

FRIDLEY CITY CODE
CHAPTER 110. PUBLIC NUISANCE
(Ref. 374, 714, 1221, 1370)

110.01. MINNESOTA STATUTES BY REFERENCE

Minnesota Statutes Sections 609.74 and 609.745 are hereby adopted by reference and be in full force and effect in the City of Fridley as if set out here in full.

110.02. DEFINITIONS

For the purpose of this chapter, certain terms and words are defined in Chapter 205, Zoning Code and or Chapter 101, Animal Control.

110.03. PUBLIC NUISANCE DEFINED

Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition that unreasonably annoys, injures or endangers the safety health, comfort, or repose of any considerable number of 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. Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;
4. Causes any well hole or similar excavation to be 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;
5. Stores items outdoors including but not limited to machinery, equipment, abandoned, unsafe, or junk motor vehicles, household furnishings or materials in a manner conducive to the harboring of wild animals, or to fire, health or safety hazards from such accumulations, or from the rank growth of vegetation among the items so accumulated. Items stored outside a building according to the stipulations of an approved special use permit are not a public nuisance;
6. Deposits or causes placement of hazardous material in a manner that causes those materials to drain into a storm sewer drain or waterway as defined in Section 105.02.7 of City Code or any other unpaved ground surface within the City. Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in State Statute 116.06, Subd. 11; or
7. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

110.04. DRIVEWAY NUISANCE

Any driveway located within the city and not paved is a public nuisance.

Any nuisance under this provision must be abated by construction of an approved surface on the driveway in a manner prescribed by the City. The City expressly reserves and declares its statutory authority to abate any such nuisances under the assessment and levying powers granted by Minnesota Statutes chapters 429 and 463, according to the procedures established in Chapter 128 of City Code.

“Driveway”, for the purpose of this Chapter, shall not include any public owned or dedicated unpaved road or alleyway used for purpose of access to any property; nor any roadway, path or other access to a parcel of unsubdivided property that can, without variance, be subdivided in the City. A roadway or path to subdividable property in the City shall be a “driveway” subject to this Chapter at such time as the property on which it is located is subdivided and the roadway or path continues to be used for the purpose of access to the property. Any roadway or path to subdividable property must be paved to a distance of at least twenty feet from the edge of any connecting curb or roadway surface in order to qualify for this exception. (Ref. Ord. 1098)

110.05. POWER OF OFFICERS

Whenever in the judgment of a City official, designated by the City Manager, it is found by investigation that a public nuisance is being maintained or exists on property within the City, the following procedures shall be followed to abate the nuisance:

1. Written notice shall be issued to the owner requiring the termination or abatement of said nuisance or to remove such conditions or remedy such defects;
2. Service of said written notice may be hand-delivered to the owner or posted on the property, but shall also be sent via U.S. mail;
3. If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of Chapter 407. If the nuisance poses a public health or safety risk, City staff may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in Chapter 128 of the City Code.

110.06. ABATEMENT AND ASSESSMENT OF NUISANCE

If after such service of notice, the owner fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the City official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of the City Code.

110.07. PERMITTING PUBLIC NUISANCE

Whoever permits real property under his or her control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.

110.08. EMERGENCY ABATEMENT

If the City official determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City shall post a notice at the property and attempt to notify the owner, agent, or occupant of the property. However, notice to the owner, agent, or occupant of the property is not required prior to abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs according to the procedures established in Chapter 128 of the City Code.

110.09. PENALTIES

Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code. (Ref. Ord. 1098)

110.10. SEVERABILITY

Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.