work within easement areas on a property are the responsibility of the property owner and are not the responsibility of any utility company, subcontractor of a utility company or other entity that has the right to access a utility and/or easement on a property. This section applies to existing utilities and authorized new utility installations.
 - g) Natural lawns may not be planted on a levee or other flood protection infrastructure area or within twenty feet (20’) of such flood protection infrastructure unless otherwise approved by the City Engineer.
5. The City may order the cutting of a Natural Lawn at any time when it is determined that the growth does not meet the standards described within this section.
6. The City shall have the right to further enforce the terms of this section in the same manner as subsections A, B, C and D of this section upon such notice to the owner or occupant of the property as required by those subsections, with the cost of enforcement of the order contained in said notice to be borne by the owner of the property.

1-1-4. OPEN BURNING – *(This subchapter shall be known as the “City of Glyndon’s Open Burning Subchapter.”)*

- A. **BONFIRES** – Is a large outdoor fire used for ceremonial purposes or gatherings. Bonfires are not allowed within the city limits unless pre-approved by the City Council and a permit obtained from the Fire Department.
- B. **OPEN BURNING** – Is the outdoor burning of natural vegetation to dispose of leaves, branches, and natural vegetative material. Open burning is not allowed within the city limits unless pre-approved by the City Council and a permit obtained from the Fire Department.

C. RECREATIONAL BURNING – Consists of the outdoor burning of natural materials which does not include yard waste, garbage, treated lumber, or construction materials and/or debris. The following conditions must be complied with:

1. Recreational fires shall not be conducted within twenty-five feet (25') of a structure or combustible material (Minnesota State Fire Code).
2. Recreational fires shall be constantly attended by a responsible adult (18 years of age or older) until the fire is extinguished.
3. A garden hose hooked to a reliable water source or a fire extinguisher with a 4A rating must be immediately accessible.
4. The fire must never exceed three feet (3') in diameter by two feet (2') in height and must be contained in a small pit or commercial product made of non-combustible material. If the pit is larger than three feet (3') in diameter, it must be modified to contain the size fire hereby specified.
5. Recreational fires are not permitted when winds in the area are more than fifteen (15) mph.
6. Open-flame cooking devices (grills, charcoal burners and the like) shall not be operated on combustible balconies or within ten feet (10') of combustible construction.
7. The Fire Department or Police Department may order extinguishment for any reason when determined necessary.
8. It is highly recommended that a screen be placed over the fire to help contain sparks and brands.
9. The property owner shall be solely liable for any damages that may occur as a result of the operation and use of a recreational fire within the city limits.

D. BURNING BANS – All fire bans issued by the City Fire Department and/or the County Officials must be observed and followed as recommended.

1-1-5. NOISE CONTROL REGULATIONS (*This subchapter shall be known as the "City of Glyndon's Noise Control Subchapter."*)

A. NOISY PARTIES, GATHERINGS, OR PERSON(S) KEEPING, MAINTAINING A DISORDERLY HOUSE – It shall be unlawful for any person to make, continue to cause to be made, or continue any loud, unnecessary, prolonged, or unusual noise which disturbs the peace of others. Unlawful acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noise in violation of this ordinance, but said enumeration shall not be deemed to be exclusive.

1. **Horns, Signaling Devices, etc.** ~~The continual sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle for a period of at least fifteen (15) seconds even if interrupted by short gaps in sound, on any street, place, or private property within the City except as a danger warning. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.~~
2. **Radios, Tape and Disc Players, etc.** The using, operating, or permitting to be played any radio receiving set, tape, or disc player, musical instruments, phonograph, or other machine or device for the producing or reproducing of sound is produced in such a manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet, or repose of a person or persons of ordinary sensibilities.
 - a) The playing, use, or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty feet (50') from such a machine or device shall be prima facie evidence of a violation of this ordinance.
 - b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, if the vehicle's owner is not present at the time of violation, the person in charge of control of the vehicle at the time of the violation is guilty of the violation.

