

**City Of Gem Lake, Ramsey County, Minnesota
Nuisance Ordinance
Ordinance No. 86**

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

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

Section 1. Public Nuisance Defined. A public nuisance is a thing, act, or use of property which shall:

1. Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
2. Offend public decency;
3. Unlawfully interfere with the use of or obstruct, or tend to obstruct or render dangerous for passage, a public water, park, square, street, alley, or highway;
4. Depreciate the value of the property of the inhabitants of the City of Gem Lake or of a considerable number thereof; or
5. In any way render the inhabitants of the City of Gem Lake, or a considerable number thereof, insecure in life or in use of property.

Section 2. Definitions.

1. "City" as used herein means the City of Gem Lake
2. "Council" as used herein means the City Council of the City of Gem Lake
3. "Person" as used herein includes and person, firm, or corporation; and the singular shall include the plural.
4. "Portable Storage / Disposal Container Unit" shall mean any enclosed or open container constructed of any material used for temporary or long term storage of personal property or any container used to dispose of solid waste, construction debris, or any other refuse.
5. Where references are made herein to particular officers, councils, boards, or agencies, such officers, councils, boards, or agencies are those of the City of Gem Lake.

Section 3. Public Nuisances. The following are hereby declared to be public nuisances, affecting health, safety, comfort, or repose:

1. Dumpsters and garbage cans which are not fly-tight;
2. Dumping the contents of any cesspool, privy vault, or garbage can, except at places authorized by law;
3. All noxious weeds that have grown to a height of six (6) inches or greater and other rank growth;
4. An accumulation of rubbish, manure, tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, junk, junk vehicles or machinery, sand, stones, ashes, rubbish, tin cans, or other materials of any kind on private property;
5. Exterior Storage not adhering to City Ordinances.
6. Dense smoke, noxious fumes, gas, and soot or cinders in unreasonable quantities;

7. Trades, businesses, or Home Occupations not adhering to City Ordinances.
8. Offensive trades and businesses, as defined by statute or ordinance, not licensed as provided by law;
9. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed; and
10. All other acts, omissions of acts, occupations, and uses of property which are deemed by the board of health to be a menace to the health of the inhabitants of the City or a considerable number thereof.
11. All gambling devices, slot machines, punch boards, betting, bookmaking, and all apparatuses and businesses used in such occupations, except where permitted by law.
12. All Adult Uses in violation of City Ordinances.
13. Places used for the manufacturing, selling, storage, transportation, consumption, and distribution of intoxicating liquor, except where permitted by law;
14. All indecent or obscene pictures, books, pamphlets, magazines, newspapers, and billboards;
15. The looking into or peeping through doors, windows, or openings or private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as “window peeping”; and
16. All other things, acts, omissions, or occupations that may be considered detrimental to the moral wellbeing of the inhabitants of the City or a considerable number thereof.
17. All snow and ice not removed from public sidewalks twelve (12) hours after the snow and ice has ceased to be deposited thereon;
18. Storage of snow brought in from locations beyond the boundaries of the subject property on which it is stored.
19. All wires which are strung less than fifteen (15) feet above the surface of any public street or alley;
20. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one half their original value, or which are so situated as to endanger the safety of the public;
21. All explosives, inflammable liquids, and other dangerous substances of materials stores or accumulated in any manner or in any amount other than that provided by law or ordinance;
22. All use of display of fireworks, except as provided by law or ordinance;
23. All noises and vibrations that exceed the noise pollution standards found in Minnesota State Statutes Chapter 7030;
24. All buildings, and all alterations to buildings, made or erected in violation of building code or fire ordinances concerning manner and materials and construction;
25. Obstructions or excavations affecting the ordinary use of the public of streets, alleys, sidewalks, or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;
26. Lighting that is in violation of City Ordinances.

27. Radio aerials strung or erected in any manner, except that provided by law or ordinance;
28. All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit;
29. The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
30. All dangerous, unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract minor children;
31. The distributing of handbills, except as provided by law or ordinance;
32. Throwing, dropping, or releasing printed matter, paper, or any other material objects over and upon the City from an airplane, balloon, or other aircraft, or in such a manner as to cause such materials to fall or land in the City;
33. Obstructions which may alter or affect the drainage of public streets or alleys or the surface of grade of public streets, alleys, or sidewalks without proper permit;
34. Making repairs to motor vehicles or tires in public streets or alleys, except only emergency repairs when it will not unduly impede or interfere with traffic;
35. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
36. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
37. All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operations thereof; and
38. Possession of, except within their own domicile, or carry, use, or discharge any air gun, "BB" gun, gas-operated or spring gun, or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, whether such instrument is called by any name set forth or any other name.
 1. The prohibition above shall apply in private grounds or premises under circumstances when such instrument can be and is fired, discharged, or operated in such a manner as to endanger persons, property, or wild animals or birds; and further provided that nothing herein contained shall be construed to prevent the carrying of any type gun whatsoever when unloaded and properly cased.
 2. Any person wishing to discharge any instrument referred to in Section 3-37 above for some special reason or purpose must secure a written permit from the City Council.
39. No property owner or person shall store on a residential property a portable storage / disposal container unit more than thirty (30) days in any 12-month period starting with the day / date the container unit is first moved on-site.
 1. All portable storage / disposal container units must be stored on an impervious surface on the property.
 2. The City may grant a time extension of an additional sixty (60) days provided the property owner gets City Council approval for the container from the City. In no case shall a portable storage / disposal container unit be stored on a property more than ninety (90) days in any 12-month

period. This provision applies to all residential properties including single family homes, townhouses, condominiums, and multi-family complexes.

