

ARTICLE I. - IN GENERAL

Sec. 9-1. - Definition.Sec. 9-2. - Penalty for violation of chapter.Sec. 9-3. - Abatement.Sec. 9-4. - Duties of chief of police.Sec. 9-5. - Duties of city engineer.Sec. 9-6. - Duties, authority of building inspector.Sec. 9-7. - Nuisances affecting health.Sec. 9-8. - Nuisances affecting peace and safety.Secs. 9-9—9-25. - Reserved.**Sec. 9-1. - Definition.**

A nuisance is a thing, act, occupation, or use of property which:

- (1) Unnecessarily annoys, injures or endangers the safety, health, comfort or repose of the public.
- (2) Offends public decency.
- (3) Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway.
- (4) In any way renders the public insecure in life or in use of property.

*(Code 1978, § 1410.01)**Cross reference— Definitions and rules of construction generally, § 1-2.***Sec. 9-2. - Penalty for violation of chapter.**

- (a) Any person who fails to comply with any reasonable order made under the provisions of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished pursuant to section 1-15.
- (b) Any person who knowingly causes or creates a nuisance or permits any nuisance to be created or placed upon or remain upon any premises owned or occupied by him shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished pursuant to section 1-15.

*(Code 1978, § 1410.09)***Sec. 9-3. - Abatement.**

- (a) *Notice to terminate nuisance; time for compliance.* Unless a different procedure is specifically required whenever, upon investigation, in the judgment of the city engineer or chief of police, a public nuisance is being maintained or exists within the city and within the respective fields of supervision as set forth in this article, they shall notify the person, in writing, who is maintaining the public nuisance, and require him to terminate the nuisance and to remove such conditions or remedy such defect. The written notice shall be served on the person committing or maintaining the nuisance at a time at the discretion of the head of the department serving the notice. The maximum time for removal of the nuisance after service of the notice shall not in any event exceed thirty (30) days, but the time may be decreased at the discretion of the head of the department serving the notice.
- (b) *Legal proceedings.* The city engineer or chief of police shall have the right, when an order has not been complied with, to take such legal proceedings as may be necessary in the name of the city to abate and enjoin the further continuation of the public nuisance.
- (c) *Removal of conditions by city.* The city engineer and chief of police shall also have the right, when an order has not been complied with, to cause the public nuisance to be removed and to remove such conditions or remedy such defect on the premises as may constitute a public nuisance, through the employment of city labor. The cost of such removal or remedial measures shall be assessed by action of the city council against the property, under such terms and conditions as the city council may require.

*(Code 1978, § 1410.08)***Sec. 9-4. - Duties of chief of police.**

It shall be the duty of the chief of police to inspect premises, conditions and circumstances within the city and take all necessary precautions to prevent the commission and maintenance of public nuisances affecting morals and decency. The police department shall at all times assist the city engineer in detecting and preventing the commission or maintenance of public nuisances within the city of any nature, as defined in this chapter and by the laws of the state.

*(Code 1978, § 1410.07)***Sec. 9-5. - Duties of city engineer.**

It shall be the duty of the city engineer, aided by the police department, to inspect premises within the city and take such steps as are reasonably necessary to prevent the commission and maintenance of public nuisances affecting peace and safety as defined in section 9-8.

*(Code 1978, § 1410.06)***Sec. 9-6. - Duties, authority of building inspector.**

It shall be the duty of the building inspector to inspect premises within the city and to take such necessary precautions as may be required to prevent the commission and maintenance of public nuisances. Whenever in the judgment of the building inspector a nuisance exists, the building inspector shall be authorized to give notice in the same manner as provided under section 9-3, and if the nuisance is not abated within the time limits set forth therein, the building inspector shall refer the matter to the city engineer or chief of police for appropriate action under section 9-3.

(Code 1978, § 1410.05)

Sec. 9-7. - Nuisances affecting health.

The following are hereby declared to be nuisances affecting health:

