

CHAPTER 5. NUISANCE AND OFFENSES

Section 500 - Public Nuisances

500.01 Public Nuisance Defined. Whoever does an act or fails to perform a legal duty therefore intentionally doing any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or deposits garbage or refuse upon or otherwise renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided.

500.02 Public Nuisances Affecting Health. The following are declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;

- C. Carcasses of animals not buried or destroyed within 24 hours after death;
- D. Accumulations of manure, refuse, or other debris;
- E. Privy vaults and garbage cans which are not rodent free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- F. The pollution of any public or private well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- G. All noxious weeds and other rank growths of vegetation upon public or private property;
- H. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- I. Open or controlled burning in violation of state statutes and regulations.
- J. All public exposure of persons having a contagious disease;
- K. Any offensive trade or business as defined by statute not licensed by the Council.
- L. All ponds or pools of stagnant water.

500.03 Public Nuisances Affecting Morals and Decency. The following are, by this Section, declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines and punch boards kept in violation of law;
- B. Betting, bookmaking and all apparatus used in such occupations;
- 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 and illegal drugs are manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor or using illegal drugs, or where intoxicating liquor or illegal drugs are kept for sale or other disposition in violation of law, and all liquor or drugs and other property used for maintaining such a place.
- E. Any vehicle used for the illegal transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

500.04 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

- A. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards 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. (1) All prohibited noises. The following are declared to be nuisances affecting public health, safety, peace, or welfare:

(a) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this section);

(b) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as they may be amended from time to time, are hereby incorporated in this section by reference;

(c) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;

(d) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises there from and complies with all applicable state laws and regulations;

(e) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and

(f) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

(2) Hourly restrictions of certain operations.

(a) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any day. Snow removal equipment is exempt from this provision.

(b) Refuse hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(c) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(d) Radios, music devices, paging systems, and the like. The operation of any device referred to in subdivision D.(1)(f) between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(e) Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

E. 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 this Code or other applicable law;

F. Radio aerials or television antennae erected or maintained in a dangerous manner;

G. 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 uses of the streets or sidewalks;

H. 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;

I. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

J. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

L. Waste water, as defined in Section 810.01 subd. 43, cast upon or permitted to flow upon streets or other public property;

M. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated;

N. Storing materials such as lumber, merchandise, machinery, miscellaneous parts, disabled household appliances or salvage goods on private property except as may be normal to the legal use of the property in question, unless housed within a lawfully erected building. Provided however,

that building materials stored during actual building operations or salvage materials during actual remodeling, wrecking or demolition operations, shall not be a violation of this Section.

O. Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;

P. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

Q. 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;

R. Entry upon the premises of another if the person entering has been given oral or written notice not to, or if the premises are clearly marked with “no trespassing” signs posted so as to be in plain view along all routes of access to the premises, unless such entry is upon official business of a government agency or public utility.

S. The depositing of garbage, construction debris or other refuse on a public right-of-way or on adjacent private property;

T. To park any unlicensed, unregistered or inoperable motor vehicle on any property, public or private, unless housed within a lawfully erected building. Provided however, that a person residing

on the premises may store a partially dismantled automobile during actual repair for a period not to exceed two weeks.

U. All other conditions or things which are likely to cause injury to the person or property of anyone.

500.05 Nuisances Affecting Public Property. Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure may sustain as a result of any illegal operation of the equipment. This illegal operation includes vehicles weighing in excess of the maximum weight permitted by statute or this Code. When the driver is not the owner of the vehicle, equipment, object, or contrivance, but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount. This amount shall be collectable by action or as a lien under Minn. Stat. § 514.67.

500.06 Duties of City Officers. City officials may enforce the provisions relating to any public nuisances within this jurisdiction. Any peace officer or other city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property,

unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

500.07 Abatement.

Subd.1 Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the Council; notice of Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this Section.

A. Notice of Violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

B. Notice of Council Hearing. Written notice of any Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

C. Notice of Council Order. Written notice of any Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person

or by certified registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of council hearing, notice of Council Order shall be served by posting it on the premises.

D. Notice of Motion for Summary Enforcement. Written notice of any Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of motion for summary enforcement shall served by posting it on the premises.

Subd. 2 Procedures. 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 of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact immediately to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council, the City may seek injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

Subd. 3 Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Section 500.06, Subds. 1 and 2, will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Section 500.06, Subd. 1, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Council may order summary enforcement and abate the nuisance.

