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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.

510.07. Penalty for Violations. Violation of this Section shall result in the issuance of an administrative citation for curfew violation with penalties for first and second offenses as set forth in the City's Schedule of Fines. Third and subsequent offenses are deemed misdemeanor criminal offenses.

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 or the holder of a concealed carry permit 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 herein, 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 Council.

520.06. Adoption of Statute. The requirements and restrictions contained in Minn. Stat. §§ 609.66 to 609.672 and Minn. Stat. §§ 624.71 to 624.719 are adopted by reference and incorporated in this Chapter as if set forth in full. To the extent Minnesota Statutes conflict with the requirements of this Code, the Statutes shall apply.

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 Council.

530.02. 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. Burning plastic, garbage and non-wood materials is prohibited.

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 or that have gone or are about to go to seed shall be a nuisance and are prohibited. 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, (3) a drainage pond or ditch that stores or conveys stormwater, or (4) a “managed natural landscape” as that term is defined in Minn. Stat. Sec. 412.925 that is maintained and excludes any form of “noxious weed” as that term is defined in Minn. Stat. Sec. 18.77, Subd. 8.

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, 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 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. If any nuisance described above is found to exist by the Police Department, the 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 determines that a public nuisance is being maintained or exists on a lot or parcel in the City, the officer shall notify the owner of record or occupant of the premises of the violation 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. If the notice of violation is not complied with within the time specified, the peace officer shall report that fact to the Council. Thereafter, the Council shall review the condition of the lot or parcel at its next regular council meeting. Notice of the time, date, place, and subject of this council meeting shall be sent to the owner or occupant of the property advising them of their opportunity to be heard as set forth in Subd. 2. If the Council determines that the condition identified in the notice of violation is a nuisance, it may order that the nuisance be abated within the time prescribed by the Council. If timely compliance does not occur, the City may seek:

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

B) 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 on the owner of record or occupant of the premises either in person or by U.S. mail to the address of the lot or parcel. Notice of any hearing before the Council shall be personally served or mailed at least 10 business days prior to the hearing. 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 personal service, notice of the violation may be served by posting it on the premises at least 10 business days prior to any hearing. In all cases, service via U.S. mail to the address listed for the parcel or lot by depositing notice into the mail at least 10 business days prior to a hearing before the Council shall be sufficient regardless of other attempted service.

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 may issue an administrative citation with the appropriate 2nd 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 2nd 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 via U.S. Mail. 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 growth of weeds on private property or boulevards, 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.

ADOPTED BY RESOLUTION NO. 2024 - #41 adopted October 7, 2024.

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. Applicable Law. The statutory requirements for abandoned, junk, unauthorized motor vehicles or motor vehicle waste contained in Minn. Stat. § 168B.011 shall apply.

Subd. 2. 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. 3. 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. 4. 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. 5. 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.

Section 590 – Regulation of Recreational Vehicles

590.01. Statement of Purpose. The purpose of this section is to regulate the use of recreational vehicles, campers and other nonpermanent structures for permanent human habitation within the corporate limits of the City of Silver Bay. The City Council specifically finds that the use of recreational vehicles, motorized homes, travel trailers, campers and the like in the city for permanent human habitation is deleterious to the health, safety and welfare not only of the persons residing therein but, additionally, to the public at large. Portable heating devices, nonstandard electrical connections, a lack of approved sanitary facilities including, but not limited to, bathrooms with toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time; occasioned in part because camper vehicles and other nonpermanent structures are not intended

for use as places of permanent human habitation and do not adequately provide for the needs associated with human habitation.

590.02. Definitions. The following terms used in this section shall be defined as follows:

Subd. 1. Recreational vehicle. Any vehicular-tryp structure, primarily used as temporary living quarters for recreation, camping or travel use, or primarily used to transport watercraft. The term includes, without limitation, the following kinds of recreational equipment:

A. **Travel trailer.** A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified “travel trailer” by the manufacturer and includes those items typically referred to as “fifth wheels”;

B. **Pick-up camper.** A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use;

C. **Motorized home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, and designed for travel, recreational and vacation use and converted vehicles such as buses, trucks or trailers;

D. **Folding tent trailer.** A canvas folding structure, mounted on wheels and designed for travel, recreational and vacation use; and

E. **Boats and boat trailers.** Boats, floats and rafts, plus the normal equipment to transport the same on a street or highway.

590.03. Occupying Recreational Vehicles Within City Limits Prohibited. Notwithstanding any Code provision to the contrary,

A. It shall be unlawful to occupy any motor home, recreational vehicle, camper or trailer for residential purposes anywhere in the City except in a duly established trailer park or mobile home park maintained in accordance with the ordinances of the City, provided that occupying for residential purposes for a period of not more than three months on the owner’s property shall not be considered to be a violation of this section, if occupied while the owners of such recreational vehicle are building, rebuilding or improving their residence. No recreational vehicle may be used as a residence for any period of time on a City street. Any use of a recreational vehicle in the City for any length of time as a

residence, shall require a permit from the Zoning Administrator who may grant a renewal upon request for a period not in excess of three months in any calendar year.

B. For recreational vehicles lawfully stationed in designated mobile home or trailer park it shall be unlawful to permit any portion of the recreational vehicle, including “slide outs” to be located closer than ten feet side to side, eight feet end to side or 6 feet end to end from any other recreational vehicle, dwelling home or structure.

590.04. Exceptions.

A. Nothing contained in this article shall be construed to apply to residents and family or friends who come to visit and temporarily occupy a recreational vehicle on developed property, but may only do so for a period of seven (7) days without a permit. Every person residing in a recreational vehicle under this exception in excess of seven (7) days shall do so only by permit from the City.

B. Parking on public streets, alleys, highways and other public places will be permitted during events that have been approved by the City Council.

590.05. 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.

ADOPTED BY RESOLUTION NO. 2025 - #34 adopted May 19, 2025.