- (1) All decayed or unwholesome food offered for sale to the public.
- (2) All diseased animals running at large.
- (3) All ponds, pools, holes or excavations containing stagnant water.
- (4) Milk that is produced by cows that have not been tested and found free of tuberculosis and Bangs' disease within the year previous to the offering of such milk for sale to the public as provided by ordinance.
- (5) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- (6) Accumulations of manure, rubbish, garbage and junk; also bottles, papers or cans on public property, except bottles, papers, cans or other material to be recycled may be placed in the public right-of-way under the following conditions:
 - a. Such materials may be placed in the public right-of-way only for pickup by a company or agency authorized by the state or a political subdivision to be engaged in pickup for recycling.
 - b. All materials must be properly bagged or packaged as directed by the agency or company engaged in the pickup service and in the container provided by the pickup service.
 - c. No materials may be placed in the public right-of-way more than twenty-four (24) hours before the scheduled pickup.
 - d. All materials must be placed to the backside of the curb.
 - e. Ownership of the designated recyclable materials set out for collection shall be vested in the collector and transporter of recyclable materials designated by Kandiyohi County. It shall be unlawful and an offense against this section for any person, firm or corporation other than the owner, lessee or occupant of a residential dwelling, to pick up such materials for his/her own use.
- (7) Privy vaults and garbage cans which are not fly-tight.
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- (10) Offensive trades and businesses, as defined by state law, not licensed by the city as provided by law.
- (11) All public exposure of persons having contagious disease.
- (12) The use of common drinking cups or roller towels so designed that the same portion of the towel is repeatedly used by many people.
- (13) The distribution of samples of medicines or drugs, unless such samples are placed in the hands of an adult person.
- (14) All other acts, commission of acts, occupations and uses of property which are deemed by the city to be a menace to the health of the inhabitants of the city or any considerable number thereof.

(Code 1978, § 1410.02; Ord. No. 999, § 1. 5-1-91)

Sec. 9-8. - 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 traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable rate of speed to a full stop before the intersection is reached.
- (2) All limbs of trees which are less than eight (8) feet above the surface of the public sidewalk or nine (9) feet above the surface of any street.
- (3) All wires which are strung less than fifteen (15) feet above the surface of the public sidewalk or roadway.
- (4) All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public.
- (5) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance.
- (6) All use or display of fireworks except as provided by ordinance.
- (7) All unnecessary noises and annoying vibrations.
- (8) All buildings and all alterations to buildings made or erected within the fire limits, as established by ordinance, in violation of the ordinance with regard to the manner and materials of construction; also, all buildings made or erected in violation of the building code.
- (9) 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 ordinance.
- (10) All uncovered and unprotected excavations, holes, basements, cisterns or wells where stagnant water may be permitted to stand or which might prove dangerous to children or others upon the property.
- (11) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks, unless permission for such use on the public street or sidewalk has been granted by the city council.
- (12) All hanging signs, awnings and other similar structures over the streets or sidewalks so situated as to endanger public safety, or which are not constructed and maintained as provided by ordinance.

- (13) The allowing of rainwater or water produced from melted snow and ice to run from any building or structure directly or by downspout upon a sidewalk.
- (14) All barbed wire fences which are located within fifteen (15) feet of any public sidewalk.
- (15) All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public.
- (16) The disposal of or the throwing away of lighted cigarettes or cigars.
- (17) The burning of any material before 1:00 p.m. or after 9:00 p.m. on any day. The burning of rubber, garbage or any material offensive to smell or which tends to create excessive smudge or smoke is expressly forbidden at any time. The burning of any material except leaves must be in an approved incinerator, which is a container constructed of a noncombustible material where neither the container nor the cover thereof has openings of more than one (1) inch in diameter. It shall be the duty of the city fire marshal, as well as the other city officers referred to in this chapter, to inspect premises, conditions and circumstances surrounding complaints or violations of this subsection and to make his report thereon to the city engineer or chief of police.
- (18) All other conditions or things which are liable to cause injury to the person or property of any person.

(Code 1978, § 1410.03)

Secs. 9-9—9-25. - Reserved. 

Willmar, Minnesota, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 12 - SOLID WASTE >> ARTICLE II. - DISPOSAL OF GARBAGE AND RUBBISH >>

ARTICLE II. - DISPOSAL OF GARBAGE AND RUBBISH**Sec. 12-26. - Definitions.****Sec. 12-27. - Storage of garbage.****Sec. 12-28. - Storage of rubbish.****Sec. 12-29. - Frequency of removal.****Sec. 12-30. - Hauling.****Sec. 12-31. - Disposal at county landfill.****Secs. 12-32—12-45. - Reserved.****Sec. 12-26. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means:

- (1) The refuse animal or vegetable matter, or both, from kitchens, pantries and dining rooms of hotels, restaurants, boardinghouses, tenement houses, flats and dwelling houses;
- (2) The animal refuse from slaughterhouses and butcher shops; and
- (3) The refuse fruit and vegetable matter from stores and fruit houses.

Rubbish means paper, boxes, cartons, house sweepings, tin cans, bottles, junk, automobiles, machinery, metals, tires, inner tubes, and any other article or debris that creates an unsightly appearance.

