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CHAPTER 50: GENERAL PROVISIONS

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50.01. ASSESSABLE CURRENT SERVICES.

A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

1) CURRENT SERVICE. One or more of the following: snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.261 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

B) Snow, ice, dirt and rubbish.

1) Duty of owners and occupants.

- a) The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians.
- b) No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

2) Removal by City.

- a) The City Administrator/Clerk- Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall.
- b) The City Administrator/Clerk- Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

C) Public health and safety hazards. When the City removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator/Clerk- Treasurer.

D) Installation and repair of water service lines. Whenever the City installs or repairs water service lines serving private property hereunder, the City Administrator/Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

E) Repair of sidewalks and alleys.

- 1) Duty of owner. The owner of any property within the City abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the Office of the City Administrator/Clerk-Treasurer.
- 2) Inspections; notice.
 - a) The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the City are kept in repair and safe for pedestrians or vehicles.
 - b) If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the City will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.
- 3) Repair by City. If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator/Clerk-Treasurer shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator/Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

F) Personal liability.

- 1) 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.
- 2) As soon as the service has been completed and the cost determined, the City Administrator/Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator/Clerk-Treasurer.

G) Damage to public property.

- 1) 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 thereof may sustain as a result of any illegal operation, or driving or

moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code.

- 2) When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it 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 thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

H) Assessment.

- 1) On or before September 1 of each year, the City Administrator/Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section.
- 2) The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. Chapter 429, M.S. § 366.011, § 366.012 and § 415.01 and any other authority for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

50.02. TREE DISEASES.

A) Trees constituting nuisance declared. The following are public nuisances whenever they may be found within the City:

- 1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylurgopinus Rufipes* (Marsh);
- 2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;
- 3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;
- 4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide; and
- 5) Any other shade tree with an epidemic disease.

50.03. DISPOSITION OF ABANDONED PROPERTY.

A) Procedure. Except for abandoned and junked vehicles, all property lawfully coming into possession of the City shall be disposed of as provided in this section which is adopted pursuant to M.S. § 471.195, as it may be amended from time to time. Abandoned and junked vehicles shall be disposed of according to the procedures of Chapter 51 of this Code related to Abandoned Vehicles.

B) Storage. The department of the City acquiring possession of the property shall arrange for its storage. If City facilities are unavailable or inadequate, the department may arrange for storage at a privately-owned facility.

C) 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.

D) 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 City Administrator/Clerk-Treasurer or his or her designee after two-weeks' published notice setting forth the time and place of the sale and the property to be sold.

E) 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.

CHAPTER 51: ABANDONED VEHICLES

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51.01. FINDINGS AND PURPOSE.

A) M.S. Ch. 168B, and Minn. Rules Ch. 7035, as they may be amended from time to time, are hereby adopted by reference. Sections of this Chapter related to disposal are adopted under the authority of M.S. § 168B.09, Subd. 2, as it may be amended from time to time. If any of these provisions are less stringent than the provisions of M.S. Ch. 168B or Minn. Rules Ch. 7035, as they may be amended from time to time, the statute or rule shall take precedence.

51.02. DEFINITIONS.

A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1) ABANDONED VEHICLE.

- a) A motor vehicle, as defined in M.S. § 169.011 as it may be amended from time to time, that:
 - i) Has remained illegally: For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or On private property for a period of time, as determined under the Chapter, without the consent of the person in control of the property; and
 - ii) Lacks vital component parts or is in an inoperable condition that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
- b) A classic car or pioneer car, as defined in M.S. § 168.10 as it may be amended from time to time, is not considered an abandoned vehicle.

