



## Legislation Details (With Text)

**File #:** Ord 15-50      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 10/14/2015

**Title:** Amending Chapter 45 of the Legislative Code, Nuisance Abatement, to include Outdoor Swimming Pools.

**Sponsors:** Amy Brendmoen

**Indexes:** Ward - all

**Code sections:**

**Attachments:** 1. Memorandum RE Nuisance Pool Ordinances.9-4-15, 2. Additional Memorandum RE Nuisance Pool Ordinance.9-29-15

Date	Ver.	Action By	Action	Result
10/15/2015	1	Mayor's Office	Signed	
10/14/2015	1	City Council	Adopted	Pass
10/7/2015	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/23/2015	1	City Council	Laid Over to Third Reading/Public Hearing	
9/16/2015	1	City Council	Laid Over to Second Reading	

Amending Chapter 45 of the Legislative Code, Nuisance Abatement, to include Outdoor Swimming Pools.

### THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN SECTION 1

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#### Sec. 45.02. - Definitions.

The following definitions shall apply to this chapter:

**Attractive nuisance:** A condition such as a dangerous structure, an unsecured vacant or condemned building, or other condition which in the opinion of the enforcement officer may attract nonowner(s) or other unauthorized person(s) and which would expose them to risk, peril or danger.

**Enforcement officer:** The director of the department of safety and inspections, the director of the department of police, or their duly authorized representative.

**Extermination:** The control and/or the elimination of insects, rodents and other pests by integrated pest management which promotes sanitation, harborage control and other nonlethal control methods before the use of legal approved pesticides, trapping and other pest elimination methods.

**Hazardous waste:** Any waste material so defined by Minnesota Statutes 116.06, subdivision 13 or described or listed as hazardous waste in Minnesota Rules Chapter 7045, known as Minnesota Pollution Control and Hazardous Waste Division Hazardous Waste Rules.

**Interested party:** Any owner of record, occupying tenant or lien holder of record.

**Last known address:** The address shown on the records of the Ramsey County Department of Property Taxation or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the officer after a reasonable search.

**Mail:** Service by mail shall mean by depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

**Noxious substances:** Substances, solid or fluid, gaseous or odorous, which are detrimental to health, hurtful or dangerous. Noxious substances shall include, but not be limited to, any dead animal or portion thereof, putrid carcass, decayed animal matter, green hides, or any putrid, spoiled, foul or stinking beef, pork, fish, offal, hides, skins, fat, grease, liquors, human or animal excrement or manure.

**Nuisance building:** A vacant building or portion of a vacant building as defined in section 43.02 which has multiple housing code or building code violations or has been ordered vacated by the city and which has conditions constituting material endangerment as defined in Saint Paul Legislative Code section 34.23(g), or which has a documented and confirmed history as a blighting influence on the community.

**Nuisance Outdoor Swimming Pool:** Any Outdoor Swimming Pool that has stagnant water, lacks maintenance such as damaged sides, broken ladders, missing or damaged equipment, or is out of service for two (2) years, and/or is not secured as defined in section 34.08.12.

**Outdoor Swimming Pool:** Any structure designed, constructed or intended to be used for outdoor swimming, either above or below grade, with a capacity of twenty-four (24) or more inches deep and having one hundred fifty (150) or more square feet of surface area.

**Owner:** Those shown to be owner or owners on the records of the Ramsey County Department of Property Taxation.

**Personal service:** Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

**Privy:** Any type of nonflush fixture for the receipt and storage of human waste including fixed units with vaults as well as portable units.

**Property:** Any parcel of land whether vacant or not, whether any structure thereon is occupied or not, or whether submerged or not.

**Refuse:** Putrescible and nonputrescible and combustible and noncombustible waste, including paper, garbage, material resulting from the handling, processing, storage, preparation, serving and consumption of food, vegetable or animal matter, offal, rubbish, plant wastes such as tree trimmings or grass cuttings, ashes, incinerator residue, street cleanings, construction debris, detached vehicle parts, and solid industrial and market wastes.

**Responsible party:** Any one (1) or more of the following:

- (1) Agent;
- (2) Assignee or collector of rents;
- (3) Holder of a contract for deed;
- (4) A mortgagee or vendee in possession;
- (5) Receiver or executor or trustee;
- (6) Lessee;
- (7) Those known to the enforcement officer as having an ownership interest; or
- (8) Other person, firm or corporation exercising apparent control over a property.

**Weeds** shall mean and include not only such noxious weeds as are enumerated in Agriculture Rule 1505.0730 of the State of Minnesota Rules, but also such useless and troublesome plants as are commonly known as weeds to the general public that are over eight (8) inches in height.

#### Sec. 45.03. - Nuisance.

A "nuisance" shall mean any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city. Nuisances shall include, but not be limited to, those set forth in this section.

(1) **Dangerous structure.** A structure which is potentially hazardous to persons or property including, but not limited to:

- a. A structure which is in danger of partial or complete collapse; or
- b. A structure with any exterior parts which are loose or in danger of falling; or
- c. A structure with any parts such as floors, porches, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support the weight

of normally imposed loads.

