

**CHAPTER 5 NUISANCES AND OFFENSES**

**SECTION 500 - NUISANCES**

**500.01 PUBLIC NUISANCE DEFINED.** Whoever by his or her act or failure to perform a legal duty intentionally does any of the following shall be guilty of maintaining a public nuisance, which shall be 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, 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 hereby declared to be nuisances affecting health:

- (A) Exposed accumulation of decayed or unwholesome food or vegetable matter; excluding compost and composting matter.
- (B) All diseased animals running at large;
- (C) All ponds or pools of stagnant water;
- (D) Carcasses of animals not buried or destroyed within 24 hours after death;
- (E) Accumulations of manure, refuse, or other debris;
- (F) 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;
- (G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, dumping of oil, or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities; and, 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 appropriate authority.

(L) Any offensive trade or business as defined by statute not licensed by the appropriate authority.

**500.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.** The following are hereby declared to be nuisances affecting public morals and decency:

(A) All illegal gambling devices, slot machines, and punch boards;

(B) Betting, bookmaking, and all apparatus used in such occupations;

- (C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, illegal gambling houses, houses of ill fame, and bawdy houses;
- (D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to congregate for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor 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) All unnecessary noises and annoying vibrations;
- (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 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 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) 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;
- (O) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

- (P) 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;
  
- (Q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
  
- (R) All other conditions or things which are likely to cause injury to the person or property of anyone.

**SECTION 510 - OFFENSES**

**510.01 OPEN BURNING.**

**Subd. 1 General.** No person shall burn or pile any sweepings, trash, lumber, leaves (except in season), paper, grass, or other combustible material in any street, alley, yard, or upon any lot within the City. The open burning of dried leaves in containers approved by the Commissioner of the Department of Natural Resources and the Fire Chief is permitted between September 15 and December 1, provided that all fires be not less than 25 feet from any structure, wood fence, hedge or bush and not less than five feet from any property line,

that the burning not occur on any City streets, alleys, or any other public property, that the burning occur between the hours of 6:00 p.m. and 8:00 a.m. of the following day, that no open burning of leaves is permitted at any time during any air alert or warning declared by any State, county, or local authority, and that all of the provisions of M. S. §§ 88.16, Subd. 2(d) and 116.082 are complied with.

**Subd. 2 Permit.** No person shall burn or set fire to any material in the City, including the open burning of leaves as permitted in Subd. 1, without first obtaining a permit from the City Clerk-Treasurer or other City official authorized by the Department of Natural Resources to issue burning permits and without any other permit required by law. When a person has been granted a permit and a fire has been started, the fire shall be kept under immediate personal supervision and control at all times and such person shall completely extinguish the fire before quitting the place.

**Subd. 3 Non Burned Trash.** No person shall allow trash or garbage to remain on his or her premises unless such trash or garbage is contained in a sealed container.

**510.02 USE OF WEAPONS.**

**Subd. 1 General Restrictions.** No person except a police officer in the performance of duty shall, within the City except as may be permitted by State law and the regulations of the department of Natural Resources, discharge any gun, pistol, or firearm of any description, or carry any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This subdivision shall not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law.

**Subd. 2 Air Rifles, Sling Shots.** No person shall use or discharge any pellet gun, BB gun, air rifle, bow and arrow, paint ball gun, or sling shot, within the City.

**Subd. 3 Offense by Parents, Guardians.** It shall be unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit such person to violate any provision of this section.

**510.03 PUBLIC URINATION.** No person shall urinate or defecate in any public place, within the City. Public place shall include, but is not limited to public roadways, sidewalks and parks. Public place shall not include lavatories, outhouses or restrooms.

**510.04 PENALTIES.** Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

## SECTION 520 - PROPERTY MAINTENANCE

### **520.01 WEEDS, BRUSH.**

**Subd. 1 Duty.** Every owner or occupant of real property in the City shall cut the grass, weeds, and brush thereon and on the boulevard or portion of the street reserved for sidewalks abutting on such persons's property.

**Subd. 2 Nuisance.** Any weeds or grass growing on any lot or parcel of land in the City to a greater height than six inches, or which has gone or is about to go to seed, are hereby declared a nuisance and dangerous to the health, safety, and good order of the City.

**Subd. 3 Enforcement.** If any person fails to perform a duty imposed by Subd. 1 within seven days after notice has been given by the City Clerk-Treasurer, then the City Clerk-Treasurer shall cause the abatement of such nuisance. In order to accomplish the purposes of this section, said officials and representatives are authorized to remove trash and to grade or level said lot so as to be suitable for mowing with power equipment.

**Subd. 4 Costs.** The expenses incurred in the enforcement of this section shall be a lien on the real estate from which the nuisance was abated. The City Clerk-Treasurer shall certify to the County Auditor a statement of the amount of the cost paid or incurred by the City with the request that the County Auditor enter such amount on the tax books as a tax upon the land and such cost shall be collected in the same manner as other real estate taxes.

**520.02 SNOW REMOVAL.**

**Subd. 1 Duty.** Every owner or occupant of real property within the City having sidewalks adjacent thereto shall remove or cause to be removed the snow or ice from the abutting sidewalks within 24 hours.

**Subd. 2 Nuisance.** Sidewalks from which the snow or ice has not been removed within 24 hours of the end of the precipitation are hereby declared a nuisance and dangerous to the health, safety, and good order of the City.

**Subd. 3 Enforcement.** If any person fails to perform a duty imposed by Subd. 1, it shall become the duty of the City Police to abate such nuisance thus created.

