

CHAPTER VIII - MISCELLANEOUS PROVISIONS

Part 1. Nuisances

Sec. 801.01. 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.

- Subd. 1. 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
- Subd. 2. 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
- Subd. 3. 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.

Sec. 801.02. PUBLIC NUISANCES AFFECTING HEALTH

The following are declared to be nuisances affecting health:

- Subd. 1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- Subd. 2. All diseased animals running at large;
- Subd. 3. Carcasses of animals not buried or destroyed within 24 hours after death;
- Subd. 4. Accumulations of manure, refuse, or other debris;
- Subd. 5. 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;
- Subd. 6. 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;
- Subd. 7. All noxious weeds and other rank growths of vegetation upon public or private property.

- Subd. 8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;
- Subd. 9. Open or controlled burning in violation of state statutes and regulations;
- .Subd. 10. All public exposure of persons having a contagious disease;
- Subd. 11. Any offensive trade or business as defined by statute not licensed by the council.

Sec. 801.03. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY

The following are hereby declared to be nuisances affecting public morals and decency:

- Subd. 1. All gambling devices, slot machines, and punch boards kept in violation of law;
- Subd. 2. Betting, bookmaking, and all apparatus used in such occupations;
- Subd. 3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling house, houses of ill fame, and bawdy houses.
- Subd. 4. 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.
- Subd. 5. Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Sec. 801.04. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following are declared to be nuisances affecting public peace and safety:

- Subd. 1. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
- Subd. 2. All trees, hedges, billboards, or obstructions other than which prevent persons from having a clear view of all traffic approaching an intersection

- Subd. 3. 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;
- Subd 4. The deposit of animal manure on city streets;
- Subd 5. 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;
- Subd. 6. Radio aerials or television antennae erected or maintained in a dangerous manner;
- Subd. 7. Any use or 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;
- Subd. 8. 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;
- Subd. 9. 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;
- Subd. 10. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- Subd. 11. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- Subd. 12. Waste water cast upon or permitted to flow upon streets or other public property;
- Subd 13. 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;

- Subd. 14. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any person coming on the premises where it is located;
- Subd. 15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- Subd. 16. The placing or throwing on the 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;
- Subd. 17. 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;
- Subd. 18. The depositing of garbage, construction debris, or other refuse on a public right of way or on adjacent private property;
- Subd. 19. All other conditions or things which are likely to cause injury to the person or property of anyone.

Sec. 801.05. PUBLIC NUISANCE, NOISE

The following acts set forth are declared to be loud, disturbing, and unnecessary noises that disturb or affect the comfort, repose, health, or peace of others, but said enumerations shall not be deemed to be exclusive.

- Subd. 1. Horns and signaling devices - The repeated sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.
- Subd. 2. Radios, tape, and disc players, etc. - The using, operating, or permitting to be played by any radio receiving set, tape or disc player, musical instrument, phonograph, in such a manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet, and repose of a person or persons of ordinary sensibilities.
 - (a) The play, use or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of one (1)

city block from the machine or device shall be prima facie evidence of a violation of this section.

- (b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

Subd. 3. Construction or repairing of buildings. - The erection including excavation, demolition, alteration, or repair of any building between the hours of 9:00 p.m. and 6:00 a.m. on weekdays and all day Sunday, except where single individuals or families work on single family residences for their own occupancy. City officials may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not affect the health and safety of the persons in the vicinity.

Subd. 4. Pile drivers, hammers, etc. - The operation between the hours of 9:00 p.m. and 6:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electrical hoist, or other appliance the use of which is accompanied by loud or unusual noise.

Subd. 5. Noisy Parties and Gatherings

- (a) Prohibition. No person shall congregate at, or participate in any party or gathering from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.
- (b) Evidence. Noise of such volume as to be clearly heard at a distance of one (1) city block from the structure or building in which the party or gathering is occurring, or in the case of an apartment building, in the adjacent hallway or apartment shall be prima facie evidence. Any complaint from a person that is verified by an officer shall be prima facie evidence of a violation of this subdivision.

- (c) Duty to Disperse. When an officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
- Subd. 6. Loud speakers, amplifiers for advertising. - The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of such which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- Subd. 7. Yelling, shouting, etc. - Yelling or shouting at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or other place of residence, or of any person in the vicinity.
- Subd. 8. Animals, birds, etc. - The keeping of any animal which is causing frequent or long continued noise that shall disturb the comfort or repose of any persons in the vicinity.
- Subd. 9. Sound trucks for advertising purposes - The use of sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.
- Subd. 10. Jake Brakes - The use of any device referred to as a “Jake Brake” on commercial vehicle to effect the slowing of such vehicle. This subdivision shall go into effect when the proper signs are posted by the State Statute.
- Subd. 11. Exceptions - The following are exempt from violation of this section:
- (a) Activities which are duly authorized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license permit, or contract.
 - (b) Persons who have gone to a party for the sole purpose of abating the violation.