3. Portable storage / disposal container units stored on residential properties in conjunction with a building permit or home improvement project are exempt from these provisions, except for the requirement to keep the container unit on an impervious surface. In such case, the property owner shall make every effort to adhere to a 120 day maximum time limit.
4. Portable storage / disposal container units meeting the definition set forth in this Ordinance which are used for regular refuse and recycling pick-up on commercial or industrial properties shall be exempt.

40. All other conditions, acts, or things which are liable to cause injury to the person or property of anyone.

Section 4. Curfew for Minors.

1. **Restrictions on Minors.** It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City of Gem Lake between the hours of ten o'clock p.m. and five o'clock a.m. the following day. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to loiter, idle, wander, stroll, or play in or upon public streets, highways, roads, alleys, parks, playgrounds, public places, and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City of Gem Lake between the hours of twelve o'clock midnight and five o'clock the following morning. Provided, however, that the provisions of this section do not apply to a minor accompanied by his or her guardian, or other adult person having the care and custody of the minor, to a minor who is upon an emergency errand or other legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with a required by some legitimate business, trade, profession, or occupation in which said minor is permitted by law to be engaged.
2. **Duties of Parents or Guardians.** It shall be unlawful for the parent, guardian, or other adult person having charge of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City of Gem Lake during the hours prohibited by this Ordinance; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place is connected with and required by some legitimate business, trade, profession, or occupation in which said minor is permitted by law to be engaged.
3. **Minors in Amusement Places.** No person, operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor under the age of eighteen (18) years to remain in such place during the hours prohibited by this ordinance; provided, however, that the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

Section 5. Enforcement. It shall be the duty of the Council to enforce the provisions of this Ordinance. The Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this Ordinance, including the power to inspect private premises, and the officers or agencies charged with enforcement of this Ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 6. Abatement of Nuisances.

1. **Procedure.** Except as otherwise provided within this Ordinance, whenever the officer charged with enforcement determines a public nuisance is being maintained or exists on a premise in the City, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated and abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the specified time, the officer shall report that fact to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the Council Order and a Notice of Motion for Summary Enforcement or, obtain an administrative search warrant for access to the premises or property has been denied, and abate the nuisance. In those cases where the nuisance pertains to noxious weeds, rank growth and grass and weeds as defined in Section 210.010(B)(4), the City Council after notice and hearing may cause the nuisance to be abated immediately by the City. In those cases where the nuisance has been recurring and can be abated by reasonable maintenance procedures, the City Council's order to abate shall be effective for up to two (2) years.
2. **Notice.** Written notice of the violation, notice of the time, date, place and subject of any hearing before the City Council; notice of the City Council Order; and Notice of Motion for Summary Enforcement hearing shall be served by a peace officer or a designated official on the owner of record or occupant of the premises, either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.
3. **Emergency Procedure/Summary Enforcement.** In cases of an emergency where delay will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated official shall determine that a public nuisance exists or is being maintained on the premise in the City and that the delay in abatement will unreasonably endanger public health, safety or welfare. The officer or designated official shall make a reasonable attempt to notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedures set forth in subdivision 210.020(A) and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City may order summary enforcement and abate the nuisance.
4. **Immediate Abatement.** Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
5. **Judicial Remedy.** Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

Section 7. Recovery of Costs.

1. **Record of Abatement Cost.** The City shall keep a record of the costs of abatements, including administrative costs, done under this ordinance and shall report monthly all work done to the appropriate officer for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount assessable to each.
2. **Personal Liability.** The owner of premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person shall be personally liable for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the City's administrative office.
3. **Assessment.** After notice and hearing as provided in Minnesota Statutes Section 429.061, as it may be amended from time to time, if a nuisance is a public health or safety hazard on private or public the City

Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under the provisions of Minnesota Statutes Section 429 and any other pertinent Statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Section 8. Penalties. In addition to any fines, costs, or assessments provided for by this Ordinance or other City Ordinances, the City may prosecute a violation of any provision of this Ordinance as a misdemeanor, and a person, if convicted, may be punished by the maximum fine and term of imprisonment provided by Minnesota Statutes § 609.02, subd. 3, as that statute may be amended from time to time.

Section 9. Repeal. This Ordinance supersedes, replaces and repeals all prior Ordinances relating to the same subjects contained within this Ordinance. Any portion of such prior Ordinances not incorporated within this Ordinance is expressly repealed.

Section 10. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section 11. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: August 15, 2023

Gretchen Artig-Swomley

Gretchen Artig-Swomley, Mayor

Melissa Lawrence

Melissa Lawrence, Acting City Clerk

Updated: September 21, 2021 – Added language in regards to Portable Storage / Disposal Container Units

Updated: December 20, 2022 – Added language in regards to parking regulations and winter parking regulations

Updated: August 15, 2023 – Revised the Ordinance and removed sections to create standalone Ordinances