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Chapter 5 Nuisances and Offenses

Section 500 - Public Misconduct

500.01 Disorderly Conduct. Whoever does any of the following in a public or private place within the City or Municipal Airport, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of peace, is guilty of disorderly conduct:

- A. Engages in brawling or fighting; or**
- B. Disturbs an assembly or meeting, not unlawful in character; or**
- C. Engages in offensive, obscene, or abusive language or in a boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.**

500.02 Public Nuisance. Whoever by an act or failure to act or to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance:

- A. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of the public; or**
- B. Interferes with, obstructs, or renders dangerous for passage, any public street or right-of-way, or waters of the public; or**
- C. Is guilty of any act or omission declared by law to be a public nuisance; or**
- D. Has control of real property and permits it to be used to maintain a public nuisance.**

Section 510 - Curfew

510.01 Restriction After Certain Hours. Except as otherwise provided, no person under sixteen (16) years of age shall be or remain in or upon any of the streets, alleys or public places, vacant lots, place of amusement or recreation, or other similar place in the City between the hours of 10:00 P.M. and 5:00 A.M. of the following day during the school year, and between the hours of 11:00 P.M. and 5:00 A.M. of the following day during the summer school vacation months.

510.02 Exceptions. The restrictions of Subsection 500.01 shall not apply if a minor under sixteen (16) years of age, who:

- A. is accompanied by a parent, guardian or other person having the legal care, custody or control of the minor;
- B. is in the performance of an errand or duty directed by the parent, guardian or other person having the legal care, custody or control of the minor;
- C. is going to, attending, or returning by direct route from a social, church, school or recreation board sponsored function;
- D. has lawful employment which makes it necessary to be or remain hours after the specified hours, or unless there exists other reasonable necessity or emergency;
- E. is in a vehicle involved in inter-state travel;
- F. is an emancipated minor; or,
- G. is on the sidewalk abutting the premises of his or her parent or legal guardian or the sidewalk of a neighbor with the neighbor's consent.

510.03 Duty of Parent or Guardian. It shall be unlawful for any parent, guardian or other person having the legal care, custody or control of any minor under the age of sixteen (16) years to allow or permit the minor to violate the provisions of this Section.

510.04 Duty of Business Places. It shall be unlawful for any person, firm or corporation operating or in charge of any place of amusement, entertainment, refreshment, or other place of business to permit any minor under the age of sixteen (16) years to enter or remain in the place during the hours prohibited by this Section unless the minor shall be accompanied by the minor's parent or guardian or other person having the legal care, custody or control. Whenever the owner or person in charge or in control of such business shall find minors under the age of sixteen (16) years loitering, loafing, or idling in the place of business, they shall immediately order the minor to leave, and if the minor refuses to leave the place of business, the operator shall immediately inform the Police Department of the violation.

510.05 Interpretation. This Section shall not be construed as permitting the presence at any time of any person under the age of sixteen (16) years in any place where the minor's presence is now prohibited by any existing law or this Code.

510.06 Duty of Police Officers and Violations. Each member of the Police Department while on duty shall be authorized to take into custody or arrest, without warrant, any person violating the provisions of this Section.

Any person taken into custody shall, for a first violation, be taken by the officer to their homes or place of abode of their parents, guardians or other persons having legal care, custody or control notified of the violation. Upon a subsequent violation of the provisions of this Section, any minor of the age set forth in this Section shall be deemed a delinquent child as defined in Minnesota Statutes § 260.01.

510.07 Other Violations. No person, who is charged with a duty in this Section shall violate any of the provisions of this Section.

Section 520 - Weapons

520.01 Carrying Firearms. No person, except a duly authorized law enforcement officer in the performance of his or her duties, shall carry any pistol, rifle, shot gun, air rifle, B-B gun or air gun (hereinafter referred to as firearm) within the City unless the firearm is unloaded and is carried in a case.

520.02 Concealed Weapon. Except as authorized by law, no person shall carry any concealed pistol or revolver upon his or her person within the City. Nothing in this Chapter shall prevent or prohibit the carrying of such weapons by full time licensed Police Officers.

520.03 Discharge. The discharge of any firearm as defined in Subsection 510.01, or arrows from bows of any type, or the practice and sport of archery is prohibited, except at a duly established practice or target area or archery range within the City.

520.04 Target and Archery Ranges. The City Council may by resolution authorize or establish practice or target areas for the use and discharge of all types of firearms as referred to in Subsections 510.01 and 510.03 and may by resolution establish or designate archery range or ranges within the limits of the City.

520.05 Hunting Prohibited. No person may hunt game or wild animals within the City unless authorized to do so in writing by the Department of Natural Resources or the Chief of Police of the City.

520.06 Adoption of Statute. Minnesota Statutes §§ 609.66, 609.663, 609.665, 609.666, 609.668, 609.67, 624.711, 624.712, 624.713, 624.7131, 624.7132, 624.714, 624.15 and 624.16 are adopted by reference and incorporated in this Chapter as if set forth in full.

Section 530 - Trapping

530.01 Trapping Prohibited. No person, except a duly authorized Department of Natural Resources conservation officer, may set any trap or snare, or engage in trapping of animals, within the City unless authorized in writing to do so by the Department of Natural Resources and the Chief of Police of the City.

530.02 Regulations. The Chief shall prepare trapping regulations and distribute them to each person who is authorized to trap. The regulations shall provide that traps must be placed in a safe manner, clearly marked, and residents in area notified prior to setting traps.

530.03 Adoption of Statute. The regulatory provision of Minnesota Statutes, Chapter 97A and 97B in regard to trapping are adopted by reference and incorporated in this Section as if here set out in full.

Section 540 - Open Burning

540.01 Open Burning. No person shall burn refuse, garbage, leaves, grass, or other combustible material in the City except in accordance with standards established by the Minnesota Department of Natural Resources (DNR).

540.02 Permits Required. Where open burning is permitted under State of Minnesota standards, no person shall engage in open burning unless a permit has been obtained from the Chief of the Fire Department or the Chief's designated representative.

Section 550 - Weeds, Grass, and Junk

550.01 Weeds and Grasses. Any weeds or grasses growing upon any lot or parcel of land located within an improved area in the City to a height greater than eight (8) inches on the average and which have gone or are about to go to seed shall be a nuisance.

550.02 Waste and Junk. The accumulation of garbage, refuse, rubbish, trash, junk or other waste materials upon any lot or parcel of land within the City exclusive of such materials placed in any suitable containers for the purposes of disposal is a nuisance.

550.03 Waste Accumulation. It is a nuisance to park or store any discarded or unused machinery, furniture, household furnishings or appliances, or parts of components thereof, trash or other material on any property, public or private, 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 the accumulation.

- AMENDED 06/17/02 -

~~**550.04 Abatement.** The owner or occupant of any property shall abate or prevent any nuisance described in this Section on its property and on the land outside the traveled portion of the street or alley abutting the property. If any of the nuisances described above shall continue on any property for a period of more than thirty (30) days, the Police Department may give notice to the owner or occupant of the property requiring that person to abate the nuisance within ten (10) days of notice.~~

However, if the weeds or grass reach a height of more than eight (8) inches, the Police Department may give notice to the owner or occupant to abate the nuisance within ten (10) days of notice. If the nuisance is not abated within the time prescribed as set forth in the notice, the City shall abate the nuisance at the expense of the owner and if not paid, the charge for the work shall be a special assessment against the property concerned. The City Council shall by Resolution establish charges to be made for work performed by the City to abate the nuisance.

550.05 Enforcement. It shall be the responsibility of the Police Department to make regular inspections to assure compliance with this Section.