- c) Persons or entities may apply for a sound amplification permit from the City for events or activities which may otherwise violate the terms of this ordinance.
 - d) With the exceptions of the machines or devices listed in subsection 5 below, this ordinance shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production and reproduction of sound, whether on public or private property.
 - e) This section shall not apply to sound produced by the following:
 - 1) Activities which are authorized or permitted by the City of Glyndon
 - 2) Church bells, chimes or carillons.
 - 3) School bells.
 - 4) Anti-theft devices.
 - 5) Machines or devices for the production of sound on or in authorized emergency vehicles.
 - 6) Sound amplifying equipment used to announce sporting events at an athletic facility.
3. **Loudspeakers, Amplifiers for Advertising.** The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in any residentially zoned district between the hours of 10:00 p.m. and 8:00 a.m.
 4. **Yelling, Shouting, etc.** Yelling, shouting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or any persons in the vicinity.
 5. **Animals, Birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
 6. **Whistles or Sirens.** The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning for fire or danger, or by public emergency vehicle.
 7. **Exhaust.** The discharge into open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 8. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort and repose of any persons in the vicinity.
 9. **Sound Trucks.** The use of a sound truck or any other vehicle equipped with sound amplifying device that disturbs the comfort and repose of any reasonable persons in the vicinity.
 10. **School, Courts, Churches, Hospitals.** The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
 11. **Hawkers, Peddlers.** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
 12. **Generators and Blowers.** The operation of any noise creating blower, generator or power fan or any internal combustion engine, the operation of which causes noise due to the explosion or

dispersion of gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

13. Noisy Parties and Gatherings.

- a) **Prohibition.** No person shall, between the hours of 10:00 p.m. and 8:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates or a sufficient volume so as to disturb the peace, quiet or repose of another person. No person shall knowingly remain at such a noisy party or gathering.
- b) **Evidence.** Noise of such volume as to be clearly audible at a distance of fifty feet (50') from the structure or building in which the party or gathering is occurring, or in case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie (*first impression*) evidence of a violation of this ordinance.
- c) **Duty to Disperse.** When a police officer determines that a party or gathering is in violation of this ordinance, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
- d) Every owner of such premises, or tenant in charge of such premises, who has knowledge of the disturbance shall cooperate with a police officer or officers and shall make reasonable effort to stop the disturbance and disperse the gathering.
- e) **Exceptions** - The following are exempt from violation of this section:
 - 1) Activities which are duly authorized by the City of Glyndon, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - 2) Church bells, chimes or carillons.
 - 3) Persons who have gone to a party for the sole purpose of abating the violation.
- f) **Prima Facie Evidence of Violation by Owner or Tenant of this Ordinance** (*first impression*)
 - 1) As to tenants, and owner if owner resides on the premises, if twice or more on the same day, or if on successive days, the Glyndon Police Department or other law enforcement, are called upon to enforce the terms of this ordinance either by citizen complaint or by personal investigation or by a peace officer.
 - 2) As to the owner, if the owner does not reside at the premises, if after owner receives written notice of three (3) violations of this ordinance by his/her tenants at any premises owned by the owner in the City within a six (6) month period, and after receipt of such written notice, the Glyndon Police Department or other law enforcement, are called upon to enforce the terms of this ordinance either by citizen complaint or by personal investigation or by a peace officer.

1-1-6. GRAFFITI – (*This subchapter shall be known as the “City of Glyndon’s Graffiti Subchapter.”*)

A. PROHIBITED ACTIVITY

1. It is unlawful for any person to place graffiti upon the surface of any structure or wall that is publicly or privately owned without the permission of the owner of the property.
2. It is unlawful for any parent or guardian of a minor to knowingly permit a minor to violate any provisions of this subchapter.
3. It is unlawful for any owner of property to place or give permission to place on any property, real or personal which is in public view, any graffiti which incites violence by reference to gang or criminal activity, depicts or expresses obscenity by referring to sexual activity, or contains defamatory material about a public or private person or which mark out gang jurisdiction for purposes of designating territorial rights of gangs for criminal activity.
4. It is unlawful for any owner of property to fail to remove graffiti that has been placed on the owner’s property or fail to assign their obligation to remove the graffiti to the Police Chief’s office within three (3) days from the date of the receipt of the written notice provided by the Police Chief’s office.