- (c) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract.
- (d) Church bells, chimes or carillons
- (e) School bells
- (f) Anti-theft devices
- (g) Machines or devices for the production of sound on or in authorized emergency vehicles.

Sec. 801.06. DUTIES OF CITY OFFICERS

The police department shall enforce provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Sec. 801.07. ABATEMENT

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 or occupant of the premises of such fact and shall order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report the fact forthwith to the council. Thereafter the council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the city. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting the notice and the hearing.

Sec. 801.08. 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 or other officer designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

- 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 fee charged by the city for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Chapter III, Part 2 of this code.

Sec. 801.09. PENALTY.

Any person who is found guilty of violating any provision of Sections 801.01 through 801.08 is guilty of a misdemeanor as defined by the laws of the State of Minnesota.

Part 2. Offenses

Sec. 802.01. USE OF WEAPONS

- Subd. 1. Minors - It shall be unlawful for minors under the age of 14 years of age to handle, or have in their possession or under their control, except while accompanied by or under the immediate charge of their parents or guardian, any firearm, air gun, or B.B. gun or any kind for hunting, or target practice, or any other purpose, within the city. Any person aiding or knowingly permitting any such minor, as mentioned above, to violate the same, shall also be in violation.
- Subd. 2. Pointing of Guns Prohibited - No person shall, within the city, aim or point any firearm, air gun, B.B. gun, or any kind whether loaded or not, at or towards another human being, except it being in defense of person or persons or property against one committing or attempting to commit a felony.
- Subd. 3. Discharge of Firearms - No person shall discharge any firearm, air gun, or B.B. gun or any kind within the city, except at a duly authorized shooting range while such range is supervised or while under reasonable apprehension of harm to protect person or property against anyone committing or attempting to commit a felony or, after permission to do so granted by the council, to protect property against damage by rodent, animals, or destructive fowl.

Sec. 802.02. CURFEW IMPOSED

- Subd. 1. Age - Except as provided in Subd. 2, no person under the age of 18 years shall be on any public street or alley or in any park or other public ground or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day.
- Subd. 2. Exceptions - The restrictions of Subd. 1 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 when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or the religious or voluntary association to do so;
 - (c) Is carrying a certified card of employment and is on the way to or from the minor's place of employment; and
 - (d) Is upon an emergency errand or other legitimate business directed by parent, guardian, or other adult having the lawful custody of the minor.
- Subd. 3. Responsibility of Parent, Etc. - No parent, guardian, or other adult having custody and control of a minor under 18 years of age shall knowingly permit the minor to violate the provisions of Subd. 1.
- Subd. 4. Responsibility of Other Persons - Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 18 years in such place in violation of Subd. 1, the owner or person in charge shall immediately order such minor to leave, and if such minor refuses to leave, the owner or person in charge shall immediately inform the police department of the violation.
- Subd. 5. Penalties - Any person under the age of 18 years found on a street or other place in violation of Subd. 1 shall be ordered to go home immediately. After investigation, if responsible city authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure.

Any such minor who is convicted of a violation of this section after the case has been referred for prosecution in the trial court under Minn. Stat. 260.15 and any person who is convicted of a violation of any provision of Subd. 3 or 4 is guilty of a petty misdemeanor.

Sec. 802.03. BURNING SOLID WASTE

Open burning of solid waste is prohibited. Solid waste means garbage, refuse with brush and leaves, grass, toxic and hazardous wastes. The regulatory provisions of and definitions in Minnesota Rules 7005.0700 to 7005.0820 are hereby adopted by reference and the issuance of permits for open burning are incorporated in and made a part of this code as completely as if set out in full herein.

Part 3. Abandoned Property

Sec. 803.01. ABANDONED MOTOR VEHICLES

- Subd. 1. Impoundment and Sale - The city police department shall take into custody and impound any abandoned motor vehicles as defined by Minn. Stat. 168B.02, Subd. 2. It shall give notice of the taking as provided by law and if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' public notice. The provisions of Minn. Stat. 168B.01 et. seq. are incorporated herein by reference.
- Subd. 2. Summary Action in Certain Cases - When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision 1 and shall not be subject to the notification, reclamation, or title provisions of Minn. Stat. 168B.01 to 168.13.
- Subd. 3. Disposition of Proceeds - The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city. If the former owner or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice, and publication costs incurred in its handling.

Sec. 803.02. OTHER ABANDONED PROPERTY

- Subd. 1. Procedure - All other property lawfully coming into the possession of the city shall be disposed of as provided in this section.
- Subd. 2. Storage - The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.
- Subd. 3. Claim by Owner - The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.
- Subd. 4. Sale - If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the city after two weeks' published notice setting forth the time and place of the sale and the property to be sold.
- Subd. 5. Disposition of Proceeds - The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.