

City of Delano  
County of Wright  
State of Minnesota

Ordinance O-20-08

An Ordinance amending Delano City Code Chapter 8, Nuisances and Offenses

The City Council of the City of Delano ordains:

Section 1. City Code Chapter 8, Section 801.01 is hereby amended to add the following underline text:

Section 801.01. Public Nuisance Affecting Health. The following are hereby declared to be public nuisances affecting health:

1. Exposed, decayed, or unwholesome food, and decayed vegetable matter, unless contained within a composting area approved by the Council
2. Violations of the following provisions of City Code Section 406.01, as it may be amended from time to time, related to animals:
  - a. Dogs running at large (Section 406.01, Subd. 4.A);
  - b. Habitual barking of dogs (Section 406.01, Subd. 4.B);
  - c. Clean up of dog litter (Section 406.01, Subd. 18);
  - d. Failure to provide basic animal care (Section 406.01, Subd. 18);
  - e. Carcass of animals not properly and legally buried or destroyed within 24 hours after death;
  - f. Chicken keeping permit standards (Section 406.01, Subd. 24);
  - g. Keeping of prohibited wild/exotic animals (Section 406.01, Subd. 6);
  - h. Noncompliant dog enclosure (Section 406.01, Subd. 23).
3. Accumulations of manure, refuse, open food packaging, or other debris;
4. All ponds or pools of stagnant water;
5. The discharge, disposal, accumulation, or collection of sewage or industrial waste in violation of Chapter 6 of this Code;
6. Privy vaults or garbage cans which are not completely sealed, rodent-free and fly tight or which are maintained so as to constitute a health hazard or to emit foul and disagreeable odors;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
8. All noxious weeds, any weeds in excess of 10 inches in height, and other rank growths of vegetation upon public or private property, except for prairie grass installed pursuant to a City-approved landscape plan.
9. Violation of the City Code Section 805.01 relating to lawn maintenance.

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10. All diseased or dead trees, shrubs, and other vegetation on public or private property.
11. Dense smoke, noxious fumes or gases and soot, particulate matter or cinders, sufficient to make the occupancy of property uncomfortable to a person of ordinary sensibilities.;
12. All facilities or conditions contributing to the spread of a contagious disease;
13. Any trade or business not licensed by the City.
14. The influence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground.
15. Breeding sites of the aedes triseriatus (tree hole mosquito), including unused tires (not mounted on wheels), pots, pans, cans, pails, bottles and other containers left outdoors in which water or debris may accumulate.

Section 2. City Code Chapter 8, Section 801.02 is hereby amended to add the following underlined text:

**SECTION 801.02. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.** The following are hereby declared to be nuisances affecting public morals and decency.

1. All gambling devices, activities and premises in violation of law;
2. All houses kept for the purpose of prostitution or where prostitution occurs; 8-3
3. All places where alcoholic beverages are manufactured, disposed of, consumed, or kept for sale in violation of law, and all alcoholic beverages and property used for maintaining such a place;
4. Any vehicle used to transport illegal property, to conduct illegal activities, or for any other illegal purpose.

Section 3. City Code Chapter 8, Section 801.03 is hereby amended to add the following underlined text:

**SECTION 801.03. PUBLIC NUISANCES AFFECTING PEACE, SAFETY AND THE GENERAL WELFARE.** The following are declared to be nuisances affecting public peace and safety and the general welfare:

1. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

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2. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
3. All wires, limbs of trees, or other obstructions which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
4. All excessive noises and vibrations;
5. Obstructions and excavations in, on or under public streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;
6. Placing or storing on any street, sidewalk, alley, or public right-of-way any boxes, goods, wares, merchandise, building materials, machinery, sandwich board/commercial sign, recreational equipment, business or trade article, except for the purpose of immediately transferring the same to some other proper place or sandwich boards/commercial signs that allow at least 36 inch clearance on the sidewalk (for purposes of compliance with the Americans with Disabilities Act) and are removed when the business is not open.
7. Any tree, shrub, bush, or other vegetation located on private property which obstructs routine use or travel on any public right-of-way;
8. Aerials or antennae erected or maintained in a dangerous manner;
9. Any 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 the street or sidewalk;
10. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
11. Rain water, ice, or snow allowed to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk; 8-4
12. Any barbed wire fence or other fence that may inflict harm to persons or property which is within 10 feet of a public sidewalk or way;
13. All dangerous, unguarded machinery in any public place, or situated or operated on private property so as to attract the public;
14. Waste water cast upon or permitted to flow upon streets or other public property;
15. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other like material;