- B. **GRAFFITI DEFINED** – For the purposes of this subchapter, *GRAFFITI* shall be defined as any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture, letter of any other inscription or drawing applied to any surface so as to be seen by the public including, but not limited to, the identification of a gang or gang activity.
- C. **AFFIRMATIVE DEFENSE** – It shall be an affirmative defense to the alleged violation of the foregoing provision if such activity was undertaken with the prior written consent of the owner of the property, demonstrating that the owner was aware of the content and method of the graffiti to be placed on the structure or wall.
- D. **REMOVAL** – The City hereby declares graffiti to be a nuisance, which adversely affects the health, safety, and welfare of the residents of the community and reduces property value, and subject to abatement as provided herein:
 - 1. **Owner Obligation to Remove** – Upon written notification from the City Hall office, the owner of the property upon which graffiti has been placed shall remove the graffiti within three (3) days from the date of the receipt of the notice. The City Hall office may grant an owner an additional ten (10) days to remove the graffiti if the owner presents sufficient evidence of one of the following conditions:
 - a) Weather conditions make removal impossible or a substantial burden to the owner; or
 - b) Necessary chemical for removal is not readily available; or
 - c) The physical condition of the owner makes immediate removal impossible or a substantial burden to the owner; or
 - d) Such other condition which makes immediate removal impossible or an undue hardship to the owner.
 - 2. **Owner Assignment of Obligation** – The owner of the property may assign his or her obligation to remove the graffiti to the City Hall office. The assignment must be done within three (3) days from the date of the receipt of the written notification. The assignment must be in writing on a form provided by the City Hall office. The assignment will be effective only if the owner signs a statement authorizing removal by the city and holding the city harmless from any claims of suits brought for damages resulting from any chemicals or from any actions taken by the city or its employees to remove the graffiti. Graffiti shall be removed at the property owner’s expense.
 - 3. **Right of the City to Remove** – The Glyndon Maintenance Department shall remove graffiti from the exterior of private property if an owner fails to remove the graffiti or fails to assign the obligation to remove the graffiti to the City of Glyndon. Graffiti shall be removed at the property owner’s expense.

1-1-7 NUISANCE PENALTIES AND ABATEMENT

- A. **DECLARATION OF POLICY** – The purpose of this subchapter is to protect the public health, safety, and welfare by enactment of provisions which:
 - 1. Define Class I and Class II nuisances.
 - 2. Determine the responsibilities of owners and operators of dwellings and property for correction of nuisance conditions.
 - 3. Provide remedies to eliminate public nuisances.
 - 4. Provide for administration, enforcement, and penalties.
 - 5. Promote the stabilization and maintenance of neighborhoods.
 - 6. Unless otherwise specified in the City Code, the abatement processes in this subchapter are to be used to abate and resolve nuisance conditions within the city.

- B. DEFINITIONS** – For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCEMENT OFFICER. All persons appointed as enforcement personnel or acting as inspectors for the city, or any other city employee designated by the City Council to enforce the provisions of the City Code.

INTERESTED PARTY. Any owner of record, occupying tenant or lien holder of record.

LAST KNOWN ADDRESS. The address shown on the records of Clay County, or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the enforcement officer after a reasonable search.

MAIL. Service by mail shall mean by depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

OWNER. Those shown to be owner or owners on the records of Clay County.

PERSONAL SERVICE. Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

RESPONSIBLE PARTY. Any one or more of the following: agent; assignee or collector of rents; holder of a contract for deed; a mortgagee or vendee in possession; receiver of executor or trustee; lessee; those known to the enforcement officer as having an ownership interest; or other person, firm, or corporation exercising apparent control over a property.

