

**RENVILLE COUNTY
PUBLIC NUISANCE ORDINANCE**

SECTION 1. PURPOSE, AUTHORITY, AND JURISDICTION

1. Title. This Ordinance shall be known, cited, and referred as the “Renville County Public Nuisance Ordinance.” When referred to herein, it shall be known as “this Ordinance.”
2. Statement of Purpose. This Ordinance is adopted for the purpose of protecting the general health, safety, and welfare of Renville County residents and visitors; to prevent the spread of disease; to limit and prevent the harborage of insects, rodents, and other vermin; and to limit and prevent accumulations of filth, sewage, garbage, refuse, debris, rotting vegetation, and/or manure.
3. Statutory Authorization. This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes including, but not limited to, Sections 103I.111, 145A, 160, 346.155, 463.15, 471.92, 561.01, 609.74, and 609.745 or successor statutes.
4. Jurisdiction. This Ordinance shall apply to all areas in Renville County, Minnesota, except areas within the incorporated limits of any city, however organized, except as otherwise provided by law.

SECTION 2. GENERAL PROVISIONS

1. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
2. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
3. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any powers granted by state statutes.
4. Compliance. No land or structure shall be used for any purpose or in any manner which is not in conformity with this Ordinance. Whoever by their act or failure to act intentionally maintains or permits a condition which unreasonably injures or endangers the health, safety, or welfare of the public or whoever causes or maintains any source of filth or sickness has committed a public nuisance or public health nuisance.
5. Inspection Authority. The Enforcement Officer shall be the County official who shall administer and enforce the provisions of this Ordinance. The Enforcement Officer is authorized to cause inspections of property on a complaint basis or otherwise when reason exists to believe that a violation of this Ordinance has been or is being

committed. Complaints shall be verbal or in writing and contain the name and address of the complainant. Inspections shall be conducted during daylight hours, and the Enforcement Officer shall present evidence of official capacity to the owner and/or occupant in charge of the property subject to the complaint.

6. General Exemptions in the Agricultural District. Within the Agricultural zoning district of the County, an agriculture operation complying with the provisions of all applicable federal, state, or County laws, regulations, rules, and ordinances and operating according to generally accepted agriculture practices associated with crop and livestock production including, but not limited to, extended hours of equipment operation; manure and fertilizer application; pesticide application; farm equipment on the roadways; sights, sounds, and smells associated with livestock production; and field tillage and harvesting activities associated with crop production shall not be considered as a basis for a public nuisance complaint under the provisions of this Ordinance.

SECTION 3. DEFINITIONS

Board – The Renville County Board of Commissioners.

Clandestine Drug Lab Site – Any part(s) of a structure such as a dwelling, building, motor vehicle, trailer, or appliance occupied or effected by conditions and/or chemicals typically associated with a clandestine drug lab operation.

Department(s) – Renville County Environmental Services, Renville County Public Works, Redwood-Renville Regional Solid Waste Authority (RRRSWA), Renville County Sheriff, and Renville County Public Health and their respective staff.

Dilapidated Dwelling/Structure – All dwellings or structures which, by inadequate maintenance, abandonment, unsanitary conditions, are vermin-infested and/or are lacking facilities or essential equipment, are unsafe and dangerous to human life, and are unfit for human habitation, occupation, or use. A dilapidated dwelling/structure shall include:

1. Any dwelling/structure which because of physical condition constitutes a public nuisance.
2. Any dwelling/structure which has been officially declared a fire hazard or is otherwise dangerous to the safety of persons or property.
3. Any dwelling/structure from which utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that it is unfit for its intended use.
4. Any dwelling/structure which, by reasons of environmental contamination, poses a threat to public health or safety in its present condition.
5. Any nonconforming dwelling/structure that is damaged to an extent of more than 50 percent of its market value as determined by the County Assessor.

Diseased – An animal, bird, fish, or fowl with an infectious or contagious disease.