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16. Accumulation in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use in construction or improvement presently in progress on the same premises);
17. Any violation of City Code Section 804.01 relating to abandoned or inoperable motor vehicles
18. Property that has been disturbed by construction, grading, or other activity and is not seeded, sodded, or otherwise planted with a ground cover within 240 days, unless the 240 days expires between November 1 and May 15, in which case the ground cover must be established by the following July 15, unless the city approves a time extension;
19. The accumulation of any piles of wood that are not:
  - a. neatly stacked;
  - b. stacked or secured in a stable manner to avoid collapse.
  - c. located in the back or side yard; or
  - d. located farther than 10 feet of any side or rear lot line.
20. A structure, or a portion of a structure, located in a residential zoning district, if the exterior is not completed in accordance with city-approved construction plans within 180 days after the date that the city building permit was issued;
21. Construction materials, including piles of dirt, sand, and sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first;
22. A truck or other vehicle whose wheels or tires deposit mud, dirt, sticky substances, litter or other material on any street or highway;
23. Discarded construction material or other litter at a construction site that is not placed in an adequate waste container or that is allowed to blow around or off the site;
24. Reflected glare or light from private exterior lighting exceeding five- four tenths footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one foot-candle when abutting any commercial or industrial parcel;
25. The placement of mailboxes and other delivery receptacles on public right of way, except those that comply with the following: 8-5
  - a. Must be in compliance with United States postal service requirements for location and type, and
  - b. Must be installed as far back from the street pavement as reasonably practical to avoid snow plowing damage.
26. Gravel driveways maintained in such a manner that the gravel erodes into, or is placed in, a public street or a water resource such as a wetland, creek, pond, drainage ditch or swale, or lake;

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27. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
28. Obstruction to the free flow of water in a natural waterway or a public street drain, storm sewer, gutter, swale, approved subdivision drainage pattern, or ditch with trash or other materials;
29. Digging, excavations, placing culverts, placing dams, or doing any act which may alter or affect the drainage of public property streets, alleys or sidewalks; or alter or affect flows of the public storm sewer and drainage ditch system, without authorization by the City;
30. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
31. Garbage or refuse deposited on a public right-of-way or on adjacent private property;
32. Throwing, placing, or depositing dirt, sand, leaves, trash, lawn clippings, weeds, grass, snow, or other materials in the streets, sidewalks, other public ways and the gutters thereof;
33. Permitting dirt or mud from construction or landscaping activities to be carried or deposited unto nearby streets, sidewalks, other public ways and the gutters thereof;
34. Operation of any artificial lighting facilities upon any private property without an effective shade or equivalent device to protect nearby residential premises from being adversely affected thereby;
35. Any refrigerator, ice box, or freezer not in use with door latch intact which is accessible to children.
36. Parking or storage of a motor vehicle or trailer on a surface that is not paved or graveled for the intent of vehicle parking.
37. Any violation of the rules for conducting garage or yard sales contained in City Code Section 418.01.
38. All other public conditions or things which are likely to cause injury, to the person or property of anyone, or which endanger the public health, safety or welfare;

**Section 4.** City Code Chapter 8, Section 808.01, subdivision 2, is hereby amended to add the following underlined text:

**Subd. 2. Nuisances Declared.** The following are declared to be public nuisances whenever they may be found within the City:

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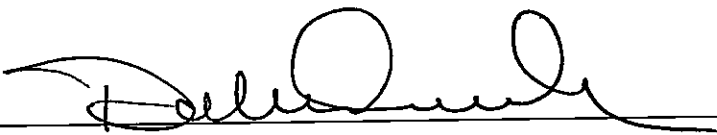
1. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm Disease fungus, *Ceratocystis Ulmi* (Buisman) Moreau, or which harbors any of the elm bark beetles, *Scolytus multistriatus* (eich.) or *Hylurgopinus rufipes* (March).
2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
3. Any living or standing oak tree or part thereof infected to any degree with the oak wilt disease fungus *Ceraloiystis fogacearum*.
4. Any dead oak tree or part thereof which, in the opinion of the Forester, constitutes a hazard, including, but not limited to, logs, branches, stumps, firewood, or other oak 8-21 material, which has not been stripped of its bark and burned or sprayed within an effective fungicide.
5. Any other shade trees with an epidemic disease.

Section 5. City Code Chapter 8, Section 814.01 is hereby deleted in its entirety and replaced with the following:

**SECTION 814.01. NUISANCE ENFORCEMENT:** The City may pursue enforcement of all nuisance violations in accordance with City Code Section 105.02 relating to administrative citations and fines. It is unlawful for any person to create, maintain, or fail to abate any activity or condition that is declared by any Section in this Chapter to be a nuisance and any violation shall be a misdemeanor.

This Ordinance will become effective from and after its passage and publication.

Adopted by the City Council of the City of Delano, Minnesota this 16<sup>th</sup> day of 2020.

  
Dale Graunke, Mayor

  
Attest: Paula Bauman, Administrative Services Coordinator

