

## **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 at any location on the lot or parcel 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 landowner 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.

Boulevards must be maintained as a grass covered lawn which shall be the responsibility of the adjacent lot or parcel owner to mow and maintain. Boulevards are defined as the area between the edge of the City street or curb and the sidewalk or, if no sidewalk, the area between the edge of the City street or curb and the property line.

### **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, as defined in Section 550.01, 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 their property and on the land outside the traveled portion of the street or alley abutting the property. ????- If any nuisance described above is found to exist by the

~~Police Department, 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 ~~a lot or the parcel~~ premises in the City, the official ~~er~~ shall notify ~~in writing~~ the owner of record or occupant of the premises of ~~the violation such fact in writing~~ 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 ~~of the date of mailing or personal service of the letter as required by Section 550.04.~~ If the notice of violation is not complied with within the time specified, the ~~peace officer official~~ shall report that fact ~~forthwith~~ to the Council. Thereafter, the Council ~~shall review the condition of the lot or parcel at its next regular council meeting, may,~~ after notice to the owner or occupant ~~of the Council Meeting~~ and ~~an their~~ opportunity to be heard ~~to be sent via U.S. Mail to the lot or parcel address. If the Council,~~ determines that the condition identified in the notice of violation is a nuisance, ~~it may and~~ further order that if the nuisance ~~be is not~~ abated within the time prescribed by the Council. ~~If compliance is not obtained,~~ the City may seek:

A) ~~in~~ Injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement; ~~or~~

B) ~~or e~~ Obtain an administrative search and seizure warrant ~~to enter the property~~ and abate the nuisance; ~~or~~

C) ~~instruct the Chief of Police to issue an administrative citation for violation of this Section.~~

**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 U.S. mail to the address of the lot or parcel registered mail.~~ If the premise is not occupied, the owner of record ~~or occupant~~ is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises ~~at least 10 business days prior to any hearing.~~

**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.

Subd. 6. Repeat offenders. If the same lot or parcel has a subsequent violation of this Section within 6 months after receiving a prior notice of violation issued pursuant to Subd. 2. for a same or similar offense, the peace officer shall issue an administrative citation with the appropriate 2<sup>nd</sup> violation fine as set per the City's Schedule of Fines pursuant to Section 130, Subd. 3 of the City Code. All subsequent violations by the same lot or parcel within a 6 month period of receiving a prior notice of violation are considered 2<sup>nd</sup> violations.

#### **550.07. Recovery of Costs.**

**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, to include nonpayment of an administrative citation, 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 551 – Unsheltered Storage**

### **551.01. General.**

**Subd. 1. Purpose.** The purpose of this section is to declare the Unsheltered Storage of items defined in Subd. 2 below to be a danger to the public health and safety and a nuisance to neighborhood property owners.

**Subd. 2. Definition.** “Unsheltered Storage” includes, but is not limited to: machinery, implements, equipment, personal property, worn out or discarded material, household appliances or parts, tools, building materials, tin or aluminum cans, glass, furniture, mattresses, box springs, crates, pallets, cardboard, tires, or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood property values, health, safety or general welfare of the public, to include the neighborhood’s expectation of not having to view unsightly and cluttered lots or parcels.

**Subd. 3. Declaration.**The Unsheltered Storage of these property items throughout the City tend to interfere with the use and enjoyment of and reduce the value of public and private property, invite plundering, create fire hazards and other safety and health hazards to children as

well as adults, interfere with the comfort and well-being of the public, and create, extend and aggravate urban blight. The Council declares that, in order to protect the public health, safety and welfare from such conditions, these conditions are a public nuisance and must be regulated, abated and prohibited.

**551.02. Unsheltered Storage and clutter.** No person may place, permit, store, allow, maintain or leave Unsheltered Storage as defined in Section 551.01, Subd. 2, upon an open space of any lot or premises located anywhere in the City.