- C. DISCLOSURE OF RESPONSIBLE PARTY** – Upon the request of the enforcement officer, a responsible party or owner shall disclose the name of any other responsible party or owner known to them. This shall include, but not be limited to, the person for whom they are acting, from whom they are leasing the property, to whom they are leasing the property, with whom they share joint ownership, or with whom they have any contact pertaining to the property.
- D. ORDER TO CEASE** – In the event that an enforcement officer observes a person creating or allowing a nuisance, the officer may order that the person cease and desist creating or allowing the nuisance.
- E. AUTHORIZATION TO ENTER** – The enforcement officer shall be authorized to enter any property or structure in the city for the purpose of enforcing and assuring compliance with the provisions of this subchapter. An owner or responsible party shall, upon the request of the enforcement officer, provide access to all interior portions of a building in order to permit the officer to make a complete inspection. Failure to allow the enforcement officer full access to the property and structure is a violation of this subchapter for which the person or persons refusing access may be cited.
- F. SERVICE** – When service of an order or notice is required, any one or more of the following methods of service shall be adequate:
1. By personal service; or
 2. By certified mail, through the U.S. Postal Service; or
 3. By U.S. Mail, unless it is a written order which gives three (3) days or less for the completion of any act it requires; or

4. If the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the property; or
5. If a mailed order or notice is returned by the U.S. Postal Service, a good faith effort shall be made to determine the correct address, unless the order or notice orders abatement and that abatement has been completed.

G. ADMINISTRATIVE PENALTIES – The City Council may, by resolution or ordinance, establish a schedule of administrative penalties for Class I and Class II nuisances. Administrative penalties shall be imposed according to the fee schedule adopted by the City Council (*ordinance #166*).

H. CLASS I AND CLASS II NUISANCES

1. **Class I Nuisances.** For purposes of this subchapter, the following public nuisances, when existing or allowed to exist in the city shall be designated as “Class I Nuisances.”
 - a) **Dangerous Structure.** A structure which is potentially hazardous to persons or property including, but not limited to:
 - 1) A structure which is in danger of partial or complete collapse; or
 - 2) A structure with any exterior parts which are broken, loose or in danger of falling; or
 - 3) A structure with any parts such as floors, porches, railings, stairs, ramps, balconies, decks or roofs which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.
 - b) **Fire Hazards.** Any thing or condition on the property which, in the opinion of the enforcement officer, creates a fire hazard or which is a violation of the fire code.
 - c) **Hazards.** Any thing or conditions on the property which in the opinion of the enforcement officer, may contribute to injury of any person present on the property, which shall include but not be limited to, open holes, open foundations, open wells, dangerous trees or limbs, or abandoned appliances.
 - d) **Health Hazards.** Any thing or condition on the property which, in the opinion of the enforcement officer, creates a health hazard or which is a violation of any health or sanitation law.
 - e) **Insects, Rodents, or Pest Harborage.** Conditions which are conducive to the presence, harborage, or breeding of insects, rodents, or other pests.
 - f) **Nuisance Building.** A vacant building or portion of a vacant building which has multiple Housing Code or Building Code violations or has been ordered vacated by the city or city Building Inspector or which has a documented and confirmed history as a blighting influence on the community.
 - g) **Sight Triangle Obstructions.** A fence, wall, shrubbery, or other obstruction to vision above a height of thirty (30) inches from the established street grades within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
 - h) **Unsecured Unoccupied Buildings.** Unoccupied buildings or unoccupied portions of buildings which are unsecured. Owners may be required to replace coverings over broken or missing windows or doors with the appropriately sized windows or doors.

