

CITY OF BALDWIN
SHERBURNE COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 2026-05

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

The City Council of the City of Baldwin hereby ordains as follows:

Section 1. **Purpose.** The City is authorized to define nuisances herein this ordinance and provide for their prevention or abatement pursuant to Minn. Stat. § 412.221, subd. 23 and any other applicable state law or authority. The purpose of this ordinance is to protect the general, health, safety and welfare of the citizens of the City of Baldwin by prohibiting the occurrence and maintenance of public nuisances and eliminating junk and blight within the City. 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.** A public nuisance is a thing, act, or use of property that:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable numbers of the public or the community; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public park, street or right-of-way, or waters used by the public; or
- C. Shall in any way render the public insecure in life or in use of property.
- D. Any other act or omission declared by law or this ordinance to be a public nuisance.

Section 3. **Public Nuisance Affecting Health.** The following are hereby declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All dogs running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within 24 hours after death;
- E. Accumulations of manure, refuse, or other debris;

- F. The discharge, disposal, accumulation, or collection of sewage or industrial waste without proper permit or approval;
- G. Garbage cans or other refuse containers that are not rodent-free or fly-tight, that are so maintained as to constitute a health hazard or to emit foul and disagreeable odors, and which such waste is not removed at least once a week;
- H. 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;
- I. All noxious weeds, as defined in Minn. Stat. § 18.77, subd. 8 upon public or private property.
- J. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- K. All public exposure of persons having a contagious disease;
- L. 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; and
- M. Depositing garbage, rubbish, litter, or refuse on any public property, including streets, sidewalks, and parks, 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 park or upon any street or other public place.

Section 4. **Public Nuisances Affecting Morals and Decency**. The following are hereby declared to be nuisances affecting public morals and decency:

- A. Any gambling device not authorized by State Law and not properly permitted by the appropriate jurisdiction, including, but not limited to, slot machines and punch boards;
- B. Betting, or bookmaking, not allowed by State Law, and all apparatus used in such operations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating liquor or controlled substances as defined by Minn. Stat. § 152.01, subd. 4 are manufactured, dispensed or disposed of in violation of law or where, in violation of law, persons are permitted for the purpose of drinking intoxicating liquor or ingesting or otherwise using controlled substances,

or where intoxicating liquor or controlled substances are kept for sale or other disposition in violation of law, and all liquor, controlled substances, and other property used for maintaining such places; and

- E. Any vehicle used for the illegal transportation of intoxicating liquor and/or controlled substances, or for prostitution and/or other illegal purpose.

Section 5. **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 sidewalk or roadway;
- B. All trees, hedges, structures, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by City Ordinances or other applicable law;
- E. Placing or storing on any street, sidewalk, or public right-of-way any boxes, goods, wares, merchandise, building materials, machinery, business or trade article except for the purpose of immediately transferring the same to some other proper place;
- F. Any tree, shrub, bush, or other vegetation located on private property which obstructs use or travel on any public right-of-way;
- G. Radio aerials or television antennae erected or maintained in a dangerous manner;
- H. Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk that causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk, and which activity is conducted without a permit, license or other permission duly granted by the City;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- J. The allowing of rain water, ice, and snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

- K. Any electric or barbed wire fencing strung lower than six feet in height and within three feet of a public sidewalk or way, except when used in conjunction with agricultural uses as allowed by the Zoning Ordinance;
- L. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- M. Waste water cast upon or permitted to flow upon streets or other public property;
- N. Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use and stored for a reasonable period of time as determined by the Code Enforcement Officer for an improvement presently in progress on the same premises), discarded or unused machinery, household appliances, automobile bodies, trash, debris, rubbish or other material, 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 items accumulated in a manner creating fire, health, or safety hazards;
- O. Any well, hole, or similar excavation which is left open or uncovered or in such other condition as to constitute a danger to any person coming on the premises where it is located;
- P. Obstruction of the free flow of water in a natural waterway, a public street drain, storm sewer, gutter, or ditch with trash, sediment, vegetation, or other materials;
- Q. Digging excavations, placing culverts, placing dams, or doing any act which may alter or affect the drainage of public property, streets, alleys or sidewalks; or affect flows of the public storm sewer and drainage ditch system, without prior written authorization by the City;
- R. The placing or throwing on any street, sidewalk, 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;
- S. The deposition of garbage, debris, or refuse on a public right-of-way;
- T. Throwing, placing, or depositing dirt, rocks, sand, leaves, trash, lawn clippings, weeds, grass, or other materials in the streets, sidewalks, ditches or other public ways and the gutters thereof;
- U. Placing construction and/or landscaping materials onto streets, storm sewers, sidewalks, ditches or other public ways and the gutters thereof;
- V. All other conditions or things which are likely to cause injury to the person or property of anyone;

- W. The keeping of any used refrigerator, ice box, or freezer in a location or manner accessible to children which is not in service and which has the door latch intact; and
- X. Any conditions declared a nuisance under Minn. Stat. ch. 609, 561, or other state law.