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

**551.04. Procedure.** The Abatement Enforcement Procedure, Recovery of Costs and Penalties set forth in Sections 550.06, 550.07 and 550.08 of the Code shall apply to this Section.

**RESOLUTION 2024 - #**

**RESOLUTION TO AMEND THE SCHEDULE OF FINES  
PURSUANT TO SILVER BAY CITY CODE, Section 130, Subdivision 3**

**Whereas**, the city of the Silver Bay has adopted Section 130 to the City Code establishing a procedure of enforcement of the City Code violations and imposing administrative penalties therefore; and

**Whereas**, Section 130.02, Subd.3, authorizes the City Council to establish a schedule of administrative fines for the City Code violations.

**Whereas**, the City wishes to amend the Schedule of Fines adopted by Resolution 2024 - #7 to include a new fine for Unsheltered Storage pursuant to a new Section 551 to be adopted in the City Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SILVER BAY, MINNESOTA, AS FOLLOWS:**

The administrative penalties adopted pursuant to this resolution are in addition to any other remedies provided for by the City Code, Federal, state or local law or regulation. The administrative penalty for violations of the following provisions of the City Code are as follows:

OFFENSE	CODE SECTION	FINE	
		1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation
Adult Oriented Business			
License	§ 371.03.1	\$80.00	\$200.00
Conditions	§ 371.03.8;371.03.9;371.03.10	\$80.00	\$200.00
Sign and window display	§ 371.04	\$80.00	\$200.00
Sanitation and health	§ 371.05	\$80.00	\$200.00
Animal Violations			
Animal excrement	§ 610.11; § 610.12	\$25.00	\$50.00
Dangerous animal	§ 610.00; § 610.12	\$50.00	\$100.00
Dangerous dog enclosure	§ 600.07; § 600.08	\$50.00	\$100.00
Dog or cat excrement	§ 600.14; § 600.15	\$25.00	\$50.00
Excessive number of animals	§ 600.01, Subd.3	\$25.00	\$50.00
Improper animal enclosure	§ 610.03	\$25.00	\$50.00
No rabies vaccination	§ 600.01, Subd.2	\$25.00	\$50.00
Not licensed or permitted	§ 600.01, Subd.1; §610.01	\$25.00	\$50.00
Nuisance	§ 600.05; § 610.06	\$25.00	\$50.00
Running at large	§ 600.04; § 610.05	\$25.00	\$50.00
Bicycles			
Riding on streets	§ 1010.02	\$10.00	\$20.00
Riding on sidewalks	§ 1010.03	\$10.00	\$20.00
Cigarettes and Tobacco			
Sale or furnish to minor	§ 310.03, Subd.1	\$50.00	\$100.00

Smoking in a public place	\$ 310.03, Subd.4	\$25.00	\$50.00
Use by minor	\$ 310.03, Subd.2	\$25.00	\$50.00

Motor Vehicle Violations- Parking

Boulevard	\$ 1000.05, Subd.3	\$25.00	\$50.00
Limited time parking	\$ 1000.05, Subd. 2	\$25.00	\$50.00
Oversize vehicle parking	\$ 1000.05, Subd. 10	\$25.00	\$50.00
Parallel parking	\$ 1000.05, Subd. 6	\$25.00	\$50.00
Parking cars for sale	\$ 1000.05, Subd. 5	\$25.00	\$50.00
Recreational Vehicles and			
Trailer Parking	\$ 1000.05, Subd. 11	\$25.00	\$50.00
Stopping & Parking	\$ 1000.05, Subd. 13. A.- G.	\$25.00	\$50.00
" " "	\$ 1000.05, Subd. 13. H.	\$50.00	\$100.00
Truck parking	\$ 1000.05, Subd. 1	\$25.00	\$50.00
Twelve foot clearance	\$ 1000.13, Subd. 1	\$25.00	\$50.00
Twenty-four hour parking	\$ 1000.05, Subd. 4	\$25.00	\$50.00
Winter Parking on City Streets	\$ 1000.05, Subd. 12	\$25.00	\$50.00