Enforcement Officer – Any designated representative of Renville County including, but not limited to, Environmental Services, Public Works, RRRSWA, Sheriff, and Public Health personnel.

Garbage – Any discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Infestation – Shelter provided for rodents, insects, vermin, and vectors such that nesting, reproduction, and development may occur.

Litter – Garbage, refuse, and rubbish as defined herein and all other waste material which, if not deposited and managed in accordance with applicable local, state, and federal ordinances, rules, and laws, may create a danger to the public health, safety, and welfare.

Prohibited Animal – Any animal that is not normally domesticated in the United States or is wild by nature regardless of whether the animal was bred in the wild or captivity.

Public Nuisance – A thing, act, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of other members of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

Refuse – Putrescible (subject to rotting and foul-smelling decay) and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, and market and industrial wastes and including municipal treatment wastes which do not contain free moisture.

Regulated Animal – All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals but not including domestic cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association, bears, all nonhuman primates including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins. Regulated animals include any hybrid or cross between an animal listed above and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

Rubbish – Any non-organic solid wastes including, but not limited to, ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, furniture, appliances, concrete, asphalt, tires, metal components, fiberglass, crockery, or litter of any kind.

Serious and Imminent Danger – A serious and imminent danger is one that has a high likelihood of harming one or more members of the public in a rapid manner.

Unreasonable Quantity – Amounts as determined by the Department(s) that threaten or damage the health, safety, or welfare of the public.

Waste Material – Material that, in opinion of the Department(s), is no longer of any value for its original purpose and has been or should be discarded.

SECTION 4. PUBLIC NUISANCES ENUMERATED

1. Public Nuisances Affecting the Public's Health. The following are hereby declared to be nuisances affecting the health of the public:
 - A. Exposed accumulations of decayed or unwholesome animal or vegetable matter.
 - B. Carcasses of animals, birds, fish, or fowl not intended for human consumption and not properly buried or destroyed within 48 hours after death.
 - C. Accumulations in the open of broken or unused plastic; glass; tires; metal; wood; lumber; cement; electrical fixtures; plumbing fixtures; building materials (excluding materials awaiting use and stored for a reasonable period of time for an improvement presently in progress on the same premises); discarded, unused, or inoperable machinery; household appliances; three or more inoperable and/or unlicensed motor vehicles; vehicle parts; or other material conducive to the harboring of rats, mice, insects, or vermin; or because of the rank of growth of vegetation among items so accumulated constitutes a fire, health, or safety hazard.
 - D. Accumulations of excessive amounts of manure, refuse, garbage, offal, waste oil, hazardous materials, ashes, rubbish, debris, or litter.
 - E. The discharge, disposal, accumulation, or collection of sewage, solid waste, or industrial wastes without proper permits or approval.
 - F. Garbage cans or other refuse containers 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.
 - G. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities as determined by the Department(s).
 - H. Public exposure of birds, fish, fowl, or animals having a contagious disease.
 - I. Depositing garbage, rubbish, litter, tires, or refuse on any public property including County roads, drainage ditches, and parks.
 - J. Any infestation of insects or rodents or any harborage or breeding area for the same as determined by the Department(s).
 - K. The pollution of any land, well, cistern, stream, lake, aquifer, wetland, or public water by sewage, industrial waste, or any other substance harmful to animals, birds, fish, person, or the environment.

