

SECTION 26: NUISANCE REGULATIONS

Subdivision 1: Purpose.

The purpose of this ordinance is to protect the Health, Welfare, and Safety of the citizens of Cottonwood County. It shall be unlawful to create a nuisance affecting the health, peace, or safety of any person. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety and will not damage public waste transmission or disposal facilities.

Subdivision 2: Definitions.

1. Accumulations of Manure:

- A. **Pets** An accumulation of manure that exceeds that which would ordinarily occur in seven (7) days and/or an accumulation such that odor or runoff of said manure is not contained on the premises.
- B. **Other Domestic Animals** An accumulation of manure that exceeds the requirements for manure storage established by the Minnesota Pollution Control Agency Feedlot Rules or established by the Cottonwood County Feedlot Ordinance.

- 2. **Accumulation of Rubbish, Garbage and Trash:** An Accumulation of rubbish, garbage or trash or any combination thereof that exceeds that which ordinarily occurs in one week and is not containerized to prevent odor or spillage.
- 3. **Air Contaminant:** The presence in the outdoor atmosphere of any dust, fumes, mist vapor, gas or gaseous, fluid or particulate substance differing in composition from, or exceeding in concentration, the natural components of the atmosphere.
- 4. **Air Pollution:** The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
- 5. **Dump:** An unpermitted land disposal site at which solid waste is disposed of in a manner that does not protect the environment; a site that is susceptible to open burning and is exposed to the elements, flies, rodents, and scavengers.
- 6. **Garbage:** Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- 7. **Hazardous Waste:** Any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management technique because they pose a substantial presence or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, source materials, or special nuclear waste or by-products material as defined by the Atomic Energy Act of 1954, as amended.

8. **Health Authority:** The Cottonwood County Environmental Officer, the Assistant Environmental Officer, or the Cottonwood County Planning and Zoning Administrator or designated agents.
9. **Household Hazardous Waste:** Any waste generated from household activity that exhibits the characteristics of, or that is listed as, hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household Hazardous Waste material include, but are not limited to, paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain opener, varnishes, stains, and adhesives.
10. **Industrial Waste:** All solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris waste, or household waste.
11. **Infestations:** Shelter provided for rodents, insects, and/or other vermin such that development and/or reproduction occurs or may occur.
12. **Littering:** The unlawful placing of any portion of solid waste in or on public or private lands, shorelands, roadways, or waters. Penalties regulated under Waste Management Act - 115A.99.
13. **Nonputrescible Material:** Solid waste other than garbage, hazardous waste, industrial waste, mixed municipal solid waste, sludge, or other special wastes.
14. **Nonrecyclable Materials:** Solid waste, refuse, construction debris, and materials for which there is no appropriate market that will accept these materials for recycling.
15. **Nuisance:** A thing, act, failure to act, occupation, or use of property which annoys, injures, or endangers the safety, health, or comfort of the public or in any way renders the public insecure in life or in use of property.
16. **Putrescible Material:** Solid waste which is capable of becoming rotten or which may reach foul state of decay or decomposition.
17. **Recyclable Materials:** Materials such as non-residential corrugated cardboard, non-residential office paper, newsprint, glass containers, tin containers, polyethylene terephthalate and high density polyethylene plastic, aluminum containers, that are separated from solid waste for the purpose of recycling. These materials and other materials are considered to be recyclable materials if appropriate markets exist that will accept these recyclable materials. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.
18. **Refuse:** Putrescible and non-Putrescible solid wastes, including but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.
19. **Rubbish:** Non-Putrescible solid waste, such as paper wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, waste materials from construction, and similar materials.
20. **Trash:** Garbage and rubbish as defined herein and all other waste material which if not deposited as herein specified tends to create a danger to public health, safety, or welfare.

21. **Waste Tire:** A pneumatic tire or solid tire for motor vehicles that has been discarded or is no longer used for its original intended purpose because of wear, damage, or defect.
22. **Waste Tire Collection Site:** A licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.
23. **Waste Tire Processing Facility:** A licensed waste facility used for the shredding, slicing, processing, or manufacturing of useable materials from waste tires, and may include temporary storage activity. Processing does not include the retreading of tires.

Subdivision 3: The Following Are Hereby Declared to Be Nuisances Affecting Health.

