



***TODD TOWNSHIP  
HUBBARD COUNTY, MINNESOTA  
STATE OF MINNESOTA***

**ORDINANCE NO: 04-02**

**ORDINANCE  
PROHIBITING THE  
OCCURRENCE AND MAINTENANCE OF PUBLIC  
NUISANCES**

**October, 2002**



**TODD TOWNSHIP  
HUBBARD COUNTY, MINNESOTA  
STATE OF MINNESOTA**

**ORDINANCE NO: 04-02**

**THE TOWN BOARD FOR THE TOWN OF TODD, HUBBARD COUNTY, STATE OF  
MINNESOTA, DOES HEREBY ORDAIN:**

**ORDINANCE PROHIBITING  
THE OCCURRENCE AND MAINTENANCE OF PUBLIC NUISANCES**

**SECTION ONE**

**AUTHORITY / PURPOSE**

The Todd Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapter 462, and 429, enacts the following rules and regulations for the purpose of protecting the health, safety and welfare of the citizens in Todd Township by prohibiting the occurrence and maintenance of public nuisances. This ordinance allows for the abatement of public nuisances and provides penalties for causing or maintaining a public nuisance.

**SECTION TWO**

**PUBLIC NUISANCE DEFINED**

Any person, individual, corporation, company, partnership, firm, association other legally recognized entity who, by his act or failure to perform intentionally or negligently does or causes any of the following is guilty of maintain a public nuisance;

1. Maintains or permits a condition which un-reasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
3. Causes or maintains any condition declared by this ordinance to be a public nuisance; or
4. Is guilty of any other act or omission declared by law to be a public nuisance and for which no remedy is specifically provided.

**SECTION THREE**

**PUBLIC NUISANCE AFFECTING HEALTH**

The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;



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2. All diseased animals running at large;
3. Carcasses of animals not buried or destroyed within forty-eight hours (48 hours) after death;
4. Accumulations of manure, refuse, or other debris. Compost piles will be allowed.
5. The discharge, disposal, accumulation, or collection of sewage in a manner not authorized by law, rule or regulation;
6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to omit 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 and other rank growths of vegetation upon public or private property;
9. Burning without a permit or in violation of any applicable law
10. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

**SECTION FOUR**

**PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

The following are declared to be nuisances affecting public peace and safety:

1. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
2. All wires and limbs of trees which are so close to the surface of a public right-of-way as to constitute a danger to pedestrians or vehicles;
3. Obstructions and excavations affecting the ordinary use by the public of public right-of-ways, except under such conditions as are permitted by applicable law;
4. Placing or storing on any public right-of-way any boxes, goods, wares, merchandise, building materials, machinery, business or trade articles, except for the purpose of immediately transferring the same to some other proper place, (i.e. weekly garbage pick-up day, community service pick-up, etc.);
5. Any tree, shrub, bush, or other vegetation located on private property which obstructs routine use or travel on any public right-of-way;
6. Radio aerials or television antennae with guy wires and/or anchors on private or public property erected or maintained in a dangerous manner;
7. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin,



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- or the rank growth of vegetation among the items so accumulated, or in a manner creating fire health, environmental, or safety hazards from such accumulation;
8. 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), trash, debris, rubbish, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation;
  9. 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;
  10. Obstruction to the free flow of water in a natural waterway or a public drain, gutter, or ditch with trash or other materials;
  11. Digging excavations, placing culverts, placing dams, or doing any act which may alter or affect the drainage of public property or public right-of-ways;
  12. The placing or throwing on any public right-of-way 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;
  13. The depositing of garbage or refuse on a public right-of-way or on public property;
  14. Throwing, placing, depositing dirt, sand, leaves, trash, lawn clippings, weeds, grass, or other materials on public property or in a public right-of-way;
  15. All other conditions or things that are likely to cause injury to the person or property of anyone.

**SECTION FIVE**

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 SIX**

ENFORCEMENT OF ORDINANCE

The Town Board, the Board's designee ( i.e. Zoning Administrator or duly authorized representatives), or any duly licensed and appointed law enforcement officer of the State of Minnesota or its political subdivisions may enforce this ordinance.



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**SECTION SEVEN**

**ABATEMENT PROCESS**

Whenever the Town Board or the Board's designee (i.e. Zoning Administrator or duly authorized representative) determines that a public nuisance is being maintained or exists on property within the township, the owner or occupant of such property shall be notified of the fact in writing. The notice shall be served in person or by certified or registered mail. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or re-certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail.

**Written Notice:** A written notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty days ( 30 days ), within which the nuisance is to be abated (halted). If the nuisance is not abated within the time specified within the notice, then the Township may abate the nuisance itself after conducting a hearing before the Town Board.