(Code 1978, §§ 1025.01, 1025.02)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-27. - Storage of garbage.

- (a) All garbage shall be deposited, kept and stored, by every householder or occupant of any dwelling house, boardinghouse, flat, apartment, store, restaurant, hotel, or any other place of business, in fly- and water-tight containers of sufficient size to receive all garbage which may accumulate between times of collection and disposal thereof. Each such container shall be provided with a bail or handles and a tight-fitting cover. The container shall be kept at such place on the premises as to be convenient for the garbage collector, and not in close proximity to the buildings or premises of others.
- (b) No person shall deposit or permit to be deposited any garbage or garbage containers at any place nearer [to] the street or thoroughfare adjacent to the front lot line of any property than that portion of the dwelling or structure located nearest the street or thoroughfare, except as follows: Garbage or garbage containers may be placed on the boulevard or area adjacent to a public street after 8:00 p.m. on the day immediately preceding the day for scheduled garbage pickup at that location. Garbage containers and any garbage not removed by the garbage collector shall be removed from the area adjacent to the street before 8:00 p.m. on the day of the scheduled garbage pickup for that location.

(Code 1978, §§ 1025.03, 1025.12, Ord. No. 1149, § 1, 10-17-01)

Sec. 12-28. - Storage of rubbish.

All rubbish shall be stored, deposited and kept in such a manner that the rubbish is not blown around or scattered by the wind, and at such a place that the rubbish will not be in close proximity to the buildings or property of others.

(Code 1978, § 1025.04)

Sec. 12-29. - Frequency of removal.

- (a) Garbage containers shall be emptied and the contents thereof removed as often as such receptacles become full, in the case of private residences and dwelling houses, at intervals of not more than two (2) weeks; and in the case of boardinghouses, tenement houses and flats, at intervals of not more than one (1) week. In the case of hotels, restaurants, stores, and fruit houses, garbage shall be removed daily from April 1 in each year to November 1 in each year, while from November 1 in one year to April 1 of the following year garbage shall be removed as often as the garbage containers become full.
- (b) All rubbish shall be removed at such intervals of frequency as to prevent the rubbish from becoming rotten and offensive to smell.

(Code 1978, § 1025.06)

Sec. 12-30. - Hauling.

- (a) Except as otherwise provided herein, garbage shall be hauled and delivered only in the containers in which it is required in section 12-27 to be deposited, kept and stored.
- (b) Rubbish shall be hauled and delivered only in such a manner that it is not blown around or scattered by the wind.

(Code 1978, § 1025.05)

Sec. 12-31. - Disposal at county landfill.

Any person may dispose of either garbage or rubbish by hauling and delivering it to the sanitary landfill facility provided by the county.

(Code 1978, § 1025.05)

Secs. 12-32—12-45. - Reserved. 

2. Commercial/Industrial. Fences in Business or Industrial districts may be erected to a height of ^{eight} ~~seven~~ (7) feet above finished grade. Barbed wire may be installed at the top. Such fences shall not be permitted in the front yard unless approved by the Planning Commission.
3. Residential. Fences in the rear or side yards in residential districts may be constructed to a height of seven (7) feet above finished grade. Fences or hedges erected along a rear or interior side lot line may be constructed right up to the property line, although the City recommends a two (2)-foot setback to allow for fence maintenance. On a corner lot, the rear yard fence shall be set back at least three (3) feet from the right-of-way line on the street side of the lot, and shall be constructed on or behind the existing rear building line. Fences or hedges in the front yard of a principal structure may be no higher than three and one-half feet (3 1/2). In the event a fence or hedge is adjacent to and parallel with the front line (or side lot line on the street side of a corner lot), such fence shall be set back at least one (1) foot from the right-of-way line. Barbed wire fences shall not be permitted in any Residential district.
4. Rear Yard Defined. For the purpose of interpreting these fence regulations, rear yard shall be defined as that yard which is on the opposite side of the house from the main entrance (identifiable by the address).

N. SETBACKS.

1. Predominate. Front yard setbacks shall be according to each district. In older established areas, however, where a predominate setback has already been established at something other than that required by this Ordinance, the Zoning Administrator may allow the predominate setback to control.
2. State Highways. All front yard setbacks along State Highways in the City of Willmar shall be a minimum of fifty (50) feet, except for T.H. 12 between 11th Street SW and Robert Street SE. Where properties are served by a service road, this requirement shall not apply.

