

Merrill – General Regulations

§ 90.23 NUISANCES AFFECTING PUBLIC SAFETY.

(A) *Attractive nuisances.*

(1) No owner or person in charge of property shall permit thereon:

(a) Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children; or

(b) Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, or accessible to children; or

(c) An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent these places from being used by children.

(2) This division (A) shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

(B) *Snow and Ice.* Each property owner is responsible for maintenance of the curb, sidewalk and landscape strip abutting the owner's property.

(1) Snow shall not remain on the sidewalk for a period longer than the first two hours of daylight after snow has fallen; or

(2) Ice shall not remain in the sidewalk for more than two hours of daylight after the ice has formed unless the ice is covered with sand, ashes, or other suitable material to assure safe travel.

(3) It shall be the duty of every owner of any lot or parcel of land or part thereof fronting any public right-of-way of the city where sidewalks have been constructed or parking strips exist abutting the lots or parcels of land to keep such sidewalks and parking strips in good repair, and in a safe and sound condition, including but not limited to repair of damages caused by a tree or its roots.

(4) The owner of real property is responsible for maintaining the adjacent sidewalk or parking strip shall be liable to any insured or who otherwise sustains damage due to defective sidewalk or parking strip condition or because of any negligence of owner in failing to maintain the sidewalk or parking strip in good repair and safe and sound condition.

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(5) If the city is required to pay damages for any injury to persons or property caused by the failure of a person to perform the duty which this section imposes, whether by judgement or settlement, that person shall indemnify or otherwise compensate the city for the amount of the damages thus paid. The city may maintain an action in court to enforce the provisions of this section.

(C) *Noxious Vegetation.* No owner or person in charge of property shall permit weeds or other noxious vegetation to grow upon his or her property. It shall be the duty of an owner or person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or in case of weeds or other noxious vegetation, from maturing or from going to seed. Vegetation in any parking strip or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in a parking strip abutting upon the owner's property. (Ord. No. 2025, passed 1-14-2020)

(D) *Scattering rubbish.* No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal, or vehicle traveling upon a public way.

(E) *Fences and Walls.*

(1) No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon or permit barbed wire to remain as part of a fence along a sidewalk or public way; except, this type of wire may be placed above the top of other fencing not less than six feet, six inches high.

(2) No owner or person in charge of property shall construct, maintain, or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

(3) The landowner and /or contractor shall request a utility located before construction or excavation.

(4) All new fences and walls or replacement of existing fences and wall shall not enclose and/or encroach upon the City right-of-way.

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(5) All new fences and walls or replacement of existing fences and walls shall not enclose property where a utility easement exist, such as telephone poles.

(6) During a Type 1a Land Use Review for all new fences and walls or replacement of existing fences and walls, the property owner shall provide a survey of property and/or have a licensed and bonded contractor perform the construction.
(Ord. 2051; passed 2-8-2022)

(F) Surface waters, drainage.

(1) No owner or person in charge of a building or structure shall suffer or permit rainwater, ice, or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.
(Ord. 183, passed 4-16-1974; Am. Ord. 2057, passed 2-8-2023) Penalty see § 90.99