Section 6. **Storage of Personalty.**

- A. **Unsheltered Storage.** Unsheltered storage of unused, stripped, junked, and other automobiles, recreational vehicles, motorcycles, watercraft, or any other motor vehicle, not in good and safe operating condition, so as to be legally operable upon public streets, trails, or public waters, or not bearing a current State of Minnesota License or Registration for that type of vehicle, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is inoperable, unlicensed, unregistered, or not maintained in a safe and operating condition, all of which is hereinafter described as "said personalty", for any period of thirty days or more within any given year (except in licensed junkyards) within the corporate limits of the City is hereby declared to be a nuisance and dangerous to the public safety.
- B. **Timeframe.** For purposes of this ordinance, unsheltered storage means said personalty which is not stored in a permitted building complying with the then existing and controlling City ordinances. For enforcement purposes, the City shall apply a rolling twelve-month period measured backward from any day on which a violation is observed. If the same or similar unsheltered storage is found to exist on any day within that rolling twelve-month period, it shall be treated as a continuing violation, and each day the condition exists may be charged as a separate offense. Correction of the violation does not reset or terminate the rolling twelve-month enforcement period.
- C. **Abatement by Owners.** The owner, owners, tenants, lessees and/or occupants of any property within the City upon which such above prohibited storage or any other violation of this ordinance is made, and also the owner, owners, and/or lessees of said personalty involved in such storage or any other material constituting a violation of this ordinance, all of whom are hereinafter collectively referred to as "owners", shall jointly and severally abate said nuisance by:
 - 1. the prompt removal of said personalty or materials into completely enclosed buildings authorized to be used for such purposes;
 - 2. remove said personalty to a licensed junkyard or waste facility; or
 - 3. remove said personalty to a location outside the corporate limits of the City.

- D. Abatement by the City. Whenever said owners fail to abate such nuisances the City shall remove the said personalty or materials to a location of its selection. Abatement of such nuisance by the City shall be in accordance with Section 10 of this ordinance. Costs incurred by the City during said abatement, including the cost of storage or disposal, shall be recoverable from the said owners, jointly and severally, in accordance with Sections 11 and 12 of this ordinance or in any other manner authorized by law.
- E. Disposal of Property After Abatement by the City. When said personalty or materials have been removed and placed in storage by the City, as provided for herein, said personalty shall be sold by the City after the lapse of such time as is provided for by law. If the proceeds of such sales are insufficient to pay the costs of abatement and storage said owners shall be liable to the City for the balance of the costs. If the proceeds are in excess of the costs, including storage, the balance shall be paid to said owners.

Section 7. **Adoption by Reference.** The "Hazardous Building Law, " Minnesota Statutes 463.15 through 463.261, is adopted by reference as amended. Any hazardous building or dangerous excavation may be abated in accordance with the provisions of that law.

Section 8. **Responsibility.** The owner and tenant of any premises on which a violation of this ordinance occurs shall make every reasonable effort by taking all actions reasonably necessary to ensure compliance with this ordinance. 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 they have received written notice from the City of the violation and has failed to make every reasonable effort to see that the violation ceases. Notice mailed to the owner's last known address constitutes sufficient notice.

Section 9. **Enforcement.** The City Council shall have the duty of enforcing the provisions of this Ordinance. In addition, any law enforcement agency with which the City Council has contracted for law enforcement services shall have the authority to enforce the provisions of this Ordinance, including the authority to issue citations on behalf of the City. The City 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 charged with enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances, including the issuance of administrative citations pursuant to City Code.

Section 10. **Abatement.**

- A. General.

1. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated or abated.
 2. 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.
 3. 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.
 4. If the notice is not complied with within the time specified, the enforcing officer shall cause personal service of a notice of hearing upon the owner or occupant of the property at least seven (7) days prior to a scheduled hearing by the City Council. In the event that personal service cannot be made, 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.
 5. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City.
 - a. The City Council 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 City will enter onto the property and abate the nuisance.
 - b. 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.
 - c. 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 City 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 City Council may authorize the City Attorney to bring an action in the Sherburne County District Court seeking to abate the nuisance. In such case, the City Attorney may bring a civil or criminal action in Sherburne 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 City 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 11. **Recovery of Cost.** The City 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 City shall be personally liable for the cost to the City 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 City Council 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 City Council 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 City, to the property against which this ordinance was enforced pursuant to Minn. Stat. §§ 429.101, subd. 1(8), 366.012, any other applicable law, and any applicably court order.
- C. Any other method authorized under Minnesota law.

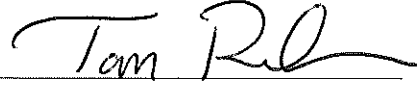
Section 12. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be punished pursuant to applicable State Statute regarding misdemeanor penalties, as amended, plus the costs of prosecution. Each day a nuisance continues to exist is deemed a separate punishable offense under this ordinance. The City may, in its discretion, seek any administrative citation penalties and civil remedies available to it as well, including but not limited to injunctive relief or abatement. Administrative citations may be issued regardless of whether criminal prosecution is pursued. Each right or remedy accruing to the City under this ordinance or at law is separate and distinct and may, in the City's discretion, be exercised independently or simultaneously with any other right or remedy.

Section 13. **Separability.** Every section, provision or part of this ordinance is declared separable 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 14. **Effective Date.** This Ordinance is effective upon its passage and publication according to law.

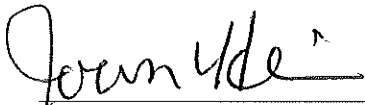
Section 15. **Repealer.** Any previous ordinance adopted by the City of Baldwin that is inconsistent with this ordinance is hereby repealed to the extent of such inconsistency.

Adopted this 6th day of May 2026.



Tom Rush
Acting Mayor
City of Baldwin

ATTEST:



Joan Heinen
Clerk/Treasurer
City of Baldwin