
CHAPTER 9: PUBLIC SAFETY & NUISANCES

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SECTION 900. PUBLIC NUISANCES.

Section 900.00. Public Nuisance Prohibition.

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that 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 members of the public.
- (B) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public.
- (C) Does any other act or omission declared by law or this ordinance to be a public nuisance.

Section 900.10. Public Nuisances Affecting Morals and Decency.

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

- (A) All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law.
- (B) Betting, bookmaking, and all apparatus used in those occupations.
- (C) All houses kept for the purpose of prostitution, gambling houses, houses of ill fame, and bawdy houses.
- (D) Every person who shall willfully and lewdly expose their person, or the privates thereof, in any public place, or in any place where others are present, or shall procure another to so expose themselves, and every person who shall be guilty of any open or gross lewdness or lascivious behavior, or any public indecency other than hereinbefore specified.
- (E) A person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for their presence.
- (F) A prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes.
- (G) A person who derives their support in whole or in part from begging or as a fortuneteller or similar imposter.
- (H) Drinking or display of any beer, wine or intoxicating liquor is prohibited in or about all premises except the following: premises properly licensed for sale, and private residences unless the council grants permission to do such for certain events; such as during community celebrations.
- (I) All places where intoxicating or 3.2 malt 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 or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place.
- (J) Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for any other immoral or illegal purpose.
- (K) Selling or furnishing tobacco or tobacco-related devices to a person under the age of 18 years.
- (L) Employment of minors under the age of 14; on school days, during school hours, no minor under age of 16 shall be permitted employment; no minor under the age of 16 shall be permitted to work any day before 7 a.m. or after 9:30 p.m.; no employer shall be permitted to work a minor under the age of 18 more than 40 hours a week or more than 8 hours in any 24-hour period; except as provided in Minnesota statutes.
- (M) No person shall torture, torment or cruelly or unlawfully punish any child under the age of 18 years, nor commit any act of cruelty toward such child.

Section 900.15. Public Nuisances Affecting Peace and Safety.

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

- (a) All snow and ice that is not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall.
- (b) The depositing of snow or ice, plowed or removed from private property, onto a city street or other public property regardless of the place of origin.
- (c) All trees, hedges, billboards, or other obstructions that prevent people from having a clear view of all traffic approaching an intersection.
- (d) All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- (e) Dead trees or dead tree limbs that in the opinion of the city's forester or certified tree inspector, public works official, or fire marshal constitute a safety or fire hazard.
- (f) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person.
- (g) All unnecessary and annoying vibrations.
- (h) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
- (i) Radio aeriels or television antennae erected or maintained in a dangerous manner.
- (j) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.
- (k) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.
- (l) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk.
- (m) Barbed wire or any sharp iron points on any railing of posts anywhere within the corporate limits of the city.
- (n) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (o) Wastewater cast upon or permitted to flow upon streets or other public properties.
- (p) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials 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 other safety hazards from such accumulation.
- (q) Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
- (r) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
- (s) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any tire when passing over such substance.
- (t) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- (u) No person shall lurk, lie in wait or conceal himself in or about any premises with intent to do mischief or to commit any penal offense whatever, such acts to be prima facie evidence of such intent.
- (v) Whoever does any of the following in a public or private place, 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 the peace, is guilty of disorderly conduct:
 - 1. Engages in brawling or fighting; or
 - 2. Disturbs an assembly or meeting, not lawful in its character; or
 - 3. Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.
- (w) All other conditions or things likely to cause injury to the person or property of another.

(THIS SECTION AMENDED MARCH 2011, ORD. 191)

Section 900.20. Weapons, Traps, and Destructive Devices.**Subd. 1. Discharge of Weapons Prohibited.**

1. No person shall fire, discharge or explode any rifle, gun, pistol, air rifle, BB gun, pellet gun, paint pellet gun or other firearm in any part of the city.
2. No person shall discharge an arrow from a bow in any part of the city.
3. No person, unless they possess a conceal and carry permit, shall possess out of doors or transport any of the weapons listed in this subdivision unless the same is unloaded and cased.
4. Nothing shall be construed to prohibit any firing or discharging of a rifle, gun, pistol, or other weapon when done in the lawful defense of person or property or in the necessary defense or enforcement of the laws.