- c) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242 as it may be amended from time to time, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.
 - d) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.
- 2) DEPARTMENT. The Minnesota Department of Public Safety.
- 3) IMPOUND. To take and hold a vehicle in legal custody. There are two types of impounds: public and nonpublic.
- 4) IMPOUND LOT OPERATOR or OPERATOR. A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. OPERATOR includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.
- 5) JUNK VEHICLE. A vehicle that:
 - a) Is three years old or older;
 - b) Is extensively damaged, with the damage including things as broken or missing wheels, motor, drive train or transmission;
 - c) Is apparently inoperable;
 - d) Does not have a valid, current registration plate; and
 - e) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- 6) MOTOR VEHICLE or VEHICLE. Has the meaning given MOTOR VEHICLE in M.S. § 169.011, as it may be amended from time to time.
- 7) MOTOR VEHICLE WASTE. Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.
- 8) MPCA or AGENCY. The Minnesota Pollution Control Agency.
- 9) NONPUBLIC IMPOUND LOT. An impound lot that is not a public impound lot.
- 10) PUBLIC IMPOUND LOT. An impound lot owned by or contracting with a unit of government under.

- 11) UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to this Chapter or M.S. § 169.041 as it may be amended from time to time, but is not a junk vehicle or an abandoned vehicle.
- 12) UNIT OF GOVERNMENT. Includes a state department or agency, a special purpose district, and a county, statutory or home rule charter City, or town.
- 13) VITAL COMPONENT PARTS. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train and wheels.

51.03. VIOLATION TO ABANDON MOTOR VEHICLE.

A) Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of the property, is guilty of a misdemeanor.

51.04. AUTHORITY TO IMPOUND VEHICLES.

A) Abandoned or junk vehicles. The City Administrator/Clerk-Treasurer or his or her designee or any peace officer employed or whose services are contracted for by the City may take into custody and impound any abandoned or junk vehicle if the vehicle is on public property. If the abandoned or junk vehicle is located on private property, the vehicle shall not be removed or impounded until the provisions of this Section relating to vehicles on private property are complied with.

B) Unauthorized vehicles. The City Administrator/Clerk-Treasurer, or his or her designee or any peace officer employed or whose services are contracted for by the City may take into custody and impound any unauthorized vehicle under M.S. § 169.041 as it may be amended from time to time. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

- 1) In a public location not governed by M.S. § 169.041 as it may be amended from time to time:
 - a) On a highway and properly tagged by a peace officer, four hours;
 - b) Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or
 - c) That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or
- 2) On private property, only with the express permission of the owner of the property, a resident or other person in control of the premises:
 - a) That is single-family or duplex residential property, immediately;
 - b) That is private, nonresidential property, properly posted, immediately;
 - c) That is private, nonresidential property, not posted, 24 hours; or

- d) That is any residential property, properly posted, immediately.
- 3) If under a provision that requires permission, permission is not granted, then the City shall not remove and impound any vehicle until an appropriate procedure has been followed to allow entry onto the private property.

C) If the vehicle is on private property, the City Administrator/Clerk-Treasurer or his or her designee or any peace officer employed or whose services are contracted for by the City may take into custody and impound any abandoned or junk vehicle on private property only with the permission of the owner of the property, a resident, or other person in control of the premises. If permission is denied, the City may declare the existence of the abandoned or junk vehicle to be a nuisance and proceed to abate the nuisance. Once the abatement procedure has been completed, the City may apply for an order from a court of competent jurisdiction authorizing the removal and impoundment of the vehicle and, after the order has been granted, the City may then remove and impound the vehicle.

51.05. SALE; WAITING PERIODS.

A) Sale after 15 days. An impounded vehicle is eligible for disposal or sale under this Chapter, 15 days after notice to the owner, if the vehicle is determined to be:

- 1) A junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this chapter; or
- 2) An abandoned vehicle.

B) Sale after 45 days. An impounded vehicle is eligible for disposal or sale under this Chapter, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

51.06. NOTICE OF TAKING AND SALE.

A) Contents; notice given within five days. When an impounded vehicle is taken into custody, the City or impound lot operator taking it into custody shall give notice of the taking within five days. The notice shall:

- 1) Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if the information can be reasonably obtained; and the place where the vehicle is being held;
- 2) Inform the owner and any lienholders of their right to reclaim the vehicle; and
- 3) State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under shall be deemed a waiver by them of all right, title and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents.

B) Notice by mail or publication. The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The Department makes this information available to impound lot operators for notification

purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

C) Unauthorized vehicles; notice. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under this section, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

51.07. RIGHT TO RECLAIM.

A) Payment of charges. The owner or any lienholder of an impounded vehicle shall have a right to reclaim the vehicle from the City or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under this Chapter and with the notice required by this Chapter.