- i) **Occupations or Commercial Activity.** Operated, maintained, or permitted in violation of City Code.
 - j) **Spoil Piles of Fill.** Excavations and/or construction debris existing for periods longer than seven (7) days unless otherwise approved by the city.
 - k) **Any Other Conditions.** Whereby a substance, matter, emission, or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, being discharged, or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the city exists or is allowed to exist.
2. **Class II Nuisances.** For purposes of this subchapter, all other public nuisances, existing or allowed to exist in the city and not defined above as a “Class I Nuisance” shall be designated as a “Class II Nuisance.”
- I. **ABATEMENT PROCEDURE, CLASS I NUISANCES** – Unless the nuisance is as described under the Emergency Abatement Procedure section the city may abate Class I nuisances by the procedure described below:
- 1. **Order.** The enforcement officer shall serve a written order upon the owner. The written order shall also be served upon any responsible party known to the officer and may be served upon any party known to have caused the nuisance. The written order shall contain the following:
 - a) A description of the property sufficient for identification; and
 - b) A description and location of the nuisance and the remedial action required to abate the nuisance; and
 - c) A statement that the nuisance is to be abated within seven (7) days of the date of the order; and
 - d) A statement that the order may be appealed and a hearing before the city committee or designee may be obtained by filing a written request with the city before the appeal deadline which shall be the abatement deadline designated in the order or seven (7) calendar days after the date of the order, whichever comes first; and
 - e) A statement that, if remedial action is not taken nor a request for a hearing filed with the city within the time specified, the city will abate the nuisance and charge all costs incurred therein against the owner of the property and if cost is unpaid by the owner or responsible party the costs will be charged against the property as a special assessment to be collected in the same manner as property taxes.
 - 2. **Setting Hearing Date.** In the event that an appeal is filed, a notice shall be mailed to the owner and known responsible parties, stating the date, time, place, and subject of the hearing.
 - 3. **Notice of Hearing Date.** In the event that an appeal is filed, a notice shall be mailed to the owner and known responsible parties, stating the date, time, place, and subject of the hearing.
 - 4. **Designated Hearing Officer.** The City Committee or designated hearing officer shall convene a hearing at which time the property owner shall have an opportunity to present evidence and testimony to support the appeal of the abatement order. The hearing officer may receive evidence and testimony from the enforcement officer and other parties who wish to be heard. Upon receiving the evidence and testimony, the hearing officer shall make a written recommendation to the City Council which may confirm, modify, revoke, alter, or cancel the order of the enforcement officer. If the City Council determination requires abatement, the City Council shall, in the resolution, fix a time with which the nuisance must be abated and shall provide that,

if the nuisance is not eliminated within the time specified, the city may abate the nuisance and assess the costs of the abatement to the property.

5. **Abatement.** If the remedial action is not taken nor an appeal filed within the time specified, the city may abate the nuisance.
6. **Assessment.** The city may assess charges against a property as a special assessment, pursuant to the provisions of M.S. Chapter 429, as it may be amended from time to time, for certification to the County Auditor and collection together with current taxes payable in the following year.

J. ABATEMENT PROCEDURE, CLASS II NUISANCES – Unless the nuisance is as described under the Emergency Abatement Procedure section the city may abate Class II nuisances by the procedure described below.

1. Notice.

- a) In the event any condition that is defined as a Class II nuisance by the City Code is found to exist, the city may cause to be served upon the owner of the property upon which the condition exists, by registered or certified mail or by personal service, a notice ordering such owner to remove the nuisance within seven (7) days from the date of the notice and stating that in the event the owner does not comply with such order, the necessary work may be performed or caused to be performed by the city at the expense of the owner, and that if the owner does not pay for such expense, the cost of the work will be assessed against the property benefitted. The notice may also be posted on the property for a period of seven (7) days, after which period, the city may perform any necessary work.
- b) The notice shall state that it is in effect for a period of twelve (12) months from the date of the notice and if the nuisance condition reoccurs within that twelve (12) month period the city shall abate the nuisance without further notification to the property owner.