1. Accumulations of manure, rubbish, garbage and trash as determined by the Health Authority.
2. Infestations of insects, vermin, or rodents as determined by the Health Authority.
3. Within the boundaries of a city or the unincorporated area of Delft (as defined in SECTION 13, Subdivision 11, page 48), any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto whether such vehicle is operable or not, unless such vehicle is housed in an enclosed building.
4. Within any area not covered by C. above, any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto whether such vehicle is operable or not, unless such vehicle is housed in an enclosed building or screened in such a manner as not to be visible from any public road or street or adjacent properties.

Subdivision 4: Waste Tires.

The following requirements are adopted to insure the proper handling of waste tires.

1. MN Rules Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.
2. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.
3. No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.
4. Exceptions may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, construction, or agricultural purposes where they comply with the requirements or other applicable laws.
5. Waste tires shall be stored or utilized in a manner that prevents water from being retained in the tires.
6. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.
7. The disposal of waste tires by burying is prohibited. This does not prohibit the storage of unprocessed tires at a MPCA licensed collection or processing facility under MN Statutes Chapter 115A, Section

115A.904.

8. The owner of the land or premises upon which waste tires are located, which is in violation of this ordinance shall be obligated to remove them to a licensed solid waste facility, or obtain the required license within one (1) year of the effective date of this Ordinance, or such later date approved by the Solid Waste Officer or Cottonwood County Environmental Officer.
9. Transfer and Collection of waste tires must meet MPCA rules and regulations.

Subdivision 5: Miscellaneous Waste.

1. Waste Appliances (115A9561).

- A. A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on land or in a solid waste processing facility or disposal facility.
- B. All waste major appliances must be recycled or reused. All major appliances will be delivered to the County appliance depot at the landfill or to a County approved appliance recycling facility. Recycling includes the removal of capacitors that may contain PCB's, removal of ballasts that may contain PCB's, removal of chlorofluorocarbon refrigerant gas, and the recycling of the metals.

2. Waste Oil.

- A. A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the agency as provided for by MN Statutes 115, Chapter 115A916.
- B. All commercially generated oil filters will be disposed of, or recycled, according to agency rules and regulations.

3. Household Hazardous Waste.

All household hazardous wastes shall be disposed of through the Cottonwood County household Hazardous Waste Program, or a facility designated by the County Board.

4. Lead Acid Batteries.

- A. A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries are to be taken to a lead acid battery recycling facility. (115A.915)
- B. A person who transports used lead acid batteries from a retailer must deliver the batteries to a lead acid battery recycling facility. (115A.9152)

Subdivision 6: Salvage yards, Scrap or Junk Yards.

It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard except as provided in Section 13, Subdivision 3, of this Ordinance

Subdivision 7: Enforcement.

1. Authority. It shall be the duty of the Cottonwood County Board of Commissioners through its Health

Authority to enforce the provisions of this ordinance and the Health Authority is hereby delegated by the authority to enforce the provisions of this ordinance, including the power to inspect private premises, issue orders for abatement, issue citations for violations, and abate nuisances.

2. Notice. Whenever in the judgment of the Health Authority it is determined upon investigation that a nuisance is being maintained or exists within the County, the Health Authority:
 - A. Shall notify in writing the person committing or maintaining such nuisance and require the person to terminate and abate said nuisance and to remove such conditions or remedy such defects. Said written notice shall be served upon the person committing or maintaining said nuisance in person or by certified mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within ten (10) calendar days to abate and remove said nuisance. The maximum time for the removal of said nuisance after service of said notice shall not in any event exceed ten (10) calendar days. Service of notice may be proved by filing an affidavit of service with the Court Administrator setting forth the manner and time thereof.
 - B. May issue a citation for the violation of this ordinance, which violation shall be a misdemeanor punishable in accordance with misdemeanors under Minnesota Statute.
3. Abatement of Nuisance. If after service of notice, the person fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the Health Authority, the Health Authority may cause such nuisance to be abated at the expense of the County Board and recover such expenditure by assessing the cost of the enforcement action against the real property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.

Subdivision 8: Application.

The within Section 25 shall apply:

1. To all unincorporated areas of the County.
2. To all cities in the County which have by resolution of the City Council opted to have the incorporated areas of the city covered by this Ordinance.

Subdivision 9: Severability.

Every subdivision, provision, or part of this Section 26 is declared severable from, every other subdivision, provision or part; and if any subdivision, provision or part hereof shall be held invalid, it shall not affect any other subdivision, provision or part.

Subdivision 10. Effective Date.

Section 26 shall be in full force and effect from and after its passage and publication as provided by law.