B) Lienholders. Nothing in this chapter shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section, GARAGE KEEPER is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

51.08. OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.

A) Deficiency claim. The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:

- 1) Twenty-five-days' storage for a junk vehicle or abandoned vehicle; and
- 2) Fifty-five-days' storage for an unauthorized vehicle.

B) Implied consent to sale. A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under this Chapter is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

51.09. DISPOSITION BY IMPOUND LOT.

A) Auction or sale.

- 1) If an abandoned or unauthorized vehicle and contents taken into custody by the City or any impound lot is not reclaimed under this Chapter, it may be disposed of or sold at auction or sale when eligible pursuant to the procedures set out in this Chapter.

- 2) The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

B) Unsold vehicles. Abandoned or junk vehicles not sold by the City or public impound lots pursuant to this Section shall be disposed of in accordance with this Chapter.

C) Sale proceeds; public entities. From the proceeds of a sale under this section by the City or public impound lot of an abandoned or unauthorized motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the City.

D) Sale proceeds; nonpublic impound lots. The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of this Section. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

51.10. DISPOSAL AUTHORITY.

A) The City may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal. The City may utilize its own equipment and personnel only for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

51.11. CONTRACTS; REIMBURSEMENT BY MPCA.

A) MPCA review and approval. If the City proposes to enter into a contract with a person licensed by the MPCA pursuant to this section or a contract pursuant to the City's disposal authority, the MPCA may review the proposed contract before it is entered into by the City, to determine whether it conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules. A contract that does so conform may be approved by the MPCA and entered into by the City. Where a contract has been approved, the MPCA may reimburse the City for the costs incurred under the contract that have not been reimbursed under another Section of this Chapter. Except as otherwise provided in this Chapter, the MPCA shall not approve any contract that has been entered into without prior notice to and request for bids from all persons duly licensed by the MPCA to be a party to a disposal contract pursuant to M.S. § 116.07, as it may be amended from time to time; does not provide for a full performance bond; or does not provide for total collection and transportation of abandoned motor vehicles, except that the MPCA may approve a contract

covering solely collection or transportation of abandoned motor vehicles where the MPCA determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.

B) The City may perform work. If the City utilizes its own equipment and personnel pursuant to its Disposal Authority, and the use of the equipment and personnel conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules, the City may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under another Section of this Chapter.

C) The City required to contract work. The MPCA may demand that the City contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the MPCA's plan for solid waste disposal. If the City fails to contract within 180 days of the demand, the MPCA, through the Department of Administration and on behalf of the City, may contract with any person duly licensed by the MPCA for the disposal.

CHAPTER 52: ANIMALS

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52.01. NUISANCE.

A) The owner or custodian of any animal or bird otherwise lawfully kept within the City limits shall not allow the odor of the animal or bird to become a nuisance to his or her neighbors. The nuisance may, upon written complaint of two or more neighbors, be abated.

52.02. DEFINITIONS.

A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1) **AT LARGE.** A dog is at large when it is off the property of the person owning, harboring or keeping the dog and it is not under restraint.
- 2) **PERSON.** Any person, firm or corporation owning, harboring or keeping a dog.
- 3) **UNDER RESTRAINT.** A dog is under restraint if it is on the premises of the person harboring or keeping the dog; or is controlled by a leash not exceeding six feet in length, is at heel beside a person having custody of it or obedient to the person's command or is within a private motor vehicle of a person owning, harboring or keeping the dog.

52.03. REMOVAL OF FECES.

A) Persons owning any animal, whether that animal is at large or under restraint, are responsible for the prompt removal of all feces left by the animal.

52.04. ABANDONMENT PROHIBITED.

A) It shall be unlawful for any person to abandon any animal within the City.

52.05. DOGS; LICENSE REQUIRED.

A) License.

- 1) No person shall own, harbor or keep any dog over three months of age, for a period in excess of three days, without first having obtained a dog license from the City.
- 2) This section shall not apply to any premises maintained by a licensed veterinarian.