2. Performance of Work by City; Invoice. If the owner of any property fails to comply with the notice, within the period allowed for compliance as stated in the notice, the city may cause to be performed such work as is ordered by such notice. The city shall prepare and maintain a record showing the cost of such work attributable to each separate lot and parcel and shall mail to the owner of each lot or parcel an invoice setting forth the charges for such work, which shall be immediately due and payable to the city.

3. Assessment. The city may assess charges against a property as a special assessment, pursuant to the provisions of M.S. Chapter 429, as it may be amended from time to time, for certification to the County Auditor and collection together with current taxes payable in the following year.

K. EMERGENCY ABATEMENT PROCEDURE – When the enforcement officer determines that a nuisance exists which constitutes an immediate danger or hazard which is not immediately abated will endanger the health and safety of the public, and there does not exist sufficient time to follow the Abatement Procedure, Class I Nuisances and Abatement Procedure, Class II Nuisances, the city may abate the nuisance by the procedure described below:

1. **Order.** The city shall order emergency abatement by an administrative order to be signed by an enforcement officer.
2. **Notice of Abatement.**
 - a) Following an emergency abatement, a notice shall be mailed to the owner of the property and other responsible parties connected with the property that are known to the city. The notice shall contain:
 - 1) A description of the nuisance; and
 - 2) The action taken by the city; and

- 3) The reasons for immediate action; and
 - 4) The costs incurred in abating the nuisance; and
 - 5) The date, time and place of a hearing.
- b) Prior to the hearing, the city committee who ordered the abatement shall provide the owner with an opportunity to meet and informally discuss the matter. The city committee may make a recommendation to the City Council based on the information obtained at such a meeting.
3. **Hearing.** If the matter is not resolved at the informal meeting, the city committee or a designated hearing officer shall hear from the enforcement officer and any other parties who wish to be heard. After the hearing, the hearing officer shall make a recommendation to the City Council regarding payment of the costs of abatement. The City Council may adopt a resolution levying an assessment for all or a portion of the costs incurred by the city in abating the nuisance payable in a single payment or by equal annual installments as the City Council may provide.

L. PENALTY.

1. **General.** Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of this ordinance. Any criminal or civil penalty imposed pursuant to this section may be imposed in addition to any costs incurred by the city for abatement.
2. **Sections 1-1-1 through 1-1-6.** Any person violating any provision of 1-1-1 through 1-1-6 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine and costs of prosecution or imprisonment not to exceed ninety (90) days, or both, in accordance with State Statute §609.03(3). In addition, any person found guilty of violating any provision of 1-1-1 through 1-1-6 shall be responsible civilly for all damages caused by such violation.
3. **Section 1-1-1 through 1-1-6.** Upon a finding of guilt upon a juvenile violating these sections, the penalty imposed shall be in accordance with Minnesota Statutes as it may be amended from time to time. In addition to any fines, the court may require that a party:
 - a) Make full and complete restitution to the city and the owner of the damaged property for expenses incurred in the removal of the graffiti and restoration of the property to its previous condition.
 - b) Participate in community service, including but not limited to, time spent in cleaning property that has been defaced by graffiti at any location in the city.
4. **Sections 1-1-1 through 1-1-6; Criminal Penalty or Civil Penalty.** Any person who violates any provision of this division or fails to comply with a lawful written order issued pursuant to 1-1-1 through 1-1-6, and/or a lawful order issued pursuant to 1-1-7, shall be guilty of a misdemeanor and subject to the penalty provisions of 1-1-7, or alternatively, may be charged with an administrative offense and subject to the civil penalty provisions of 1-1-7-G. Each day during which noncompliance or violation continues shall constitute a separate offense.

Passed by the City Council of the City of Glyndon, Minnesota, this _____ day of _____, 2023.

Tracy Tollefson, Mayor

ATTEST:

Wendy Affield, Clerk/Treasurer

Repeals Ordinance No. 12, 77, 96, 105, 117, 135, 138 and 145

1st Reading – September 13, 2023

2nd Reading – September 27, 2023

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