- L. Any businesses not licensed by the County as provided by law.
 - M. Any noise in excess of the noise levels set forth in the regulations and standards of the Minnesota Statutes and/or Rules. Noise which is reasonably necessary to the preservation of life, health, safety, or property including noise produced during generally accepted agriculture practices located in an agricultural zoned area are exempt. (Reference MS 116.07 and MN Rules 7030.0010 – 7030.0080)
 - N. Any clandestine drug lab site as defined in the Renville County Meth (Clandestine Drug Lab) Clean-up Ordinance or successor Ordinance.
2. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:
- A. Depositing or causing to be deposited any snow or ice on any area of public roads. (Reference MS 160.2715)
 - B. Grass/hay bales must be removed from the road right-of-way as soon as possible, and no later than five (5) days after they are baled. All bales must be moved out of the clear zone and away from site corners immediately. (Reference MnDOT Right of Way Manual, Section 510)
 - C. No drain tile, direct or indirect, shall outlet into the road right-of-way (effective as of the adoption date of this Ordinance).
 - D. Planting of trees, hedges, shrubs, and the installation of ads, billboards, political signs, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection or which obstructs use or travel on a public road.
 - E. Placing or storing upon any public right-of-way any boxes, goods, wares, merchandise, building materials, machinery, vehicles, or business or trade articles except for the purpose of immediately transferring the same to some other proper place and excepting planned citywide cleanups.
 - F. Obstructions and excavations affecting the ordinary use by the public of public roads except under such conditions as are permitted by County ordinances or other applicable law.
 - G. Wires and limbs of trees which are so close to the surface of a public road as to constitute a danger to pedestrians or vehicles.
 - H. Three or more unlicensed and/or inoperative motor vehicles stored on property; unsheltered storage of unused, inoperative, stripped, or junked automobiles, trucks, buses, recreation vehicles, manufactured homes, motorcycles, snowmobiles, watercraft, or other personal property of any kind.

- I. Livestock roaming outside of a fenced area onto the road right-of-way, road, or someone else's property.
- J. Sewage, manure, wastewater, dirt, rocks, sand, mud, leaves, trash, lawn clippings, grass, or industrial waste cast upon, deposited, or permitted to flow upon public roads, ditches, or right-of-way.
- K. Any well, hole, or similar excavation which is left open or uncovered or in such other condition as to constitute a danger to any child or other person coming on the premises on which it is located.
- L. Any purposeful obstruction of the free flow of water in a natural waterway or in a County ditch or storm sewer, except as provided in an approved stormwater pollution prevention plan.
- M. Digging excavations, placing culverts, placing dams, or doing any act which may alter or affect the drainage of public roads or affect the flows of public storm sewers, ditches, or drainageways without authorization from the County.
- N. The placing or throwing on any public roads any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over such object.
- O. Any unattended machinery or vehicle, for a period of 24 hours, which constitutes an obstruction to traffic or which hinders snow removal or road maintenance.
- P. The keeping of any used refrigerator, ice box, freezer, or similar device which is not in service.
- Q. Dilapidated dwellings or structures. Sites will be inspected on a complaint basis only.
- R. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount which would cause a hazard or endanger the safety of the public.
- S. All use or display of fireworks without a permit.
- T. A dog present in or kept in a non-incorporated residential area which habitually barks, whines, or growls.
- U. Storage or accumulation of junk, garbage, waste material, debris, or other refuse, with the exception of crop residue, in the open. Property in a licensed place is exempted. For the purpose of this section, junk is defined as any material or substance which does not serve, nor is it intended to serve, any useful purpose for which it was originally intended. Junk is considered to include, but is not limited to, refuse, empty cans bottles, debris, used furniture, and appliances.
- V. Causing chemicals or sprays that kill vegetation in public ditches or rights-of-way without permission of the Enforcement Officer.

- W. Any other condition or thing which is likely to cause injury to the person or property of anyone.
- X. It is unlawful for any person to keep, maintain, or harbor regulated animals (reference MS Section 346.155) or prohibited animals within the County.
- Y. It is unlawful for any person to keep, maintain, or harbor any of the following reptiles in the County:
 - i. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder, or cobra.
 - ii. Any boa constrictor or snake or reptile which by its size, vicious nature, or other characteristics is dangerous to humans.
 - iii. Any other animal or reptile which is not listed explicitly above but which can be reasonably defined in this section.