B) Collar.

- 1) Every person required to obtain a dog license under this chapter shall place and keep around the neck of the dog a permanent-type collar.
- 2) The collar shall be securely attached to the metallic license tag issued at the time the license was applied for.

C) The initial dog license fee, the license fee for dog caught in violation that are unlicensed, and the amount of the fines for the first and subsequent violations of this chapter shall be as prescribed by the City Council.

52.06. DOGS; RUNNING AT LARGE PROHIBITED.

A) Any female dog in heat or season shall be confined indoors or in a kennel run or pen so constructed as to keep other dogs out.

B) No person shall own, harbor or keep any dog over five months of age unless the dog has been vaccinated within the last 12 months with a killed rabies vaccine or within the past 24 months with a live rabies vaccine and a certificate of vaccination has been obtained.

C) No dog license shall be issued pursuant hereto unless the owner presents said certificate of vaccination at the time of license application.

D) It shall be unlawful for any dog to run at large. A person, who owns, harbors, or keeps a dog which runs at large shall be guilty of a misdemeanor. Dogs on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading Dogs Prohibited.

E) The restrictions imposed hereby shall not prohibit the appearance of a dog upon the streets or other public place when the dog is on a leash or under restraint, except a female dog in heat or season.

52.07. DOGS; CITY POUND; DESIGNATION AND LOCATION.

A) The City, from time to time, shall designate the place or places as City Dog Pound for keeping and maintaining any dog which may be seized or impounded pursuant hereto.

B) The City Dog Pounds may be within or outside the City limits.

52.08. DOGS; SIEZURE AND IMPOUNDMENT.

A) A City Official or Law Enforcement Officer is authorized to seize and impound dogs found in the City running at large as defined in this Chapter.

B) Any City Official or Law Enforcement Officer may enter upon private property and seize any animal with the permission of the owner of the property or with a warrant issued by a court of competent jurisdiction, provided that the following exist:

- 1) There is an identified complainant other than the City Official or Law Enforcement Officer making a contemporaneous complaint about the animal;
- 2) The City Official or Law Enforcement Officer reasonably believes that the animal meets either the barking dog criteria set out in Chapter 54 of this Code related to Noise Regulations; the criteria for cruelty; or the criteria for an at large animal set out in this Chapter;
- 3) The City Official or Law Enforcement Officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date; and
- 4) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

C) The City Official or Law Enforcement Officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner of the property to do so or has obtained a warrant issued by a court of competent jurisdiction, to search for and seize the animal. If the City Official or Law Enforcement Officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and

D) In lieu of picking up an animal on private property, the City Official or Law Enforcement Officer will notify the City Administrator/Clerk-Treasurer and then will issue a citation to the owner of the animal found to be in violation.

52.09. DOGS; RABIES CONTROL.

A) If the City becomes aware of any dog exhibiting symptoms of rabies or known or thought to have come in contact with rabies, the City may notify the appropriate authority or may seize on the premises of the owner or elsewhere and impounded the dog. Once the dog has been impounded and turned over to the City Dog Pound all regulations relating to impoundment are the responsibility of the pound.

52.10. DOGS; LIMIT ON NUMBER.

A) The keeping of more than two dogs without the permission of the Montrose City Council in any dwelling shall be deemed a public nuisance and unlawful. For purposes of this Section dwelling is defined as any building or portion thereof, designated exclusively for residential occupancy.

B) The keeping of a dog or dogs that annoy other persons by habitually barking, howling or baying shall be deemed a public nuisance and unlawful. For purposes of this section, a public nuisance is determined to be barking, howling, baying or making any other noise continuously for a period of ten minutes, or that makes noises intermittently for one-half hour or more, and in so doing disturbs another person.

52.11. FARM ANIMALS AND NON-DOMESTIC ANIMALS.

A) Definitions.

- 1) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- 2) **NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:
 - a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

- f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

B) Non domestic animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the City after which time the City may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

C) Farm animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

52.12. HORSES.

A) Horses may be ridden on City streets in an orderly manner so as not to cause traffic. Riders of horses are to clean up feces deposited by horses they are riding or handling.