- (2) *Dumped snow.* Accumulated snow and ice that is brought in from another location and dumped, kept or stored in such a condition that litter, gravel or melting snow/ice create a dangerous or unhealthy condition.
- (3) *Exterior surfaces.* All exterior surfaces of residential structures or accessory thereto having a surface covering material that is blistered, cracked, flaked, scaled or chalked away, or has exposed wood that is not protected from the elements and decay by paint or other protective covering treatment, which creates a blighting influence on the community.
- (4) *Fire hazards.* Anything or condition on the property which, in the opinion of the enforcement officer, creates a fire hazard or which is a violation of the fire code.
- (5) *Firewood.* Piles of wood cut for fuel which are detrimental to the health, safety and welfare of the public because of conditions including, but not limited to, improper or unsafe storage, unelevated piles of wood, excessive quantities, conducive to vermin harborage, and more than five (5) feet in height or closer than ten (10) feet to a habitable building.
- (6) *Graffiti.* Any initials, marks, symbols, designs, inscriptions or other drawings, scratched, painted, inscribed or otherwise affixed upon any structure without the permission of the owner.
- (7) *Grass and weeds.* Grass which has grown upon any property to a height of eight (8) or more inches or weeds.
- (8) *Hazards.* Anything or condition on the property which, in the opinion of the enforcement officer, may contribute to injury of any person present on the property. Hazards, which shall include, but not be limited to, open holes, open foundations, open wells, dangerous trees or limbs, abandoned refrigerators or trapping devices.
- (9) *Health hazards.* Anything or condition on the property which, in the opinion of the enforcement officer, creates a health hazard or which is a violation of any health or sanitation law.
- (10) *Insects, rodents and pest harborage.* Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests. Bees or pigeons kept with written permission from and maintained in accordance with the regulations of the division of public health are exempt from the provisions of this chapter.
- (11) *Nuisance building.* Any building or portion of a building which is a nuisance as defined in section 45.02.
- (12) *Nuisance Outdoor Swimming Pool.* Any Outdoor Swimming Pool which is a nuisance as defined by 45.02.
- (13) *Obstructions over public sidewalks.* Shrubs, bushes, trees, vines or other uncontrolled vegetation which has grown over the public sidewalk and which obstructs, interferes or renders dangerous for passage any public sidewalk.
- (14) *Open sewer lines and connections.* Any broken sewer line or defective connection to an underground sewer system which is open, broken, disconnected or which has not been properly sealed and which could allow the egress of rodents from the sewer.
- (15) *Pests.* Pests shall include, but not be limited to, pigeons, grackles, starlings, snakes, bats, skunks, raccoons and squirrels.
- (16) *Pest feeding.* The intentional feeding of pests where such feeding reasonably can be determined by the enforcement officer to cause or contribute to the harborage, breeding or pest infestation in that area or neighborhood. The enforcement officer may take into account the numbers of pests which are fed, the overall population of pests in the area, the danger and/or risk to the public health and welfare, and the increased difficulty of control of the pests in the area in making a determination. The term "pest," for the purpose of this subsection, shall include, but not be limited to, pigeons, squirrels, grackles and starlings.
- (17) *Rank plant growth.* Overgrown, uncontrolled vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.
- (18) *Refuse, noxious substances, hazardous wastes.* Refuse, noxious substances or hazardous wastes laying, pooled, accumulated, piled, left, deposited, buried or discharged upon, in, being discharged or flowing from any property, structure or vehicle, except for:
  - a. Refuse deposited at places designated and provided for that purpose by this Legislative Code;
  - b. Refuse stored in accordance with provisions of this Legislative Code or vehicle parts stored in an

enclosed structure;

- c. Compost piles established and maintained in accordance with the regulations of Chapter 357 of this Legislative Code;
- d. Dead animals buried with written permission from, and in accordance with the regulations of, the department of safety and inspections; or
- e. Green hides received, stored, dressed, packed or sold with written permission from, and in accordance with the conditions set by, the department of safety and inspections.

(19) *Sanitary structures.* Structures for sanitation such as privies, vaults, sewers, private drains, septic tanks, cesspools, drain fields which have failed or do not function properly or which are overflowing, leaking or emanating odors. Septic tanks, cesspools or cisterns which are abandoned or no longer in use unless they are emptied and filled with clean fill. Any vault, cesspool or septic tank which does not meet the following criteria:

- a. The bottom and sides are cemented to make impervious to water;
- b. The bottom is at least six (6) feet below grade;
- c. Proper ventilating pipes and covers are provided;
- d. It is properly located in accordance with applicable Minnesota State Statutes and city ordinances;
- e. It is cleaned at least once a year; and
- f. The property served is located such that connection to the public sewer is impractical.

(20) *Stagnant water.* Stagnant water standing on any property or in a swimming pool. Any property, container, swimming pool or material kept in such a condition that water can accumulate and stagnate.

(21) *Statute and common law nuisances.* Anything or condition on property which is known to the common law of the land, the Statutes of Minnesota, or the Saint Paul Legislative Code as a nuisance.

(22) *Unsecured unoccupied buildings.* Unoccupied buildings or unoccupied portions of buildings which are unsecured.

(23) *Vehicles.* Overweight and commercial vehicles as regulated in chapter 151, Traffic Code-General Provisions, and as defined in subsections 151.02(6) and (9).

(24) *Vermin harborage.* Conditions which, in the opinion of the enforcement officer, are conducive to the harborage or breeding of vermin.

(25) *Vermin infestations.* Infestations of vermin such as rats, mice, squirrels, skunks, snakes, bats, grackles, starlings, pigeons, bees, wasps, cockroaches or flies; except for bees or pigeons kept with written permission from, and in accordance with the regulations of, the department of safety and inspections.

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SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.