Motor Vehicle Violations- Other

Airport runway, etc.	\$ 2302.12, Subd.8	\$80.00	\$200.00
Driving on sidewalk or in park	\$ 1000.19	\$80.00	\$200.00
Exhibition Driving	\$ 1000.20	\$80.00	\$200.00
Hitching	\$ 1000.15, Subd.2	\$15.00	\$25.00
Leaking load	\$ 1000.14	\$80.00	\$200.00
Operation on private property	\$ 1000.21	\$80.00	\$200.00
Repairing vehicle on street	\$ 1000.17	\$25.00	\$50.00
Traffic control devices	\$ 1000.08	\$80.00	\$200.00
Unlawful riding	\$ 1000.15, Subd.1	\$25.00	\$50.00
U-Turns	\$ 1000.12	\$80.00	\$200.00

Public Nuisances

Open burning	\$ 540.01	\$80.00	\$200.00
Rubbish on sidewalk	\$ 910.02	\$80.00	\$200.00
Signs and signals	\$ 1000.09, Subd.1	\$80.00	\$200.00
Trapping in city limits	\$ 530.01	\$80.00	\$200.00
Waste accumulation	\$ 550.03	\$250.00	\$500.00
Waste and junk	\$ 550.02	\$250.00	\$500.00
Weeds and grass	\$ 550.01	\$80.00	\$200.00
Unsheltered Storage	\$ 551.04	\$250.00	\$500.00

Public Offences

Curfew violation by minor	\$ 510.01	\$25.00	\$50.00
Curfew violation by parent	\$ 510.03	\$25.00	\$50.00
Curfew violation by business	\$ 510.04	\$25.00	\$50.00
Defacing signs	\$ 1000.10	\$80.00	\$200.00
Disorderly conduct	\$ 500.01	\$80.00	\$200.00
Disruptive Intoxication	\$ 500.03	\$80.00	\$200.00
Hunting in city limits	\$ 520.05	\$80.00	\$200.00
Public Nuisance	\$ 500.02	\$80.00	\$200.00

Recreational Offences

Crossing streets or sidewalks	\$ 1020.05	\$25.00	\$50.00
Fleeing police officer	\$ 1020.15	\$80.00	\$200.00
Operation off designated trails	\$ 1020.06	\$80.00	\$200.00
Operation on city streets	\$ 1020.04	\$80.00	\$200.00
Operation on private property	\$ 1020.06	\$80.00	\$200.00

Operation- speed, manner, noise	\$ 1020.10, Subd.1,2,3	\$80.00	\$200.00
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Skate Boards, Roller Skates, Roller Skies and Scooters

Operation on private property	\$ 1030.03, A	\$25.00	\$50.00
Careless or reckless Operation	\$ 1030.03, B	\$25.00	\$50.00
Operation regulation	\$ 1030.04	\$25.00	\$50.00

Streets and Sidewalks

Improper snow deposit	\$ 360.02	\$80.00	\$200.00
Snow, depositing	\$ 920.07, Subd.4	\$80.00	\$200.00

1. A "2<sup>nd</sup> Violation" means a second or more violation within one year of the last finding of a violation.
2. A late payment fee of 10% shall be added to the fine for failure to pay it within 7 days of the date of the citation.
3. An Administrative Citation in substantially the form attached shall be issued for violations of the City Code where an administrative fine is appropriate.

The foregoing Resolution offered by Councilor \_\_\_\_\_ and, upon motion, supported by Councilor \_\_\_\_\_, was adopted this 1<sup>st</sup> day of July, 2024 by the following roll call vote:

Ayes: Hoff, Bautch, DeRosier, Goutermont, LeBlanc

Nayes:

Absent:

Abstain:

ATTEST:

\_\_\_\_\_  
Wade LeBlanc, Mayor

\_\_\_\_\_  
Lana Fralich, City Administrator