B) Horses may be tied up during daylight hours in an area approved by the Council.

52.13. POTENTIALLY DANGEROUS OR DANGEROUS ANIMALS.

A) All potentially dangerous or dangerous animals will be referred to the County to be dealt with pursuant to the County Ordinance.

52.14. ADOPTION OF STATE LAW.

A) The provisions of M.S. §§ 35.67, 35.68 and 35.69, as they may be amended from time to time, are hereby adopted by reference and are incorporated in and made a part of this chapter as completely as if the same were set down in full.

CHAPTER 53: DRUG LAB SITES

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53.01. PURPOSE.

A) The City Council finds that the existence of drug lab sites and chemical dump sites in the City pose a serious health and safety threat to members of the public, particularly minors and persons of child bearing age, through the exposure to hazardous chemicals and chemical residue. The Council has therefore determined that the regulation and proper removal of those sites is necessary for the protection of the public health, safety, and general welfare.

53.02. DEFINITIONS.

A) For the purposes of this chapter the following definitions will apply.

- 1) **CHEMICAL DUMP SITE.** Any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.
- 2) **CHIEF BUILDING OFFICIAL.** The chief building official for the City or the official's designee.
- 3) **CLANDESTINE DRUG LAB.** The unlawful manufacture or attempt to manufacture controlled substances.
- 4) **CLANDESTINE DRUG LAB SITE.** Any place or location where conditions associated with the operation of a clandestine drug lab are found to exist and may include dwellings, accessory buildings or structures, mobile homes, motorized or non-motorized vehicles, or any parcels of land.
- 5) **CONTROLLED SUBSTANCE.** Any drug, chemical, substance, or immediate precursor thereto as defined by M.S. § 152.02, Schedules I-V, as may be amended from time to time, but does not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.
- 6) **HAZARDOUS WASTE.** Any chemicals or other substances used in the manufacture of controlled substances in a clandestine drug lab and the resulting by-products therefrom which pose a risk to the health, safety, and welfare of occupants, visitors, or neighbors of the site.

- 7) MANUFACTURE. The production, cultivation, quality control, and standardization, in locations other than a pharmacy, of controlled substances by mechanical, physical, chemical, or pharmaceutical means, and the packing, repacking, tablet producing, encapsulating, labeling, relabeling, filling or other similar process relating to such substances.
- 8) MDH. The Minnesota Department of Health or any successor thereto.
- 9) MINOR. Any person under the age of 18 years.
- 10) MPCA. The Minnesota Pollution Control Agency or any successor thereto.
- 11) OWNER. Any person, firm, partnership, company, corporation, or other entity that owns or has title to in full or in part, the land, buildings, structures, or other property associated with a clandestine drug lab site or a chemical dump site.
- 12) SITE. Any defined location, including buildings, structures, or other property, where appropriate tests have determined that, due to the existence of a clandestine drug lab site or chemical dump site, a risk to the health, safety, and welfare exists for any persons who occupy, visit, or neighbor on the location.

53.03. PUBLIC NUISANCE.

A) Existence and maintenance of a clandestine drug lab site or chemical dump site in the City constitutes a public nuisance subject to the regulations of this chapter in addition to any and all applicable federal, state, or local laws and ordinances.

53.04. NOTICE TO OTHER AUTHORITIES.

A) Law enforcement agencies that identified conditions associated with a clandestine drug lab site or chemical dump site which place neighbors, visiting public, or present and future occupants of the site at risk for exposure to harmful chemicals or other contaminants must promptly notify the Wright County Sheriff's Department, the Chief Building Official, appropriate child protection agencies, and the appropriate health authorities. The notice must, at a minimum, identify the location of the site, the site owner, if known, and the conditions found on the site.

53.05. NOTICE TO CONCERNED PARTIES.

A) Upon receipt of the notice to Other Authorities, the Chief Building Official must promptly notify the following parties by registered or certified mail:

- 1) The owner of the property, if known;
- 2) Occupants of the property;
- 3) Any neighbors that have been determined to be at risk;
- 4) Other appropriate state and local authorities including, but not limited to, the MDH and the MPCA, which are known to have applicable public and environmental protection responsibilities;

B) The notice must, at a minimum, include the location of the site, the name of the property owner, if known, the type and nature of the contamination, and the extent of the contamination.