Subd. 2. Traps. It shall be unlawful for any person to set a foot trap, snare, or similar device in any part of the city. Live traps are allowed.

Subd. 3. Destructive Devices and Hoax Devices.

1. For this section, the term "destructive device" includes, but is not limited to, any device, apparatus or equipment by whatever name known, which causes damage by combustion or explosion. The term "destructive device" also includes any bomb, time bomb, Molotov cocktail, grenade, mine, rocket or missile, and any similar type device.
2. No person shall manufacture, own, possess or have in the person's custody or control any destructive device.
3. The provision of this section shall not apply to owners, employees or agents of bona fide business operations which store, transport or use explosives in their business operation, nor shall it apply to a government official acting in the discharge of official duties.
4. No person shall manufacture, own, possess or have in the person's custody or control any false or hoax device, apparatus or equipment resembling destructive devices and place the same in any public building or place.

Subd 4. Other Prohibited Weapons. It shall be unlawful within the corporate limits of the city for any person to manufacture, or cause to be manufactured, sell, offer or expose for sale, lend, give away, or have in their possession any instrument or weapon of the kind commonly known as a blackjack, sand-club or metal knuckles, or other dangerous weapons of a similar kind. No person shall manufacture, cause to be manufactured, sell, offer or expose for sale, lend, give away, or have in his possession, any dagger, dirk, stiletto switchblade, spring blade knife, or push button knife.

Subd 5. Weapons to be Destroyed. Upon conviction of any person for violation of section 900.20, any of the devices described or referred to in section 900.20 found in the possession of the defendant shall be destroyed in such manner as the court may direct.

Subd. 6. Exemptions.

1. Nothing contained in section 900.20 shall be construed to prohibit the possession of instruments or weapons by any regular or special peace officer of the city or other municipality, or of any county or state, while engaged in the performance of official duties.
2. By resolution, the city council may suspend specific requirements of sections 900.20 for the management of wildlife or any other purpose to protect public health, safety, and welfare.

(THIS SECTION AMENDED BY ORD 263 SEP 2016)

Section 900.30. Fishing on Bridges.

No person shall use any part of or be or stand on any private street, highway, or railroad bridge for the purpose of fishing therefrom.

Section 900.35. Provoking Assault.

No person shall use in reference to any other person in the presence of another or in reference to, or in the presence of any member of the family of another, abusive or obscene language tending to provoke an assault or any breach of the peace.

Section 900.40. Assault.

Whoever does any of the following commits an assault and is guilty of a misdemeanor:

1. Does an act with intent to cause fear in another of immediate bodily harm or death; or
2. Intentionally inflicts or attempts to inflict bodily harm upon another.

Section 900.45. Unlawful Assembly.

When 3 or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor if the assembly is:

1. With intent to commit any unlawful act by force; or
2. With intent to carry out any purpose in such manner as will disturb or threaten the public peace; or
3. Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

Section 900.50. Presence at Unlawful Assembly.

Whoever without lawful purpose is present at the place of an unlawful assembly and refuses to leave when so directed by a law enforcement officer is guilty of a misdemeanor.

Section 900.55. Fireworks.

No person, firm or corporation shall sell, expose, or offer for sale, give away, use or explode any fireworks within the corporate limits of the city, except that pyrotechnic displays under proper supervision and by special permit of the Council may be made in accordance with Minnesota statutes. Per chapter 4 the city council shall determine the permit fee and set forth in chapter 5 of this code book.

Section 900.60. Noise Violations.

The following are declared to be nuisances affecting public health, safety, peace, or welfare:

- (1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);
- (2) All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota statutes;
- (3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
- (4) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), 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;
- (5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle;
- (6) No person shall, between the hours of 12midnight and 8am, 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;
- (7) The use or operation, or permitting the use or operation, of any radio receiving set, musical instrument, music device, 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.