**Hearing Notice:** A hearing notice shall be served in the same manner as described above and shall be given at least ten days ( 10 days ) prior to the date of the hearing before the Town Board. In order to expedite matters the Township may, in its discretion, include notice of the aforementioned hearing in the original notice of abatement.

**Hearing:** If after conducting a hearing on the matter the Town Board determines that abatement is necessary to protect the public, health, safety and welfare, then the Township may abate the nuisance itself, or cause the same to occur, in any manner and using any method that it finds appropriate.

**SECTION EIGHT**

**EMERGENCY ABATEMENT**

If the Township determines that a nuisance constitutes a serious and eminent danger to the public health, safety or welfare, then the Township may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. After summarily abating a nuisance, the Township shall 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 NINE**

**COST OF ABATEMENT**

The cost of nuisance abatement shall be borne by the offending property owner. If the Township undertakes nuisance abatement, it shall bill the property owner for all cost and disbursements associated therewith, including all disposal fees, service fees and attorneys' fees. If the property owner does not pay such bill, then the Township shall certify such unpaid amount to Hubbard County to be assessed against the property and to be collected with property taxes as provided in Section Ten below.



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**SECTION TEN**

**ASSESSMENT**

On or before September 1 next following abatement of any nuisance, the town clerk shall prepare a list of unpaid charges for nuisance abatement to be assessed against the respective properties upon which nuisances have been abated. The aforementioned assessments shall be made in accordance with the procedures set forth in Minnesota Statutes § 429.101, against each separate lot or parcel to which the nuisance abatement charges are attributable. The Township may spread the charges against any such property, not to exceed ten installments, as the Township may determine appropriate in each case. The Clerk shall certify all assessments made hereunder to the Hubbard County Auditor for collection in the same manner as property taxes for the following year.

**SECTION ELEVEN**

**HAZARDOUS BUILDINGS AND EXCAVATIONS; ADOPTION BY REFERENCE.**

The “Hazardous and Substandard Building Act” Minnesota Statutes Chapter 463, as the same may from time to time be amended, is hereby adopted and incorporated herein by reference. Any hazardous building or dangerous excavation may be abated in accordance with the provisions of that law.

**SECTION TWELVE**

**JUNK AND ABANDONED MOTOR VEHICLES; ADOPTION BY REFERENCE**

Minnesota Statutes, Chapter 168 B, as the same may from time to time be amended, is hereby adopted and incorporated herein by reference. Both Junk and Abandoned Motor Vehicles may be abated in accordance with the provisions of that law.

**SECTION THIRTEEN**

**MINNESOTA STATUTES 429.101; ADOPTION BY REFERENCE**

Minnesota Statutes, Chapter 429.101, as the same may from time to time be amended; is hereby adopted and incorporated herein by reference.



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**SECTION FOURTEEN**

**PENALTIES**

Violation of this ordinance is a misdemeanor offense punishable by up to the greater of ninety days ( 90 days ) and/or a \$1000 fine or the maximum allowed by law. Each day a nuisance continues to exist is deemed a separate punishable offense under this ordinance plus the costs of prosecution. The Township may, in its discretion, seek any civil remedies available to it as well, including injunctive relief and reimbursement of all costs and disbursements, including Attorney's fees expended by the Township in enforcing this Ordinance. Each right or remedy accruing to the Township under this ordinance or at law is separate and distinct and may, in the Township's discretion, be exercised independently or simultaneously with any other right or remedy.

**SECTION FIFTEEN**

**SEVERABILITY**

Should any section, paragraph, provision, sentence or lesser part thereof of this ordinance be found to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed from this ordinance and all remaining sections, paragraphs, provisions and sentences shall remain in full force and effect.

**SECTION SIXTEEN**

**EFFECTIVE DATE**

This Ordinance, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Todd Township Board of Supervisors.

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This ordinance is adopted this *7<sup>TH</sup>* day of *October*, 2002 by the Todd Township Board of Supervisors.

This ordinance shall be effective upon publication in the official Todd Township newspaper.

*/s/ Keith Mikus*  
Chair, Todd Township Board of Supervisors

ATTEST:

*/s/Mildred Lovin*  
Clerk, Todd Township

Published in the **Park Rapids Enterprise** located in Park Rapids, Minnesota, Hubbard County, on the \_\_\_\_ day of *October*, 2002.



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**PUBLIC NOTICE**

**HEARING**

A Public Hearing will be held on **September 24<sup>th</sup>, 2002, at 7:00 p.m.** at the **Hubbard County Courthouse, basement room**, by the Todd Township Planning Commission.