C) The Chief Building Official must also cause a copy of the notice to be posted at each appropriate access point to the site.

53.06. ISSUANCE OF ORDER.

A) In addition to the required notices, the Chief Building Official will issue an order to the property owner to abate the public nuisance. The order must include at a minimum the following:

- 1) A description of the site and all portions thereof that are determined to be contaminated. The description may be in any form that readily identifies the contaminated portion of the site;
- 2) That all portions of the site that are determined to be contaminated and a risk to occupants or visitors are immediately vacated;
- 3) That the owner commence and complete all testing and clean up procedures and other required remedial actions on the site by dates specified in the order or such other dates agreed to by the City;
- 4) That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH;
- 5) That if the owner does not commence testing and complete the clean up procedures by the dates established in the order, the City, its officials, employees, or agents, will enter the property and provide for the testing and clean up services at the owner's expense; and
- 6) That the owner is responsible for all costs associated with the clean up of the site including all costs incurred by the City and other public agencies, and that if the owner does not promptly pay those costs, they will be assessed against the property and collected in the manner of a special tax.

B) The order must be served upon the owner by personal service or by registered or certified mail and posted at appropriate access points to the site. If, after due diligence, the owner cannot be located, the order, in addition to being posted, must be published once in the official newspaper of the City.

53.07. RESPONSIBILITIES OF OWNER.

A) Upon receipt of the notice and order, the owner will be responsible for the following:

- 1) Ensure that the site and all surrounding areas determined to be at risk are properly vacated;

- 2) Engage an appropriate environmental testing firm to assess the extent of the contamination, monitor the clean up process, provide follow up testing after the completion of the clean up process, and certify that the risks of contamination have been sufficiently reduced to allow safe occupancy of the site;
- 3) Engage an appropriate contractor to properly clean the site in accordance with guidelines of the MDH;
- 4) Provide the City with copies of all testing results and the clean up plan;
- 5) Keep the City regularly advised through the process of the testing and clean up;
- 6) Upon completion of the clean up process, provide the City with a copy of the final certification from the testing firm that the site is fit for human habitation, including a written, signed statement that the clean up met all MDH guidelines.

B) If the owner, after due diligence, cannot be located or has not commenced appropriate action toward the clean up of the site on or before the commencement date established by the order, or has not completed the process by the completion date established by the order, the City, its officials, employees and agents, are hereby authorized to enter the property for the purpose of abating the public nuisance through vacating, testing and cleaning the site, or completing that process, in accordance with the requirements of this chapter. When appropriate, the abatement process may include the demolition and removal of any hazardous building or structure.

53.08. RESPONSIBILITY FOR COSTS.

A) The owner of the site is responsible for any and all costs incurred in the clean up of that site including, but not limited to, the costs of vacating the site and surrounding areas, testing, clean up, and public expenses.

B) Public expenses will include all costs that may be incurred by the City and other public agencies such as:

- 1) Laboratory fees;
- 2) Preparing and serving notices;
- 3) Preparing and serving the order;
- 4) Posting the site;
- 5) Vacating the site and other necessary properties;
- 6) Testing services;
- 7) Clean up services;
- 8) Expenses incurred in recovering costs including all special assessment expenses;
- 9) Administrative fees; and

10) All other costs associated with the clean up of the site.

53.09. RECOVERY OF CITY COSTS.

A) Within 30 days after receipt of an invoice from the City, the owner will submit payment in full of all City costs associated with the clean up project.

B) If the City has been unable to locate the owner, or the owner fails to submit timely payment to the City, the City is authorized to collect its costs by assessing those costs against the property in the same manner as a special assessment which will be certified and collected in the manner of a special tax in accordance with applicable law.

C) Other collection as allowed by law.