900.62. Engine Braking Prohibited.

Pursuant to the authorization provided to the city in chapter 75, article II, section 53 of 2015 Minnesota Session Laws, it shall be unlawful for the driver of any motor vehicle to slow a vehicle by the practice known as engine braking, also referred to as "jake braking" or "dynamic braking," whereby rapid downshifting of a vehicle's engine is used in lieu of applying a vehicle's brakes, causing loud noises to emit from the vehicle's engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the corporate limits of the city of Greenwood is hereby declared to be a public nuisance and is prohibited except in an emergency situation.

(THIS SECTION ADDED SEP 2017 ORD 270)

Section 900.65. Nuisance Parking and Storage.

Declaration of Nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it:

- (1) obstructs views on streets and private property,
- (2) creates cluttered and otherwise unsightly areas,

- (3) prevents the full use of residential streets for residential parking,
- (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited,
- (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and
- (6) otherwise adversely affects property values and neighborhood patterns.

Unlawful Parking and Storage.

- (1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than 24 hours in the front yard area of residential property unless more than 100 feet back from the front property line.
- (2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.
- (3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 - (a) No more than 4 vehicles may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
 - (b) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents of the property.

(UPDATED NOV. 2011 ORD. 197)

Section 900.70. Inoperable Motor Vehicles.

- (A) Declaration of Nuisance. Any motor vehicle described in this section 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 that, if released into the environment, can and do cause significant health risks to the community.
- (B) 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.
- (C) Screening. This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

Section 900.75. Disorderly House or Place of Public Resort.

Subd. 1. Whoever does either of the following shall be guilty of a misdemeanor:

1. Keeps a disorderly house, or place of public resort, whereby the peace, comfort or decency of a neighborhood is habitually disturbed; or
2. Being the owner or in control of any premises, intentionally permits them to be so used.

Subd. 2. Leasing Disorderly Houses. No person, firm or corporation shall knowingly rent or hire or lease or demise any house or premises within the limits of the city to any person or persons of ill fame or repute or who are known by common reputation to be prostitutes or keepers or proprietors of houses of ill fame or places resorted to for the purpose of prostitution, assignation, fornication or immoral, lewd, lascivious or other immoral, immodest conduct and behavior, and any person, firm or corporation being the owner or owners or having the control of any house, building or premises within the limits of the city, who shall knowingly permit or suffer any person or persons to occupy or remain in occupation or possession of such house, building or premises, shall be guilty of a misdemeanor.

Section 900.80. Duties of City Officers.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private

property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

Section 900.85. Abatement Procedure.

- (A) 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 report that fact to the city clerk and the offender shall be subject to the process outlined in chapter 12 of this code book.
- (B) Emergency Procedure. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city 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 in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in chapter 12 and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the city council may order summary enforcement and abate the nuisance.
- (C) 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.
- (D) Unlawful Parties or Gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under section 900.15 (D) or 900.60 (6) the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- (F) Judicial Remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

Section 900.90. Recovery of Cost.

- (A) 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 city clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable.
- (B) Assessment. After notice and hearing as provided in chapter 12, the city clerk shall, on or before September 1, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed against each separate lot or parcel to which the charges are attributable. The city 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, as the city council may determine in each case.

Section 900.95. Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be subject to the process outlined in chapter 12 of this code book.

SECTION 910. PUBLIC AND PRIVATE PROPERTY.

Section 910.04. Damaging Property.