O. EXTERIOR STORAGE.

1. Residential. In residential districts, all materials, machinery, vehicles, and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and the street, except for the following:

- a. Agricultural and landscaping equipment/materials in current use on the premises.
 - b. Construction materials/equipment in current use on the premises.
 - c. Automobiles, pickup trucks, motorcycles, recreational vehicles (as per Section 3.H.), boats, snowmobiles, all-terrain vehicles, and other recreational equipment with current licenses in the driveway or back yard.
 - d. Firewood, neatly stacked, intended for use on the premises.
 - e. Lawn furniture and play equipment.
 - f. Dog kennels in the rear or side yard.
 - g. Covered, rigid garbage containers in the rear yard, or side yard when fully screened.
2. Commercial. In Limited/General Business and Shopping Center Districts, all materials, machinery, vehicles, and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and the street, except for the following:
- a. Landscaping materials/equipment in current use on the premises.
 - b. Construction materials/equipment in current use on the premises.
 - c. Motor vehicles with current licenses, provided the vehicles are necessary for the operation of the business.
 - d. Licensed/unlicensed motor vehicles for sale by authorized dealers.
 - e. Items/materials which, by their nature, require exterior storage and are offered for sale on the premises.
 - f. Covered, rigid garbage containers in the rear yard, or side yard when fully screened.
 - g. Other items, materials, machinery, and equipment as approved by the Planning Commission and Zoning Administrator.

ORDINANCE NO. 1288

AN ORDINANCE AMENDING NO. 1060
KNOWN AS THE WILLMAR ZONING ORDINANCE
BY AMENDING SECTION 3 RELATING TO
EXTERIOR STORAGE AND SECTION 4 RELATED
TO OFF-STREET PARKING

The City Council of City of Willmar does ordain as follows:

SECTION 6. Ordinance 1060 is hereby amended by adding to SECTION 3.O.1.c. so as to read as follows:

- c. ~~Automobiles, pickup trucks, motorcycles, recreational vehicles (as per Section 3.H.), boats, snowmobiles, all-terrain vehicles, trailers (less than 24 ft. long), and other recreational equipment with current licenses in the driveway or back yard. The above mentioned vehicles shall be limited to seven units per residential property (each license shall constitute one unit). Trailers shall be limited to three per residential property. No more than four licensed and operable motor vehicles per lawful dwelling unit may be parked or stored anywhere outside on R-1 and R-2 zoned property, excluding vehicles of occasional guests who do not reside on the property.~~

SECTION 4. Ordinance 1060 is hereby amended by amending SECTION 4.A.5.c. so as to read as follows:

- c. ~~No off street parking or drives shall be permitted within the building front yard setback area immediately in front of the principal building width only. This restriction shall not apply to residential driveways situated between the right of way and a garage which is attached, or accessory to, a one (1) to four (4) family dwelling. In R-1 and R-2 Districts, no off-street parking shall be permitted, except upon such driveways as conform with Section 4.A.5.g.~~

SECTION 4. Ordinance 1060 is hereby amended by adding to SECTION 4.A.5.g. so as to read as follows:

- g. *All driveways and parking areas in residential districts shall be paved with a permanent concrete, bituminous or reasonable substitute surface, subject to approval of the Zoning Administrator and City Engineer, with the drainage from such surfaces directed towards the storm sewers and/or (preferably) the property's green space, but so as to not negatively impact neighboring homes or properties. Driveways shall not occupy more than 30% of the area within the minimum building setbacks from the street(s), nor shall they, within those*

setbacks, lie between the residence or residence portion of the structure and the street, except for a maximum of 3' width extension for service as a sidewalk.

SECTION 2. Ordinance 1060 is hereby amended by adding to SECTION 2.B.126. so as to read as follows:

126. *Junk Motor Vehicle. A motor vehicle that: (1) is three years old or older; (2) is extensively damaged, with the damage including such things as broken or missing wheels, engine, drive-train, or transmission; (3) is apparently inoperable; (4) does not have a valid, current registration plate; and; (5) has an approximate fair market value equal only to the approximate value of the scrap in it. (SS 168B.011)*

EFFECTIVE DATE. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: DeBlieck

This Ordinance introduced on: February 2, 2009

This Ordinance published on: February 7, 2009

This Ordinance given a hearing on: February 17, 2009

This Ordinance adopted on: February 17, 2009

This Ordinance published on: February 21, 2009

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (i) to (ix), without payment of compensation.

2012 Minnesota Statutes

561.01 NUISANCE; ACTION.

Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

History: (9580) *RL s 4446*

2012 Minnesota Statutes

617.81 NUISANCE; ACTS CONSTITUTING; INJUNCTION; NOTICE.

Subdivision 1. **Injunction.** In order to obtain a temporary injunction under section 617.82 or a permanent injunction or order of abatement under section 617.83, the provisions of sections 617.80 to 617.87 must be followed.