Subd. 4 Immediate Abatement. Nothing in Section 500.06 shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

500.08 Recovery of Cost.

Subd.1 Personal Liability. The owner of premises on which a nuisance has been abated by

the City or a person who caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Clerk-Treasurer or other city official shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the Clerk-Treasurer.

Subd. 2. Assessment. After notice is served on the owner of record of the premises either in person or by certified or registered mail; if the premises are not occupied, the owner of record is unknown, or the owner of record refuses to accept the notice, the notice shall be served by posting it on the premises; if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

(Am. Ord. 11-02, passed 6-27-11)

Section 510 - Grass and Weeds

510.01 Height. It shall be unlawful for any owner, lessee, or occupant, or any managing officer, agent, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the lot or land between the property line and the curb or middle of the alley or for ten feet outside the property line if there be no curb, any growth of weeds, grass, or other rank vegetation to a greater height than six inches on the average, or any accumulation of dead weeds, grass, or brush.

510.02 Removal. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all the weeds, grass or other rank vegetation as often as may

be necessary to comply with the provisions of Subsection 510.01: provided that cutting and removing the weeds, grass and rank vegetation at least once in every three weeks, between May 15 and September 15 of each year, shall be deemed to be a compliance with this chapter.

510.03 Notice of Abatement. If the provisions of this Section are not complied with, the Clerk-Treasurer shall serve written notice by certified mail upon the owner, lessee or occupant or any person having control of any such lot or land to comply with the provisions of this chapter. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or cause to be cut and removed, the weeds, grass, or other vegetation within ten (10) days after the mailing of the notice, or if no person can be found in the City who either is or claims to be the owner of the lot or land or who either represents or claims to represent the owner, the Clerk-Treasurer shall cause the weeds, grass and other vegetation on the lot or land to be cut and removed and the actual cost of the cutting and removal plus 20 percent for inspection and other additional costs in connection with the removal shall be certified by the Clerk-Treasurer to the City Treasurer and shall thereupon become a lien upon the property on which the weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes. Any ground, lot parcel, vacant lot or portion thereof within a residential zoning district shall be graded and kept free of debris so it can be mowed and kept free of rank vegetation growth.

510.04 Scope. Provision for notice, work by the City and addition of costs to taxes for vegetation mowing shall also apply to grading and removal of debris so vegetation can be mowed. This Section

shall not apply to lots or parcels being filled for development when located 200 feet or more from the next adjacent dwelling.

Section 520 - Trees

520.01 Regulations Adopted by Reference. Sections 1505.0010 through 1505.0600 of Minnesota Rules, together with amendments thereof to date, shall be hereby adopted by reference, and made a part of this Section as if set out in full. A copy of the Rules incorporated shall be on file in the Clerk's office.

520.02 Nuisance. It shall be unlawful for any person to permit a public nuisance, as defined in this Section, on any premises owned or controlled by him or her within the City. The following shall be public nuisances:

A. The maintenance of any living or standing elm tree or part thereof infected to any degree whatsoever with the Dutch Elm disease fungus also called *Ceratocystis ugni*, or the maintenance of any said elm tree which harbors any of the elm bark beetles also called *Scolytus multistriatus* or *Hylurgopinus rufipes*.

B. The maintenance of any dead elm tree or part thereof, including but not limited to logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned, or sprayed with an effective elm bark insecticide.

520.03. The stockpiling of bark bearing elm wood within the City limits of the City shall be

permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year shall then be removed and disposed of as provided by this Section and the regulations incorporated thereby.

520.04 Inspection. The City Council, or its appointee shall investigate all reported incidents or infestation by Dutch Elm Fungus or elm bark beetle nuisances. Upon finding conditions existing that indicate the presence of the Dutch Elm disease fungus or the elm bark beetle, appropriate specimens or samples, clearly marking their source, shall be taken and examined to confirm the nuisance condition when necessary. For the purpose of carrying out any of the investigative and enforcement duties assigned under this section, the City Council, or its appointee may enter upon private premises at any reasonable time.