A person, is guilty of a misdemeanor if they willfully or maliciously displace, remove, disfigure, injure or destroy:

- (a) A highway or private way laid out by authority of law, or a bridge upon such public or private way;
- (b) A pile or other material fixed in the ground designed for securing any bank or dam or any stream or other water;
- (c) A tree, rock, post or other monument which has been erected or marked for the purpose of designating a point in any boundary or any mark or inscription thereon;
- (d) A mile board, milestone or guide post erected by any highway, street, alley or road or any inscription thereon;

- (e) A line of cable, fiber optic, or telephone or electric light, heat or power or any part thereof or any appurtenance or apparatus connected with the working of any magnetic, or telephone, or electric line, or cable television/internet line, or fiber optic line;
- (f) A pipe or main for conducting gas, water, or heat or electricity or any works erected for supplying buildings with any such utility or any appurtenance or appendage connected therewith;
- (g) Any public sewer or culvert or drain or pipe or main connected therewith or forming a part thereof;
- (h) Any fence, guidepost, signboard, awning, light pole, light or lantern in any street, park, square or public place in the city;
- (i) Any wood or tree standing or growing, which on having been cut down is lying upon the lands of another;
- (j) Any earth, soil or stone from any lot or land or from any lands included within the limits of any street, avenue, alley, park or other public property;
- (k) Any produce, crop or anything attached to the freehold of another;
- (l) Any shrub, trees, flowers, vine or fruit being or growing within any orchard, garden, vineyard or upon any such ground or any building, framework, or erection thereon, without the consent of the owner or occupant thereof;
- (m) Any gravestone, monument, work of art, useful or ornamental improvement, shade tree, shrubbery, flowers or ornamental plant, whether upon private ground or upon a lot, street, sidewalk, cemetery or public park, or mar, deface, paint or stain any building or signboard or other property not their own or break, extinguish, destroy, or remove any lamp or lamp post or any railing or post erected on a bridge, sidewalk, street, alley or highway.

Section 910.10. Criminal Damage to Property.

Whoever intentionally causes damage to physical property of another without the latter's consent and the damage reduces the value of the property is guilty of a misdemeanor.

Section 910.16. Removing Barricades.

No person, firm or corporation shall remove, throw down, run over or interfere with any barricade or barricade lawfully erected, placed to guard and protect any grading, paving, sidewalk construction or other work.

Section 910.18. Disturbing Unfinished Paving.

No person shall walk upon, drive, ride over or across any pavement in the course of construction of any uncompleted grading or sidewalk construction that has not been opened for travel.

Section 910.20. Blasting.

No person, firm, or corporation shall employ blasting materials and methods within the corporate limits of the city, without first obtaining a permit from the city. Per chapter 4 the city council shall determine the license fee and set forth in chapter 5 of this code book.

Section 910.30. Posting Bills.

No person, firm or corporation shall place, put up or cause to be placed or put up, any hand bill, advertisement poster, show bill or other sign on any building, pole or property not theirs or without permission from the owner thereof.

Section 910.34. Withholding Possession of Public Property.

No person, firm or corporation shall take possession of any property, real or personal, belonging to the city or to the possession of which the city shall be entitled, nor shall commit any trespass thereon, nor shall unlawfully withhold such property from the city providing further that the unlawful withholding of such property, after demand therefor, has been made by the chief of police or council shall be deemed to be a new and separate offense for every day the possession is withheld after such demand.

Section 910.40. Flag.

Subd. 1. In this section "flag" means anything which is or purports to be the "stars and stripes," the United States shield, the United States coat of arms, the Minnesota state flag, or a copy, picture, or representation of any of them.

Subd. 2. Whoever does any of the following shall be guilty of a misdemeanor.

1. Intentionally and publicly mutilates, defiles, or casts contempt upon the flag; or

2. Places on or attaches to the flag any word, mark, design, or advertisement not properly a part of such flag or exposes to public view a flag so altered; or
3. Manufacturers or exposes to public view an article of merchandise or a wrapper or receptacle for merchandise upon which the flag is depicted; or
4. Uses the flag for commercial advertising purposes.

Section 910.45. Street and Park Fires.

No person, firm or corporation shall build or cause to be made any fire within the limits of any street, avenue, alley or thoroughfare within the corporate limits of the city or on any beach area or park except in fireplaces provided for that purpose by the city.

Section 910.56. Hauling Loose Material.