Subd. 2. **Acts constituting a nuisance.** (a) For purposes of sections 617.80 to 617.87, a public nuisance exists (1) upon proof of one or more separate behavioral incidents described in item (i), (v), (viii), or (ix), or (2) upon proof of two or more separate behavioral incidents described in item (ii), (iii), (iv), (vi), (vii), or (x), committed within the previous 12 months within the building:

(i) prostitution or prostitution-related activity committed within the building;

(ii) gambling or gambling-related activity committed within the building;

(iii) maintaining a public nuisance in violation of section 609.74, clause (1) or (3);

(iv) permitting a public nuisance in violation of section 609.745;

(v) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;

(vi) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;

(vii) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1);

(viii) unlawful sales or gifts of alcoholic beverages committed within the building in violation of section 340A.401 or 340A.503, subdivision 2, clause (1), if multiple violations occur during the same behavioral incident when the building is not occupied by the owner or a tenant, lessee, or occupant;

(ix) unlawful use or possession of a dangerous weapon as defined in section 609.02, subdivision 6, committed within the building; or

(x) violation by a commercial enterprise of local or state business licensing regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as defined in section 609.74 or the control of a public nuisance as defined in section 609.745.

(b) If the building contains more than one rental unit, two or more behavioral incidents must consist of conduct:

(1) anywhere in the building by the same tenant, lessee, occupant, or persons acting in conjunction with or under the control of the same tenant, lessee, or occupant;

(2) by any persons within the same rental unit while occupied by the same tenant, lessee, or occupant, or within two or more rental units while occupied by the same tenant, lessee, or occupant; or

(3) by the owner of the building or persons acting in conjunction with or under the control of the owner.

(c) Proof of a nuisance exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence.

Subd. 2a.[Repealed, 1995 c 244 s 42]

Subd. 3.[Repealed, 1995 c 244 s 42]

Subd. 4. **Notice.** (a) If a prosecuting attorney has reason to believe that a nuisance is maintained or permitted in the jurisdiction the prosecuting attorney serves, and intends to seek abatement of the nuisance, the prosecuting attorney shall provide the written notice described in paragraph (b), by personal service or certified mail, return receipt requested, to all owners and interested parties known to the prosecuting attorney.

(b) The written notice must:

(1) state that a nuisance as defined in subdivision 2 is maintained or permitted in the building and must specify the kind or kinds of nuisance being maintained or permitted;

(2) summarize the evidence that a nuisance is maintained or permitted in the building, including the date or dates on which nuisance-related activity or activities are alleged to have occurred;

(3) inform the recipient that failure to abate the conduct constituting the nuisance or to otherwise resolve the matter with the prosecuting attorney within 30 days of service of the notice may result in the filing of a complaint for relief in district court that could, among other remedies, result in enjoining the use of the building for any purpose for one year or, in the case of a tenant, lessee, or occupant, could result in cancellation of the lease; and

(4) inform the owner of the options available under section 617.85.

History: 1987 c 283 s 2; 1989 c 112 s 1; 1991 c 193 s 6-8; 1995 c 244 s 31,32; 1996 c 322 s 1; 1997 c 100 s 1; 1997 c 122 s 1; 2005 c 136 art 7 s 17; 2008 c 218 s 1; 2009 c 123 s 17,18

2012 Minnesota Statutes

609.68 UNLAWFUL DEPOSIT OF GARBAGE, LITTER, OR LIKE.

Whoever unlawfully deposits garbage, rubbish, cigarette filters, debris from fireworks, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a petty misdemeanor.

History: 1963 c 753 art 1 s 609.68; 1971 c 23 s 68; 1988 c 685 s 36; 1990 c 391 art 8 s 56; 2003 c 28 art 1 s 19; 1Sp2003 c 2 art 8 s 12

LITTER

115A.99 LITTER PENALTIES AND DAMAGES.

Subdivision 1. **Civil penalty.** (a) A person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times the costs incurred by a state agency or political subdivision to remove, process, and dispose of the waste.

(b) A state agency or political subdivision that incurs costs as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action.

Subd. 2. **Deposit of penalties and damages.** Civil penalties and damages collected under subdivision 1 must be collected and distributed as required in chapter 484.

Subd. 3. **Joinder; private action for damages.** A private person may join an action by the state or a political subdivision to recover a civil penalty under subdivision 1 to allow the person to recover damages for waste unlawfully placed on the person's property.