520.05 Abatement. In abating any nuisance discovered under this section, the City Council, or its appointee shall cause all infected wood or trees to be removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease, fungus and elm bark beetles. Insofar as possible, in abating the nuisances, the City Council or its appointee shall use the following procedure for removal of infected trees and wood whether on public property or private property or places:

- A. The City shall notify the property owner by certified mail or personal service in writing that the nuisance must be abated within a specified time, not less than ten (10) days and no more than 20 days from the date of mailing of or service of the notice. After the expiration of the

time limited by the notice, if the nuisance has not been abated, the City Council or its appointee shall abate the nuisance by removal and destruction of the tree and wood, and dispose of the tree within 72 hours.

520.06 Records. The City Council shall keep a record of all its costs of nuisance abatement done under this section according to lot or parcel of land involved. All the costs plus 10 percent for inspection and other administrative costs in connection with this Section shall be certified by the Clerk-Treasurer to the City and shall become and be a lien upon the property on which the nuisance was located before it was abated; and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or parcel of land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

520.07 Relation to Other Law. Where these provisions of this section conflict or are inconsistent with any other Ordinance of the City, the provisions of this similar Section shall supersede except in instances where one regulation is more restrictive than another in which case the more restrictive shall apply and control.

520.08 Violation. Violation of this Section 520 shall be a misdemeanor.

Section 530 - Unsafe Buildings

530.01 Nuisance. It shall be unlawful for any person to permit a public nuisance, in the form of an unsafe building, as defined in this Section, on any premises owned or controlled by him or her within the City. The following shall be a public nuisance:

A. Any building or structure or portions thereof, including excavations for buildings or excavations or basements or demolished or moved buildings, when they are either structurally unsafe; unstable; unsanitary; inadequately provided with exit facilities; constitute a fire hazard; constitute a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property.

530.02 Inspection and Notice. The City Council or its appointee shall investigate all reported unsafe buildings. Upon determining that a building or structure or portion thereof is unsafe, the City Council shall serve or caused to be served on the owner, or someone of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the building, a written notice containing a description of the building or structure or portion thereof deemed unsafe, a statement of the particulars in which the building or structure or portion thereof is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by him or her. If the person to whom the notice and order is addressed cannot be found after diligent search, then the notice and order shall be sent by registered mail to the last known address of the person, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

530.03 Entrance on Private Property. For the purpose of carrying out any of the investigative and enforcement duties assigned under this chapter, the City Council, or its appointee may enter upon private premises at any reasonable time.

530.04 Vacate. When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the City Council shall order and require the inmates and occupants to vacate

the same, and may post the building or structure as condemned for occupancy and take suitable safeguards to prevent the public from entering the building or structure.

530.05 Abatement. If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail within a reasonable time as stated in the notice to comply with the requirements of the notice, the City Council may authorize the necessary labor and materials to be employed to perform emergency repairs or any demolition to the damaged building or structure or portion thereof as may be deemed necessary for the general public health and safety.

530.06 Records. The City Council shall keep a record of all its costs of nuisance abatement done under this Section according to lot or parcel of land involved. All the costs plus 10 percent for inspection and other administrative costs in connection herewith shall be certified by the ClerkTreasurer to the County Auditor and shall thereupon become and be a lien upon the property on which the nuisance was located before it was abated and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or parcel of land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

530.07 State Law. No action shall be taken under this Section except in accordance with Minnesota Statutes Chapter 329.

Section 540 - Current Services

540.01 Definition. The term “current service” as used in this Section shall mean one or more of the following: snow, ice or rubbish removed from sidewalks; weed elimination from street or grass plots adjacent to sidewalks or from private property, street sprinkling, street flushing, light street oiling or other dust treatment of streets, trimming and care of trees and removal of unsound or diseased trees, from the public streets or from public or private property.

540.02 Cleaning of Sidewalks.

Subd. 1 Nuisance. All snow, ice, dirt and rubbish remaining on a public sidewalk more than twenty-four hours after its deposit thereof shall be a public nuisance. The owner and the occupant of any property adjacent to public sidewalk shall use the diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than twenty-four hours after its deposit thereon.

Subd. 2 Removal. The Street Commissioner shall remove or cause to be removed from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning twenty-four hours after the matter has been deposited thereon or after the snow has ceased to fall. He or she shall keep a record showing the cost of the removal adjacent to each separate lot and parcel and shall deliver the information to the Clerk-Treasurer.