No person, firm or corporation shall haul or cause to permit to be hauled over the streets, alleys or highways of the city, any loose material of any kind except in a vehicle having a tight box so constructed as to prevent the splashing, spilling or distributing of any such substances therein.

Section 910.60. Prohibited Activities Affecting Health and / or Property.

Subd. 1. The following are hereby declared to be nuisances affecting health and / or property:

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter.
- (b) All diseased animals running at large.
- (c) All ponds or pools of stagnant water.
- (d) Carcasses of animals not buried or destroyed within 24 hours after death.
- (e) Accumulation of manure, refuse, abandoned, discarded or unused objects or equipment such as non-operating vehicles of all kinds, furniture, appliances, trash, debris, junk, containers, machinery, implements, equipment which is no longer safely useable for the purpose for which they were manufactured, garbage (except in authorized container), ashes, or any other foul or unhealthy material.
- (f) Brush piles, compost piles, and other piles of yard wastes or clippings unless they are located in side or rear yards at least 5 feet from the property line. No brush piles, compost piles, or other piles of yard wastes or clippings are allowed in front yards.
- (g) Property owners engaging in clean-up projects or small construction projects that are not regulated by the construction site management ordinance (section 305) may maintain outdoor storage areas, outdoor garbage areas, large storage containers, and / or large garbage containers on site with size, location, and duration approved by the city clerk. The storage / garbage areas and containers must be covered when not in use and containers must be emptied whenever they become full.
- (h) Property owners engaging in landscaping projects or small construction projects that are not regulated by the construction site management ordinance (section 305) must not change the pre-project conditions regarding the location, amount, and quality of stormwater runoff on to adjoining properties. Mud and other debris shall be controlled and shall not be discharged or moved to adjoining properties.
- (i) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
- (j) All Minnesota state prohibited noxious weeds and other rank growths of vegetation upon public or private property.
- (k) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.
- (l) All public exposure of people having a contagious disease.
- (m) Any offensive trade or business as defined by statute not operating under local license.
- (n) No person, firm or corporation shall negligently or carelessly set on fire or cause to be set on fire any combustible material whether on their own land or not whereby the property of another shall be endangered nor shall any person, firm or corporation negligently allow any fire upon their own land to extend beyond the limits thereof. Except that burning under proper supervision and by city permit in accordance with section 475.10 is allowed.
- (o) It shall be unlawful to cause to be delivered indiscriminately door to door to residences, other than through the United States mail, any advertising, sample of merchandise, or promotional material which is contained in a plastic film outer bag any dimension of which exceeds 7 inches and which contains less than 1 hole, 1/2 inch in diameter, for each 25 square inch area, or any samples of drugs, medicines, razor blades, or aerosol cans regardless of how packaged. This subdivision shall not apply to plastic bags with an average thickness of more than .0015 of an inch.

(p) No person, firm or corporation shall bury any human body within the corporate limits of the city except in a public cemetery.

(SUBD 1 UPDATED FEB 2017 ORD 267, JAN 2018 ORD 274)

Subd. 2. Remedy. When there exists on private property a condition that is in violation of section 910.60, a notice to remove the offensive matter shall be served by the city council or its agent upon the owner, agent or occupant. Such notice may be served personally or may be served by mail. In all cases where such owner is not in the city or cannot be found therein, then notice shall be sent to the last known address. Such notice shall describe the matter to be removed and require the removal thereof within 10 days, including Saturdays, Sundays and holidays. If at the end of said 10 days following service of such notice, the offensive matter has not been removed the offender shall be subject to the process outlined in chapter 12 of this code book. (UPDATED JAN. 2012, ORD. 203)

910.70 Prohibited Use of Residential Property.

No person, whether a property owner or leasehold tenant, shall offer, promote, use, or employ any residentially zoned property under their ownership, possession, or control for any use or purpose other than single-family residential use or other use specifically enumerated as a permitted principal, accessory, or conditional use under the applicable zoning code. No property owner, or leasehold tenant of same, shall offer, promote, use, or employ any residentially-zoned property as a "Hotel," "Motel," "Event Center," "Lake Recreation Center," or "Marina" as those terms are defined in chapter 12 of this code. (THIS SECTION ADDED MAY 2013, ORD 218)

SECTION 920. UNCLAIMED AND ABANDONED PROPERTY.

