

TOWN OF GNESEN  
COUNTY OF ST. LOUIS  
STATE OF MINNESOTA

NUISANCE ORDINANCE  
Ordinance # 05222023

**The Town Board of Town of Gnesen Ordains as follows:**

- Section 1. **Purpose.** The purpose of this ordinance is to protect the general health, safety, and welfare of the citizens of Town of Gnesen by prohibiting the recurrence and maintenance of public nuisances. The ordinance allows for the abatement of public nuisances and provides penalties for and remedies against those causing or maintaining a public nuisance.
- Section 2. **Public Nuisance Defined.** Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, including, but not limited to a substantial, unreasonable and repeated or ongoing interference with the use or enjoyment of a neighbor's land (examples include smoke, smells, noise and overhanging trees). An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.
- Section 3. **Public Nuisances Affecting Health.** The following are hereby declared to be nuisances affecting health:
- A. The discharge, disposal, accumulation, or collection of sewage or industrial waste without proper permit or approval;
  - B. The pollution of any public well or cistern, stream or lake, canal or other body of water by sewage, industrial waste, or any other substances;
  - C. Any offensive trade or business as defined by either ordinance or State Statute which is not operating under local license, or such trade or business whose operation constitutes a clear and present danger to the health of the public in general;
  - D. Depositing garbage, rubbish, litter or refuse on any public property, including township roads, except in public receptacles and in such a manner that the garbage, rubbish or litter will be prevented from being carried or deposited by the elements upon any part of the township road or other public place.
- Section 4. **Public Nuisances Affecting Safety.** The following are declared to be nuisances affecting public safety:
- A. All trees, shrubs, bushes, billboards, wires, limbs, or other obstructions located on private property, which prevent persons from having a clear view of all traffic approaching an intersection or as to constitute a danger to pedestrians or vehicles unless such conditions are permitted by Town Ordinances or other applicable laws;
  - B. No Person or Business shall dump, throw or in any manner deposit or dispose of solid waste upon or in any roadway, waterway, body of water, public or private property.
  - C. No Person or Business shall conduct open burning of: discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food; rubber; plastics; chemically treated materials; Hazardous Waste; Industrial Wastes; Demolition Debris, motor vehicles, solid waste that is generated from the resident's household or business; or other materials which produce excessive or noxious smoke, including but not limited to tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters. Burning of waste and debris shall be allowed only in compliance with Minnesota Statute § 88.171.
  - D. No Person or Business may dispose of appliances in or on the land;
  - E. No Person or Business may store waste materials in a manner that could cause pollution of the air, water, or soils, or that could cause harm to other's health or well-being.

Section 5. **Adoption by Reference.** The “Hazardous Building Law”, Minnesota Statutes 463.15 through 463.261, is adopted by reference. Any hazardous building or dangerous excavation may be abated in accordance with the provisions.

Section 6. **No Duty Created.** The provisions of this are directory in nature and shall not be construed to create a duty on the part of the Township, its officers, employees, or agents to any person, individual, corporation, partnership, company firm, association, or other legally recognized entity. The Township, its officers, employees, and agents shall not be liable for any failure to enforce the provisions of this ordinance.

Section 7. **Responsibility.** The owner, landlord, and/or tenant of any premises on which a violation of this ordinance occurs shall make every reasonable effort to see that the violation ceases. Violations of this ordinance shall be deemed the act of both the person committing the act and the person in possession, control, custody, or having charge of the premises who allows or permits the violation to take place. Violations of this ordinance shall also be deemed the act of a nonresident landlord, provided he or she has received written notice from the Town of the violation and has failed to make every reasonable effort to see that the violation ceases.

Section 8. **Enforcement.**

A. **Officers.** The Town Board shall have the duty of enforcing the provisions of this Ordinance. In addition, any law enforcement agency with which the Town Board has contracted for law enforcement services shall have the authority to enforce the provisions of this Ordinance. The Town Board may, by resolution, delegate to other officers or agencies the 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 9. **Abatement.**

A. **General.** Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the Town, the officer shall notify the owner or occupant of the premises in writing of such fact, and order that such nuisance be terminated or abated. The Notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the Notice may be served by posting it on the premises. The Notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated. Within those thirty (30) days, the owner or the occupant of the premises may enter into a Settlement Agreement with the Town that specifies the terms of the abatement.

If the notice is not complied with within the time specified, the enforcing officer may cause notice of hearing to be delivered to the owner or occupant of the property at least seven (7) days prior to a scheduled hearing by the Town Board. Mailed and posted notice may be used provided that it is posted and mailed at least seven (7) days prior to the date of the hearing. Thereafter, the Town Board may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the Town. The Town Board may by resolution adopt a Notice of Abatement, which shall set forth the nuisance to be abated and shall indicate a date and time on which the Town will enter onto the property and abate the nuisance. The notice shall also notify the property owner that the costs of abatement will be billed to the property owner and if not paid will be assessed against the property. The Notice of Abatement shall be served upon the owner and/or occupant in person or by certified or registered mail at least seven (7) days prior to the proposed date for the Town to abate the nuisance. If the premises is unoccupied or the owner and/or occupant cannot be served, notice may be posted upon the premises at least seven (7) days prior to the proposed abatement.

B. **Court Process.** As an alternative, the Town Board may authorize the Town Attorney to bring an action in St. Louis County District Court seeking to abate the nuisance. In such case, the Town Attorney may bring a civil or criminal action in St. Louis County District Court against the property owner and/or

occupant seeking a criminal conviction of the terms of this ordinance or seeking a civil order requiring the property owner and/or occupant to abate the nuisance, or in the alternative, authorizing the Township to enter upon the property and abate the nuisance at the property owner and/or occupant's expense.

- C. **Emergency Abatement.** When the officer charged with enforcement determines that a nuisance constitutes a serious and eminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

Section 10. **Recovery of Cost.** The Township may recover all costs incurred in enforcing this ordinance by any or all of the following methods:

- A. **Personal Liability.** The owner of the premises on which a nuisance has been abated by the Town shall be personally liable for the cost to the Town of the abatement, including legal and administrative costs. As soon as the work has been completed and the costs determined, the clerk or other official designated by the Town Board shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the Office of the Clerk.
- B. **Certification to property taxes.** The Town Board may certify any unpaid charges resulting from the enforcement of this ordinance, including attorneys' fees and court costs, costs of disposal and all other costs incurred by the Township, to the property against which this ordinance was enforced pursuant to Minn. Stat. § 366.012.
- C. Any other method authorized under Minnesota law.

Section 11. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction be guilty of a misdemeanor and shall be punished pursuant to applicable State Statute regarding misdemeanor penalties, as amended, plus the costs of prosecution. Each day a nuisance continues to exist is deemed a separate punishable offense under this ordinance. The Town may, in its discretion, seek any civil remedies available to it as well, including but not limited to injunctive relief or abatement. Each right or remedy accruing to the Town under this ordinance or at law is separate and distinct and may, in the Town's discretion, be exercised independently or simultaneously with any other right or remedy.

Section 12. **Severable.** Every section, provision or part of this ordinance is declared severable from every other section, provision, or part; and if any section, provision or part thereof shall be held invalid by a court of competent jurisdiction, it shall not affect any other section, provision or part.

Section 13. **Effective Date.** This Ordinance is effective upon its passage by the town board on May 22, 2023.

Section 14. **Repealer.** Any previous ordinance adopted by the Town of Gnesen that is inconsistent with this ordinance is hereby repealed to the extent of such inconsistency.

Passed this 22nd day of May 2023.

  
Chair, Town of Gnesen

ATTEST:

  
Town Clerk