EXCEPTIONS. The following are exempt from this section:

- i. Small, non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, lizards, and similar small animals capable of being kept in cages continuously.
- ii. Monkeys kept by handicapped persons as personal helpers.
- iii. Animals kept by volunteers for a public zoo, teachers, or any bona fide research institute or veterinary hospital provided such animals are safely kept and do not create a nuisance.
- iv. State licensed game and fur farm.

SECTION 5. ADMINISTRATION

1. Abatement. Whenever the Enforcement Officer determines that a public nuisance is being maintained or exists on premises in the County, the Enforcement Officer shall notify the owner and/or occupant of the premises in writing of such fact and order that such nuisance shall be terminated or abated. The notice shall be served in person or by certified or registered mail. A copy of the notice shall be sent to the Board of Commissioners, the County Attorney, and the Renville County Administrator. 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 frame in which the nuisance is to be abated. If the notice is not complied with within the time specified, the Enforcement Officer shall cause personal service of a notice of hearing upon the owner and/or occupant of the property at least seven (7) days prior to a scheduled hearing by the Board of Commissioners. In the event that personal service

cannot be made, mailed and posted notice may be used provided it is posted and mailed at least seven (7) days prior to the date of the hearing.

Thereafter, the Board of Commissioners may, after notice to the owner and/or occupant and the opportunity to be heard, provide for abating the nuisance by the County. The Board of Commissioners 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 County will enter onto the property and abate the nuisance. The notice shall also notify the property owner that the cost 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 that the County is to abate the nuisance. If the premise is unoccupied or the owner and/or occupant cannot be served, notice shall be posted upon the premises at least seven (7) days prior to the proposed abatement.

2. **Emergency Abatement.** When the Enforcement Officer determines that a nuisance constitutes a serious and imminent danger to the public's health or safety, the Enforcement Officer may summarily abate the nuisance after a reasonable attempt to notify the owner and/or occupant of the property. The Enforcement Officer shall immediately thereafter notify in writing the owner and/or occupant of the property of the action taken. The notice shall be served in person or by certified or registered mail. The Enforcement Officer shall notify the Board of Commissioners, the County Attorney, and the County Administrator immediately of all emergency abatements.
3. **Nuisance Abatement.** Upon failure of the property owner to abate the nuisance or to request a hearing as provided, the Board of Commissioners shall cause the nuisance to be abated.
4. **Expense and Reimbursement.** The person ordered to abate the nuisance shall be liable for the cost to the County of the abatement including administrative costs. As soon as the work has been completed and the costs determined, the Enforcement Officer shall cause a bill to be prepared for the costs and mailed to the person. Thereupon, the amount specified shall be immediately due and payable to the Renville County Auditor/Treasurer. Any unpaid charges shall be collected as a special assessment.

SECTION 6. ENFORCEMENT

1. Any person, firm, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, or who knowingly makes any false statements in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense.
2. No person shall willfully oppose, interfere with, or obstruct a County employee charged with the enforcement of this Ordinance during performance of any legal duty.
3. All rights and remedies accruing to the County under this Ordinance, whether at law or in equity, are deemed cumulative and may be pursued independently or in conjunction with

one another with such frequency and in such manner as the County, in its sole discretion, deems necessary to accomplish the purpose of this Ordinance.

4. In the event of a violation or threatened violation of this Ordinance, the County Attorney is empowered and directed to take appropriate action to enforce this Ordinance including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

SECTION 7. APPEALS

Appeal to Board of Commissioners. The person ordered to abate the nuisance shall be sent a notice by certified mail, return receipt requested, notifying them of their right to a hearing before the Board of Commissioners. A request for the hearing must be made in writing and filed with the Enforcement Officer no later than ten (10) days following receipt of the notice or it will be conclusively presumed that a nuisance exists. The hearing will be held before the Board of Commissioners at a time and place set by the Board. The finding of the Board of Commissioners shall be conclusive; and if a nuisance is found to exist, it shall be ordered abated within a reasonable period of time.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage and publication as provided by law.