Section 920.00. Violation Required.

Subd. 1. No motor vehicle, trailer or boat shall be impounded by the city unless a violation of a city ordinance or state law has occurred and a citation issued for the violation in which said vehicle has been involved.

Subd. 2. The owner or lien holder of said vehicle shall have a right to a hearing on the impoundment and disposition of said vehicle. Such hearing shall be the court hearing provided for the citation issued and under which the vehicle was impounded. No other hearing shall be provided. Payment of the fine assessed for the violation shall waive the right to a hearing.

Section 920.05. Definitions.

See chapter 12 for definitions.

Section 920.10. Violations and Impoundment Power.

Subd. 1. Any person who abandons a vehicle on any public or private property, is guilty of a misdemeanor.

Subd. 2. Any person who operates, parks, or abandons a vehicle in violation of any state law or city ordinance, or any vehicle involved in or which is an instrumentality of any violation of state law or city ordinance may be impounded at the discretion of an officer of the city.

Section 920.15. Custody of Abandoned and Impounded Vehicles.

The city may take into custody and impound any abandoned vehicle or other vehicle defined in section 920.10.

Section 920.20. Sale of Vehicles.

Subd. 1. Immediate Sales. When an abandoned vehicle is more than 7 model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction pursuant to section 920.35, and shall not be subject to the notification, reclamation, or title provisions of section 920.00 et seq.

Subd. 2. 60-Day Sales. All vehicles not within subdivision 1 of this section and which have had notice pursuant to section 920.25 and not reclaimed pursuant to section 920.30, shall be sold 60 days after being taken into custody.

Section 920.25. Notice.

Subd. 1. When an abandoned vehicle or a vehicle that has been impounded under section 920.10, subdivision 2 does not fall within the provisions of section 920.20, subdivision 1, the city taking it into custody shall give notice of the

taking within 10 days. The notice shall (a) set forth the date and place of the taking, the year, make, model, and serial number of the vehicle if such information can be reasonably obtained and the place where the vehicle is being held, (b) inform the owner and any lien holders of their right to reclaim the vehicle under section 920.30, and (c) state that failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the sale of the vehicle and contents at a public auction 60 days from the date of being taken into custody, pursuant to section 920.35.

Subd. 2. The notice shall be sent by mail to the registered owner, if any, of the vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in a newspaper of general circulation in the area where the vehicle was abandoned. Published notices may be grouped together for convenience and economy.

Section 920.30. Right to Reclaim.

Subd. 1. The owner or any lien holder of an abandoned or impounded vehicle shall have the right to reclaim such vehicle from the city taking it into custody upon payment of all towing, storage and publication charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by section 920.25. The city may upon failure to reclaim the vehicle within the 15-day period make such charges for expenses as are incurred in preparation for public sale of the vehicle.

Subd. 2. Owners of unclaimed personal property being held in custody of the city, may reclaim such property upon suitable evidence of ownership or title.

Subd. 3. Nothing in section 920.00 et seq. shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of the lien holder to foreclose. For the purposes of this section "garage keeper" is an operator of a parking place of establishment, an operator of a vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

Section 920.35. Public Sale.

Subd. 1. If an abandoned vehicle, unclaimed personal property, or impounded vehicle and contents taken into custody is not reclaimed under section 920.30 and is sold at public auction or sale, it shall be sold to the highest bidder following reasonable published notice of such auction or sale. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles that shall be sufficient title to dispose of the vehicle. The receipt also shall entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check. Purchasers of unclaimed personal property shall receive a receipt to establish title in the purchaser.

Subd. 2. Abandoned motor vehicles not sold pursuant to subdivision 1 shall be disposed of in accordance with section 920.40.