The purpose of the hearing is to comments on the “Draft” Ordinance 2002, ORDINANCE PROHIBITING THE OCCURRENCE AND MAINTENANCE OF PUBLIC NUISANCES. Written comment can be sent to the Todd Township Planning Commission Secretary, at 14233 Eagle Point Drive, Park Rapids, MN, 56470, or by contacting the Zoning Administrator at 1-218-252-1338, and will be received up to the date of the Hearing.

Due to the lengthy content of the Ordinance, a brief synopsis follows:

- Section One: Authority / Purpose. States the purpose of the Ordinance and the authority to implement.
- Section Two: Public Nuisance Defined. States what is a public nuisance
- Section Three: Public Nuisance Affecting Health. States conditions affecting the public’s health.
- Section Four: Public Nuisances Affecting Peace And Safety. States conditions affecting the public’s peace and safety.
- Section Five: No Duty Created. States that the provisions of this Ordinance are directory in nature and not to be construed to create a duty or a liability for any failure to enforce.
- Section Six: Enforcement of Ordinance. States who can enforce this Ordinance.
- Section Seven: Abatement Process. States the process for abating a nuisances.
- Section Eight: Emergency Abatement. States the process for emergency nuisances.
- Section Nine: Cost of Abatement. States who pays for abating a nuisance and if the fees are not paid.
- Section Ten: Assessment. States the levy procedure for unpaid charges
- Section Eleven: Hazardous Buildings And Excavations; Adoption By Reference.
- Section Twelve: Junk And Abandoned Motor Vehicles; Adoption By Reference.
- Section Thirteen: Minnesota Statutes 429.1011; Adoption by Reference.
- Section Fourteen: Penalties. Penalties to be imposed upon a violation of this Ordinance.
- Section Fifteen: Severability. Invalidation of one portion of Ordinance does not invalidate all or other portions.

A copy of the “Draft” of Ordinance 2002, ORDINANCE PROHIBITING THE OCCURRENCE AND MAINTENANCE OF PUBLIC NUISANCES can be viewed at the Park Rapids Public Library, located in Park Rapids, MN, 56470, or by contacting the Zoning Administrator at 1-218-252-1338, or the Todd Township Planning Secretary at 1-218-732-4278 during regular business hours.

Dean Klicker, Secretary  
Todd Township Planning Commission





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**PUBLIC NOTICE**

**Adoption of Nuisance Ordinance No: 04-02**

The Board of Supervisors for the Town of Todd, Hubbard County, Minnesota, now hereby ordains that on September 24<sup>th</sup>, 2002, the Todd Township Planning Commission conducted a hearing and recommended approval to the Town Board of Supervisors in regards to the "Draft" Nuisance Ordinance No: 04-02. On October 7<sup>th</sup>, 2002, at their regular monthly Board meeting, the Todd Township Board of Supervisors moved and adopted the above Nuisance Ordinance and ordered its synopsis to be published.

Due to the lengthy content of the revisions, a brief Summary follows:

- Section One: Authority / Purpose. States the purpose of the Ordinance and the authority to implement.
- Section Two: Public Nuisance Defined. States what is a public nuisance
- Section Three: Public Nuisance Affecting Health. States conditions affecting the public's health.
- Section Four: Public Nuisances Affecting Peace And Safety. States conditions affecting the public's peace and safety.
- Section Five: No Duty Created. States that the provisions of this Ordinance are directory in nature and not to be construed to create a duty or a liability for any failure to enforce.
- Section Six: Enforcement of Ordinance. States who can enforce this Ordinance.
- Section Seven: Abatement Process. States the process for abating a nuisances.
- Section Eight: Emergency Abatement. States the process for emergency nuisances.
- Section Nine: Cost of Abatement. States who pays for abating a nuisance and if the fees are not paid.
- Section Ten: Assessment. States the levy procedure for unpaid charges
- Section Eleven: Hazardous Buildings And Excavations; Adoption By Reference.
- Section Twelve: Junk And Abandoned Motor Vehicles; Adoption By Reference.
- Section Thirteen: Minnesota Statutes 429.1011; Adoption by Reference.
- Section Fourteen: Penalties. Penalties to be imposed upon a violation of this Ordinance.
- Section Fifteen: Severability. Invalidation of one portion of Ordinance does not invalidate all or other portions.

A copy of the Todd Township Nuisance Ordinance No: 04-02 will be available at the Park Rapids Public Library, located in Park Rapids, MN, 56470, or by contacting the Zoning Administrator at 1-218-252-1338, or the Todd Township Planning Secretary at 1-218-732-4278 during regular business hours.

Mildred Lovin, Clerk  
Todd Township, Hubbard County, MN