**Subd. 4 Costs.** Any person guilty of creating any such nuisance shall be punishable by a fine not exceeding \$60 and shall be assessed for the cost of abating the nuisance as provided for in section 520.01, Subd. 4.

**SECTION 530 - COLLECTION AND DISPOSAL OF GARBAGE,  
RUBBISH, AND OTHER WASTES**

**530.01 DEFINITIONS.**

**Subd. 1 Garbage.** The word “garbage” as used in this section shall include only organic refuse resulting from the preparation of food, and decayed and spoiled matter from any source, but shall not include compost matter.

**Subd. 2 Rubbish.** The word “rubbish” as used in this section shall include all inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings and similar substances, but shall not include compost matter.

**530.02 MANDATORY DISPOSAL.**

**Subd. 1 Disposal.** It shall be unlawful for any person, firm or corporation to fail to dispose of in a sanitary manner complying with State laws, any garbage and rubbish which may be accumulated or may accumulate upon property owned or occupied by him or her or them, as often as may be necessary, and keep said premises in an orderly and sanitary condition. Every person, firm or corporation who shall fail or refuse to make provision for and secure such disposal shall be guilty of a misdemeanor. Persons desiring to make use of the services of a licensed garbage and rubbish collector may do so by notifying such collector and paying the fees agreed upon between them.

**Subd. 2 Temporary Storage.** Every householder or occupant of any dwelling house, boarding house, restaurant or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner, shall provide himself or herself or themselves with one or more fly tight cans sufficient to receive all garbage which may accumulate between the times of collection. Each can shall have a capacity of not to exceed 30 gallons and shall be provided with a bail or handles and a tight-fitting lid. All garbage and rubbish accumulating between the times of collection shall be placed in these cans.

**Subd. 3 Can Placement.** Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible to the street or alley from which collection is made.

**530.03 LICENSED HAULING.**

**Subd. 1 License Required.** It shall be unlawful for any person, firm or corporation to collect garbage or rubbish and charge a fee therefor without having first secured from the County a license to do so.

**Subd. 2 License Standards.** Each licensed garbage and rubbish collector shall provide a truck equipped with a covered, water-tight, steel tank, constructed so the contents will not leak or spill therefrom, in which all garbage collected by him or her shall be conveyed to an approved landfill. The conveyance shall be kept clean, and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect garbage.

**530.04 ILLEGAL DEPOSIT.** No person shall place or deposit without permission any recyclable waste or material or any solid waste into any container located on the premises of another.

**SECTION 540 - STORAGE OF EXPLOSIVES, BLASTING AGENTS, FLAMMABLE  
LIQUIDS**

**540.01 RESTRICTION.** Materials described in Sections 536, 742, and 114 of the Fire Prevention Code, which is hereby made a part of this Code shall not be stored within the City.

**SECTION 550 - ABATEMENT**

**550.01 DUTIES OF CITY OFFICERS.** The City Police shall enforce the provisions of this section. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**550.02 ABATEMENT.**

**Subd. 1 Procedure.** 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.

**Subd. 2 Notice.** Written notice of a 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.

(1) **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 in violation 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.

(2) **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.

(3) **Notice of Council Order.** Except for those cases determined by the City to require summary enforcement, written notice of any Council order shall be made as provided in Minn. Stat 463.17 (Hazardous and Substandard Building Act).

(4) **Notice of Motion for Summary Enforcement.** Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

**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 this section, 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 this section, 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 this section 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.

#### **550.03 RECOVERY OF COST.**

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

City Clerk-Treasurer or other officer designated by the Council 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 City Clerk-Treasurer.

**Subd. 2. Assessment.** 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 as a special assessment pursuant to this Code and the provisions of M.S. Chapter 429.

#### SECTION 560 - CURFEW

**560.01 CURFEW IMPOSED.** Except as otherwise provided, no person under the age of 16 years shall be in or upon public streets or other public grounds, buildings, places of amusements, entertainment or refreshment, or any other unsupervised place, public or private, between the hours of 10:00 p.m. and 5:00 a.m., and no person 16 through 17 years of age shall be in or upon public streets or other public grounds, buildings, places of amusements, entertainment or refreshment, or any other unsupervised place, between the hours of Midnight and 5:00 a.m.

**560.02 EXCEPTIONS.** The restrictions of section 560.01 do not apply when the minor:

- (A) Is accompanied by parent, guardian, or other person having the minor's lawful care, custody or control;
- (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 and such travel can be verified; or
- (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 in a motor vehicle involved in interstate travel.
- (F) Is exercising constitutional rights.

(G) Is on the sidewalk adjacent to the minor's residence or abutting the residence of a next-door neighbor who has not filed a complaint with the police about the minor's presence.

(H) Is an emancipated minor.

**560.03 RESPONSIBILITY OF CAREGIVER.** No adult having the care and custody of a person under the age of 18 shall allow such person to be in violation of section 560.01.

**560.04 RESPONSIBILITY OF OTHERS.** No person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment shall permit any persons under the age of 18 to enter or remain in such place in violation of section 560.01.

**560.05 PENALTIES.** Any person under the age of 18 years who shall violate the provision of this section shall be deemed a delinquent child as defined in Minnesota Statutes § 260.15, as amended from time to time.

**SECTION 570 - PENALTIES**

**570.01 MISDEMEANOR.** Except as otherwise specifically provided, and in addition to any other penalty provided for, any person violating any provision of this section shall upon conviction be guilty of a misdemeanor and shall be subject to a fine not to exceed \$1,000 and/or a sentence not to exceed 90 days in jail. In addition, all costs of prosecution may be assessed to the extent authorized by state law, the Rules of Court, and the Rules of Criminal Procedure.