540.03 Weed Elimination.

Subd.1 Height. Any weeds, whether noxious or defined by law or not growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City to a greater height than six inches or which have gone or about to go to seed shall be a nuisance. The owner and occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property. **NOTE: Conflicts with Section 510.**

Subd. 2 Notice. When the owner and occupant, or either of them, permit a weed nuisance to exist in violation of Subd. 1, the weed inspector for the City shall serve notice upon the owner of the property if he or she resides in the municipality and can be found or upon the occupant in other cases, by registered or certified mail or by personal service ordering the occupant to have the weeds cut and removed within ten days after receipt of the notice and also stating that in case of noncompliance the work shall be done by the Street Commissioner at the expense of the owner and that if unpaid, the charge of the work shall be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found after the exercise of due diligence, the provisions for notice shall not apply.

Subd. 3 Abatement. If the owner or occupant fails to comply with the notice within ten days after its receipt or if no owner, occupant or agent of the owner or occupant can be found, the Street Commissioner shall cut and remove the weeds. He or she shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the Clerk-Treasurer.

540.04 Street Sprinkling, Street Flushing, Tree Care, Etc.

Subd.1 Council Action. The Council may each year determine by resolution what streets and alleys may be sprinkled or flushed, oiled, or given other dust treatment during the year and the kind of work to be done on each. The Council may also determine by resolution from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done and what unsound trees shall be removed. The Council shall also have the authority to determine by resolution that diseased and unsound trees located upon private property which may affect the health of surrounding trees or shrubbery shall be a nuisance which must be abated. Dutch Elm disease and other similar diseases shall be the diseases which shall be contemplated. Before any work is done pursuant to any of these resolutions, the Clerk shall under the Council's direction, publish notice that the Council shall meet to consider the projects. The notice shall be published in the official newspaper at least once no less than ten days prior to the meeting of the Council and shall state the date, the time and place of the meeting, the streets affected, and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise. In lieu of the published notice, the Council may include in the resolution that the notice of the hearing may be registered or certified mail or by personal service in the same manner as provided in the case of the destruction of weeds in Subsection 540.03, Subd. 2.

Subd. 2 Hearing. At the hearing or any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The solution confirming the original projects with the modification as it considers desirable and shall provide for the doing of the work by day labor through the Street Commissioner or by contract the Street

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Commissioner shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report the information to the Clerk-Treasurer.

540.05 Personal Liability. The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the Clerk-Treasurer shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable to the office of the Clerk-Treasurer.

540.06 Assessment. On or before November 30 of each year, the Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges against property benefited as a special assessment in accordance with the provision of Minnesota Statutes Annotated, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

540.07 Penalty. Any person who maintains a nuisance in violation of this Section and any person who interferes with a City employee or other authorized person in performance of any current service under this Chapter shall be guilty of a misdemeanor.

Section 550 - Garbage

550.01 Mandatory Collection. It shall be deemed in the best interest of the public and residents

of the City that the Council shall contract for the legal collection of and disposal of garbage or refuse from dwellings and places of business in the City. All residents shall be subject to the organized collection established by the City.

550.02 Charges. The owners of all property served by the waste collection shall pay service charges for the service to their respective properties as established by Council resolution. Payment of service charges shall be made quarterly to the Clerk-Treasurer. Default of payment due the City of the service charges shall subject the owner of the property to levy pursuant to Minnesota Statutes Annotated, 443.015, and Laws Amendatory and the payment of charges shall be obligatory upon all owners of property within the City.

550.03 Unlawful Disposal. No person shall deposit litter, refuse or garbage in any public trash barrels, unless the same shall have been accumulated or acquired while using public property, nor shall any person place any garbage or waste in the receptacle of another without permission from the owner.

550.04 Violation. A violation of this Section 550 shall be a petty misdemeanor.

Section 560 - Open Burning

560.01 Allowable Burning. The open burning of dried leaves within the City limits of the City of New Richland shall be allowed only under the following conditions:

- A. Such burning shall be permitted only during the days of Tuesday, Thursday & Saturday from October 1 to November 30.

- B. A responsible person shall be in constant attendance during all burning and until the fire is completely extinguished.

- C. Burning shall be allowed only between the hours of 1:00 P.M. and 7:00 P.M. All fires are to be completely extinguished by 7:00 P.M.