53.10. REMOVAL OF PUBLIC NUISANCE DESIGNATION.

A) Upon receipt of the appropriate certification that the site has been cleaned in accordance with MDH guidelines and is no longer a risk to occupants of the site or others, the Chief Building Official will remove the public nuisance designation of the site and will so notify in writing the owner and all parties previously notified. The Chief Building Official will also promptly cause all postings on the site to be removed.

53.11. RELATIONSHIP TO OTHER LAWS AND REGULATIONS.

A) If any regulation, standard, condition, or requirement imposed by this chapter is determined to be either more or less restrictive than comparable provisions of any other law, statute, ordinance, rule or regulations, whether federal, state, or local, the more restrictive provision, or the one providing for the higher standards or requirements will prevail.

CHAPTER 54: NOISE REGULATIONS

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54.01. PROHIBITION.

A) No person shall make, continue or cause to be made any loud, unnecessary or unusual noise or any noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of others or precludes their enjoyment of property or affects their property value. This general prohibition is not limited by any specific restrictions of this Section.

B) The following acts listed herein are declared to be nuisance noises in violation of this chapter, but this listing shall not be deemed to be exclusive.

- 1) The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, public place or private property within the City, except as a present danger warning;
- 2) The creation, by means of any horn or signaling device, of any unreasonably loud or harsh sound;
- 3) The sounding of any device for an unnecessary and unreasonable period of time;
- 4) The use of any signaling device, except one operated by hand or electricity;
- 5) The use of any, hour, whistle or other device operated by engine exhaust; and
- 6) The use of any signaling device when traffic is held up for any reason.
- 7) The using, operating or permitting to be played any radio, musical insert, phonograph, juke box, amplifier or other machine or device for the producing, reproducing or amplifying of sound in a manner as to disturb the peace, quiet or comfort of persons residing or working or peaceably gathered in its vicinity. The operation of the machine or device between the hours of 10:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section if done in a manner as to be plainly audible:
 - a) Within any building or structure used for residential purposes; or
 - b) At a distance of 50 feet from the building, structure or vehicle in which it is located.
- 8) 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 sound which is cast upon the public streets for

the purpose of commercial advertising or attracting the attention of the public to any building or structure;

- 9) Yelling, shouting, hooting, whistling or singing 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, hotel, motel or other place of residence, or of any persons in the vicinity;
- 10) It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. **HABITUAL BARKING** shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.
- 11) The blowing of a locomotive whistle or steam whistle attached to any stationary whistle or any siren whatsoever, except to give notice of the time to begin or stop work or as a warning of fire or danger, or by public emergency vehicles;
- 12) The use of any automobile, motorcycle or vehicle so out or repair, operation or in a manner as to create loud and unnecessary grating, grinding, rattling or other noise which shall disturb the comfort or repose of any persons in the vicinity;
- 13) 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;
- 14) The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- 15) The erection, including excavating, demolition, alteration or repair of any building between the hours of 9:00 p.m. and 6:00 a.m. on week days and all day Sunday, except where single individuals or families work on single-family residences owned by them for their own occupancy provided that the Building Inspector may, in cases of emergency, grant permission to repair at any time when he or she finds that the repair work will not affect the health and safety of the persons in the vicinity;
- 16) The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in the streets indicating that the same is a school, hospital or court street;
- 17) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;

- 18) The operation between the hours of 9:00 p.m. and 6:00 a.m. of any pile driver, power shovel, pneumatic hammer, jack hammer, derrick, power or electric hoist or other appliance the use of which is attended by loud or unusual noise;
- 19) The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden the noise; and/or
- 20) Party.
 - a) No person shall, between the hours of 10:00 p.m. and 7:00 a.m., congregate because of or participate in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace quiet or repose of persons residing in any residential area.
 - b) Noise between the hours of 10:00 p.m. and 7:00 a.m. of a volume as to be plainly audible at a distance of 50 feet from the residential dwelling unit wherein the party or gathering is located shall be prima facie evidence of a violation of this section.
 - c) No persons shall visit or remain within any residential dwelling unit wherein the party or gathering is taking place, except the owner, persons residing in that unit or persons who have gone there for the sole purpose of abating the disturbance.