Subd. 3. From the proceeds of a sale under this section of a 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 sections 920.00 et seq. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be considered forfeited and deposited in the treasury of the city. Proceeds from the sale of unclaimed personal property shall be considered forfeited and deposited in the treasury of the city.

Section 920.40. Disposal Authority.

Subd. 1. The city may contract with others or may utilize its own equipment and personnel for the inventory of abandoned vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of abandoned vehicles and abandoned scrap metal; provided, however, that the city may utilize its own equipment and personnel for the collection and storage of not more than 5 abandoned vehicles without advertising for or receiving bids in any 120-day period. Unsold abandoned vehicles and other unclaimed property that fails to be sold at auction as herein provided shall be sold for scrap value or as best disposed of to the City's advantage.

Section 920.45. Unclaimed Personal Property.

All personal property not a vehicle and coming within the custody of the city shall be held for a period of 6 months before being offered at public auction. Persons who voluntarily turn over lost or found personal property shall acquire

title thereto and such shall be released to the submitting person only after being held by the city for a period of 6 months and having not been reclaimed by the original owner. A receipt for the goods released to the submitting person or a purchaser at public auction shall be provided to establish title in the party to whom the goods have been released or sold. Contraband shall be held if required for evidentiary purposes or if not needed, destroyed. All public auctions of personal property shall be conducted in accordance with section 920.35.

SECTION 925. PREDATORY OFFENDERS.

Section 925.00. Findings & Intent.

Subd. 1. Repeat predatory offenders who use physical violence and who prey on children present an extreme threat to the public safety. Predatory offenders are extremely likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, clearly exorbitant.

Subd. 2. It is the intent of this ordinance to serve the city's compelling interest to promote, protect, and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

Section 925.10. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Designated Offender: Any person who has been convicted of a designated offense, regardless of whether adjudication has been withheld or has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.

Designated Offense: A conviction, adjudication of delinquency, commitment under Minnesota statutes chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: Minnesota statutes sections: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state. Committed the crime of failing to register as a predatory offender pursuant to Minnesota statute 243.166, subd. 1.

Permanent Residence: A place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary Residence: A place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Section 925.20. Residence Prohibition, Activity Prohibition, Penalties, Exceptions.

Subd. 1. Prohibited Location of Residence: It is unlawful for any designated offender to establish a permanent residence or temporary residence 1) within 1000 feet of any school, licensed daycare center, park, or playground; or 2) within 1000 feet of any place of worship which provides regular educational programs (e.g. Sunday school), or any other place where children are known to regularly congregate.

Subd. 2. Prohibited Activity: It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on or preceding Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this subsection.

Subd. 3. Measurement of Distance: For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary

residence to the nearest outer property line of a school, daycare center, park, playground, place of worship, or other place where children regularly congregate.

Subd. 4. Penalties: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in chapter 12 this code book. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

Subd. 5. Exceptions: A designated offender residing within a prohibited area as described in subd. 1 of this section does not commit a violation of this section if any of the following applies:

1. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes sections 243.166, 243.167, or successor statute, prior to November 10, 2016.
2. The designated offender was a minor when they committed the offense and was not convicted as an adult.
3. The designated offender is a minor.
4. The school or daycare center within 1000 of the designated offender's permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Minnesota statutes section 243.166 or 243.167.
5. The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse, partner, or children.
6. The residence is a property owned or leased by the Minnesota department of corrections.

Section 925.30. Renting Real Property, Penalties.

Subd. 1. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any designated offender prohibited from establishing such permanent residence or temporary residence pursuant to section 925 of this ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section 925.20 subd. 1.

Subd. 2. A property owner's failure to comply with provisions of this section shall constitute a violation of this section.

Section 925.40. Severability.

Should any section, subdivision, clause or other provision of this chapter be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole, or of any part thereof, other than the part held to be invalid.

(THIS SECTION ADDED ORD 285, DEC 2018)