- D. All fires shall be not less than 25 feet from any structure, wood fence, hedge or bush and not less than 5 feet from any property line.

- E. Burning shall be prohibited on any City streets, alleys, boulevards, or any other public property by private citizens.

- F. No open burning of leaves shall be permitted at any time during any air alert or warning declared by any State, county, or local authority.

- G. All permit requirements of the Department of Natural Resources shall be complied with.

560.02 Restricted Burning. Burning of any other materials, other than dried leaves shall be strictly under the authority of the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency and Minnesota Statutes.

560.03 Violation. Violation of this Section 560 shall be a misdemeanor.

Section 570 - Curfew

570.01 Purpose. The curfew for minors established by this Section is maintained for four primary reasons:

- A. To protect the public from illegal acts of minors committed during the curfew hours;
- B. To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- C. To protect minors from criminal activity that occurs during the curfew hours; and D. To help parents control their minor children.

570.02 Definitions.

Subd. 1 Emergency Errand. “Emergency Errand” shall mean a task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor’s household. Emergency Errands shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or man-made calamity.

Subd. 2 Official City Time. “Official City Time” shall mean the time of day as determined by reference to the time given by the dispatcher.

Subd. 3 Places of Amusement, Entertainment, or Refreshment. “Places of

`Amusement', `Entertainment' or `Refreshment'" shall mean those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

570.03 Age.

Subd. 1 Under Eighteen Years. Except as otherwise provided, it shall unlawful for any person under the age of 18 years to be on or present in any public street, avenue, alley, park or other public place, or place of amusement, entertainment or refreshment in the City between the hours of 10:30 P.M. and 5:00 A.M. of the following day, official City time.

570.04 Exceptions. The restrictions of this Section do not apply when the minor:

- A. Is accompanied by parent or legal guardian;

- B. Is returning home by a direct route from and within 30 minutes after a school activity or an activity of a religious or other voluntary association.

- C. Is on the way to or from the minor's place of employment or is conducting lawful employment duties.

- D. Is upon an emergency errand or other legitimate business directed by parent, guardian or other adult having the lawful custody of the minor.

E. Is involved in interstate travel.

F. Is exercising protected constitutional rights.

G. Is on the sidewalk abutting his or her residence or that of a next-door neighbor and the neighbor has not complained to the police about the minor's presence.

H. Is married, has been married, or is otherwise an emancipated minor.

570.05 Parent or Guardian. It shall be unlawful for any parent, guardian or other person having the lawful care, custody or control of any person under the age of 18 years to allow or permit the person to violate the provisions of this Section.

570.06 Responsibility of Others. It shall be unlawful for any person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment, or other place of business, to permit any minor under the age of 18 years to be or remain in the place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment, or other place of business shall find any persons under the age of 18 years, in the place of business during prohibited hours, he or she shall immediately order the person to leave, and if the person refuses to leave the place of business, the operator shall immediately notify the police department and inform them of the violation.

570.07 Construction. This Section shall not be construed as permitting the presence at any time or any person under the age of 18 in any place where his or her presence is now prohibited by any existing law or ordinance, or code provision.

570.08 Enforcement. Any member of the police force shall be authorized to arrest, with or without warrant, any person or persons violating the provisions of this Section, and any child unaccompanied by parents, guardian or other person having the lawful care and custody of the minor child.

510.09 Defense. It shall be a defense to prosecution under this Section that the owner, operator, or employee of an establishment promptly notified the City's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

570.10 Penalty. Violation of the provisions of this Section 570 shall be a misdemeanor.

Section 580 - Parks

580.01 Hours. It shall be unlawful for any person to be present in a City park between the hours of 10:00 p.m. and 6:00 a.m.

580.02 Alcohol. It shall be unlawful for any person to consume any alcoholic beverage in a City park in violation of Chapter Four of this Code.

580.03 Motor Vehicles. It shall be unlawful for any person to park or drive any motor vehicle,

including motorcycles, in any City park other than on designated roads, paths, or parking areas.

580.04 Fire. It shall be unlawful for any person to build or use any fire in any City park except for charcoal grills or in designated fire pits or fireplaces.

580.05 Swimming. It shall be unlawful for any person to swim in the designated boat landing areas of St. Olaf Park or in any other area posted “No Swimming.”

580.06 Violations. Violation of the provisions of this Section 580 shall be a misdemeanor.

