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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;
- B. Disturbs a lawful assembly or meeting;
- C. Engages in public urination; or,
- D. 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;
- B. Interferes with, obstructs, or renders dangerous for passage, any public street or right-of-way, or waters of the public;
- 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.

**500.03. Disruptive Intoxication.**

**Subd. 1. Definitions.** The following words and terms, when used in this subdivision, shall have the following meanings unless the context clearly indicates otherwise:

**A. Public Place.** Public place includes a building or place controlled by the City, a school, or a place of worship, any public street, including public sidewalk, alley, walk or other publicly owned lands. Public place shall include privately owned parking lots that are open to the public by invitation or custom, such as businesses and apartment complexes. Public place excludes the premises of a licensed alcohol establishment.

**B. Intoxicated Person.** A person who is presently impaired, mentally or emotionally, as a result of the presence of alcohol, drugs or a controlled substance in the person's body or a combination thereof. Evidence of an intoxicated person may include, but is not limited to, any combination of the following indicators:

1. Odor of intoxicants on the breath;
2. Bloodshot, watery eyes;
3. Dilated pupils;
4. Stumbling or staggering;
5. Slurred speech;
6. Failure of Standardized Field Sobriety tests;
7. Failure of Drug Recognition Protocol;
8. Alcohol concentration of .08 or more; or,
9. Unconsciousness.

**C. Public Disruption.** Conduct by an individual to include loud, boisterous yelling, urinating in public, lewd or combative conduct, disobeying a police officer's lawful command or interfering with the flow of pedestrian or vehicular traffic.

**Subd. 2. Disruptive Intoxication.** No person, while intoxicated, in a public place, shall conduct him or herself to be a danger to themselves or others and/or engage in public disruption.

**Subd. 3. Sobriety Testing.** No person shall be cited under this section without first having been offered and failed the Standardized Field Sobriety Test or a Portable Breath Test (PBT); However, a person incapable of or having refused a Field Sobriety Testing or a PBT may be cited under the criteria set forth in Subdivision 1.B.

**Subd. 4. Penalty.** A violation of this section shall be a petty misdemeanor subject to a fine as established by resolution of the Council.

### **Section 510 - Curfew**

**510.01. Restriction After Certain Hours.** Except as otherwise provided, no person under eighteen (18) 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 510.01 shall not apply to a minor under eighteen (18) 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 eighteen (18) 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 eighteen (18) 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 eighteen (18) 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, they 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 eighteen (18) 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, and notify the parent(s) or legal custodian(s) of the violation. Upon a subsequent violation of the provisions of this Section, the minor child shall be deemed a “delinquent child” as defined in Minn. Stat. § 260B.07.

**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 or Air Powered Weapons.** 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 transported in accordance with Minnesota Statutes.

**520.02. Concealed Weapon.** Except as authorized by law, no person shall carry any concealed firearm within the City. Nothing in this Chapter shall prevent or prohibit the carrying of such firearms by full-time licensed Police Officers.

**520.03. Discharge.** The discharge of any firearm as defined in Subsection 520.01, any air powered weapons, 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 Council may by resolution authorize or establish practice or target areas for the use and discharge of all types of firearms and air powered weapons as referred to in Subsections 520.01 and 520.03, 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 Minnesota Department of Natural Resources or the Chief of Police.

**520.06. Adoption of Statute.** The requirements and restrictions contained in Minn. Stat. §§ 609.66, 609.663, 609.665, 609.666, 609.668, 609.67, 624.711, 624.712, 624.713, 624.7131, 624.7132, 624.714, 624.715 and 624.716 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 Minnesota 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 by the Department of Natural Resources and the Chief of Police.

**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 provisions of Minnesota Statute Chapters 97A and 97B regarding trapping are adopted by reference and incorporated in this Chapter as if set forth in full.

**Section 540 – Fires**

**540.01. Permit Required.** It shall be unlawful for any person to start, conduct, or allow any fire on any property within the City without a permit issued under this section, except for fires contained in a charcoal grill, camp stove, or similar device.

**540.02. Recreational Fire.**

**Subd. 1. Definition.** A fire not more than three feet in diameter and two feet in height used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes contained within the border of a “recreational fire site” or fire ring.

**Subd. 2. Requirements.**

A. The requirements set forth in the Minnesota State Fire Code, adopted and incorporated herein by reference, shall apply to all recreational fires.

B. Recreational fires shall be conducted with an adult tending the fire at all times; extinguished completely before quitting the occasion; and respecting the weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created; using dry, clean wood producing little detectable smoke, odor or soot beyond the property line.