54.02. MOTOR VEHICLE NOISE.

A) Definitions. For the purposes of this section, the following phrases are defined as follows:

- 1) ABNORMAL OR EXCESSIVE NOISE.
 - a) A distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value;
 - b) Noise in excess of that permitted by M.S. § 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order or;
 - c) Noise in excess of that permitted by M.S. § 169.693 and Minn. Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.
- 2) ENGINE RETARDING BRAKE. A Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters their normal compression of the engine and subsequently releases that compression.

B) It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

C) It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City which causes abnormal or excessive noise from the engine because of an illegally modified or defective brake system, except in an emergency.

D) M.S. §§ 169.69 and 169.693 (motor vehicle noise limits) and Minn. Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

E) Signs stating VEHICLE NOISE LAWS ENFORCED may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section, except that no sign stating VEHICLE NOISE LAWS ENFORCED shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this section are in full force and effect even if no signs are erected.

54.03. RESPONSIBILITY.

A) The owner and tenant of any premises on which a violation of this Section occurs shall make every reasonable effort to see that the violation ceases. Violation of this Section shall be deemed the act of the person committing the act and the person in possession, control, custody or having charge of premises who allows or permits the violation to take place. Violation of this Section shall also be deemed the act of the nonresident landlord, provided he or she has received written notice from the City of the violation and has failed to make every reasonable effort to see that the violation ceases.

CHAPTER 55: NUISANCES

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55.01. PUBLIC NUISANCE.

A) Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- 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;
- 2) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way or waters used by the public; or
- 3) Is guilty of any other act or omission declared by law or this Chapter, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

55.02. PUBLIC NUISANCES AFFECTING HEALTH.

A) The following are hereby declared to be nuisances affecting health:

- 1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- 2) All diseased animals running at large;
- 3) All ponds or pools of stagnant water;
- 4) Carcasses of animals not buried or destroyed within 24 hours after death;
- 5) Accumulations of manure, refuse or debris;
- 6) 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;
- 7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
- 8) All noxious weeds and other rank growths of vegetation upon public or private property;
- 9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

- 10) All public exposure of people having a contagious disease; and
- 11) Any offensive trade or business as defined by statute not operating under local license.

55.03. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

- 1) All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
- 2) Betting, bookmaking and all apparatus used in those occupations;
- 3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- 4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort 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 that place;
- 5) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

55.04. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

- 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;
- 2) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- 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;
- 4) All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code.
- 5) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

- 6) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, 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. Operation of any device referred to above 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 violation of this section.
- 7) The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property.
- 8) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds, except under conditions as are permitted by this code or other applicable law;
- 9) Radio aerials or television antennae erected or maintained in a dangerous manner;
- 10) 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 street or sidewalk;
- 11) All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- 12) 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;
- 13) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- 14) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- 15) Waste water cast upon or permitted to flow upon streets or other public properties;
- 16) 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 the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;
- 17) Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- 18) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash of other materials;

- 19) 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 the substance;
- 20) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- 21) All other conditions or things which are likely to cause injury to the person or property of anyone.
- 22) Accumulation in the open. Accumulation in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use in construction or improvement presently in progress on the same premises), trash, debris, rubbish, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation.

55.05. DUTIES OF CITY OFFICERS.

A) The Police Department or Sheriff, if the City has at the time no Police Department, shall enforce the provisions relating to nuisances. Any peace officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

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56.01. SHORT TITLE.

A) This chapter shall be cited as the Weed Chapter.

56.02. JURISDICTION.

A) This chapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

56.03. DEFINITIONS; EXCLUSIONS.

A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1) **DESTRUCTION ORDER.** The notice served by the City Council or designated City official, in cases of appeal, on the property owner of the ordinance violation.
- 2) **PROPERTY OWNER.** The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.
- 3) **WEEDS, GRASSES and RANK VEGETATION.** Includes but is not limited to the following:
 - a) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;
 - b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years;
 - c) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;

- d) Any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding 12 inches.
- e) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.
- f) The term WEEDS does not include shrubs, trees, cultivated plants or crops.

B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

56.04. OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

A) All property owners shall be responsible for the removal, cutting or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 12 inches in height.