C. The Council may establish additional permit conditions as it may consider necessary for health, safety, and the avoidance of nuisance conditions.

**540.03. Open Burning.**

**Subd. 1. Definition.** All other fires not otherwise contemplated by Section 540.02, Subd. 1 are designated “open burning.”

**Subd. 2. Requirements.**

A. The provisions of Minn. Stat. §§ 88.16 - 88.171 regulating open burning are adopted and incorporated herein by reference.

B. The Council may establish additional permit conditions as it may consider necessary for health, safety, and the avoidance of nuisance conditions.

**540.04. Person designated to issue permits.** The Fire Chief, or the Chief's designee for this purpose, is hereby authorized to issue permits under this section.

**540.05. Permit Fees.** The applicant shall pay a permit fee as established by the Council. The fees for such permits shall be in an amount established by the Council by resolution or ordinance.

**540.06. Enforcement.** The Fire Chief, Chief of Police, police patrol officers, or other authority designated by the City, are authorized to administer and enforce the provisions of this section.

**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. This requirement does not apply to the following: (1) a wetland or floodplain designated in Chapter 12 Zoning of this Code, (2) required wetland buffers or those voluntarily created by a private land owner when compatible with the character of the neighborhood and compliance with federal or state storm-water requirements, or (3) a drainage pond or ditch that stores or conveys storm-water.

**550.02. Waste and Junk.**

**Subd. 1.** 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.

**Subd. 2.** No person shall place upon any boulevard, which is the area between the curb line and property line or between the edge of the roadway and property line, any garbage, refuse, waste or junk, including garbage storage or collection containers, except for short term waste disposal purposes.



**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.

**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 nuisance described above shall continue for a period of more than fifteen (15) days, the Police Department shall proceed with abatement enforcement in accordance with Section 550.06.

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

**550.06. Abatement Enforcement Procedure.**

**Subd. 1. Procedure.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the City, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance within fifteen (15) days as required by Section 550.04. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council, the City may seek injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

**Subd. 2. Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the Council; notice of the Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

**Subd. 3. Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Subdivisions 1 and 2 of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify the occupant or owner of the premises in writing of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Council may order summary enforcement and abate the nuisance.

**Subd. 4. Immediate abatement.** Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

**Subd. 5. Judicial remedy.** Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

**550.07. Recovery of Cost.**

**Subd. 1. Personal liability.** The owner of the premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Administrator or other City official 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 Administrator.

**Subd. 2. Assessment.** After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, 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, the Administrator shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges

are attributable. The Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

**550.08. Penalty.** Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

### **Section 560 – Abandoned, Junk or Unauthorized Vehicles or Motor Vehicle Waste**

#### **560.01. Abandoned, Junk or Unauthorized Motor Vehicles or Motor Vehicle Waste.**

**Subd. 1. Declaration of nuisance.** Any abandoned, junk or unauthorized motor vehicle, or motor vehicle waste, as defined in Minn. Stat. § 168B.011, whether located on public or privately owned property, shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

**Subd. 2. Inoperable motor vehicles.** It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011.

**Subd. 3. Impoundment and Sale.** The City Police Department shall take into custody and impound any abandoned, junk or unauthorized motor vehicle or motor vehicle waste, as provided in Minn. Stat. § 168B, and shall give notice of the taking as provided by Minn. Stat. § 168B.06. If the owner or any lien holder does not reclaim the vehicle within the period provided by Minn. Stat. § 168B.07, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two (2) weeks published notice. Unsold vehicles may be disposed of as provided in Minn. Stat. § 168B.09.

**Subd. 4. Disposition of Proceeds.** The proceeds of the sale of impounded motor vehicles shall be deposited or disbursed as provided in Minn. Stat. § 168B.08, Subd. 3.

### **Section 570 – Destruction of Cemetery Property**

**570.01. Destruction of Cemetery Property.** No person shall deface, mutilate, destroy or cause any damage to any monuments, decorations, gravesites or cemetery property, nor build any signs or other objects contrary to the rules and regulations of this Code and Minnesota Statutes.

**570.02. Penalty.** Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**570.03. Repair and Restitution.** The City shall be allowed to repair any damage caused to any monuments, decorations, gravesites or cemetery property and recover the cost of repair, or replacement of irreparable items, through restitution from the person(s) causing said damage.

### **Section 580 – Destruction of City Property**

**580.01. Destruction of City Property.** No person shall deface, mutilate, destroy or cause any damage to any property owned by the City.

**580.02. Penalty.** Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**580.03. Repair and Restitution.** The City shall be allowed to repair any damage caused to any City property and recover the cost of repair, or replacement of irreparable items, through restitution from the person(s) causing said damage.