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CHAPTER XV - NUISANCES AND MISDEMEANORS

Section 1500 – General provisions

1500.01. Conduct prohibited.

It is unlawful to engage in an act or in the behavior prohibited by this chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

1500.03. Minnesota criminal code.

Subdivision 1. Adoption by reference.

The provisions of Minnesota Statutes, chapter 609, as set forth in this subdivision, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

- (a) Section 609.221, 609.222, 609.223, 609.2231 and 609.224, "Assault in first to fifth degree".
- (b) Section 609.51, "Simulating legal process".
- (c) Section 609.52, "Theft".
- (d) Section 609.505, "Falsely reporting a crime".
- (e) Section 609.535, "Issuance of dishonored checks".
- (f) Section 609.545, "Misuse of credit card to secure services".
- (g) Section 609.576, "Negligent fires; dangerous smoking".
- (h) Section 609.605, "Trespass".
- (i) Section 609.66, "Dangerous weapons".
- (j) Section 609.68, "Unlawful deposit of garbage, litter or like".
- (k) Section 609.705, "Unlawful assembly".
- (l) Section 609.715, "Presence at unlawful assembly".

(m) Section 609.72, "Disorderly conduct".

(n) Section 609.75, "Gambling; definitions".

(o) Section 609.755, "Acts of or relating to gambling".

Subd. 2. Violation of statutes.

A violation of the statutes adopted by reference in this section is a violation of this code.

Section 1505 – Misdemeanors

1505.01. Aiding and abetting violations.

It is unlawful for any person to attempt to cause, aid, assist, counsel or advise another person to commit a violation of this code or any other ordinance.

1505.03. Disorderly conduct.

The following acts are disorderly conduct:

(a) Lurking, lying in wait, or concealment in a building, yard or street in the city with intent to commit a crime or misdemeanor;

(b) Willfully disturbing a meeting not unlawful in its character, or the peace and quiet of a family or neighborhood;

(c) Willfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, open and gross lewdness or lascivious behavior, or an act of public indecency;

(d) Using profane, vulgar or indecent language in or about a public building, store, place of public entertainment, or place of business, or on streets, alleys or sidewalks of the city so as to be audible and offensive;

(e) Appearing upon a public street or other public place in an intoxicated condition or drinking intoxicating liquor on a street or a vehicle on a public street;

(f) Unlawfully striking or in an unlawful manner offering to or doing bodily harm to another person or unlawfully making an attempt to apply any degree of force or violence to the person of another, or in a violent, rude, angry or insolent manner touch or lay hands upon the person of another;

(g) Willfully making a false report to a police officer in the performance of the officer's duties.

1505.05. Resisting a public officer.

It is unlawful to willfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of the officer's office.

1505.07. False statements.

It is unlawful to make a false statement in an application for a permit or license from

the city.

1505.09. Giving false name to city officer.

No person shall in any case or under any circumstances, not otherwise provided for, willfully communicate either orally or in writing or by any other method to a city officer in discharging or attempting to discharge a duty of his office, any false or incorrect name or identity.

1505.11. Threatening an officer.

No person shall directly or indirectly address any threat or intimidation to a city officer, or any appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty, to do or make, or to omit or delay any act, decision or determination.

1505.13. Loitering.

Subdivision 1. Prohibited.

It is unlawful to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

Subd. 2. Police order.

If a person causes or commits a condition enumerated in subdivision 1, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. A person who fails or refuses to obey such orders is guilty of a violation of this section.

1505.15. Fire alarm system and false alarms.

It is unlawful to tamper with or in any way interfere with any element of any fire

alarm system within the city. It is unlawful to give, or cause to be given, any alarm of fire or other emergency condition when no fire or emergency condition exists.

1505.17. Obstruction of fire hydrants.

It is unlawful to park a vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within ten feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

1505.19. Liquor and beer in parks.

It is unlawful to bring into, possess, barter, give away or consume any intoxicating liquor or 3.2 malt liquor beverages in any public park or any vehicle parking area immediately adjoining such park.

1505.21. Liquor and beer in public places.

Subdivision 1. Public ways.

It is unlawful to consume, barter, or give intoxicating beverages or 3.2 malt liquor beverages in or upon a public street, avenue, boulevard, alley or other public way, whether in a vehicle or not, in the city.

Subd. 2. Parking areas.

It is unlawful to consume, barter or give any intoxicating beverages or 3.2 malt liquor beverages in or upon a parking area open to the public whether in a vehicle or not.

1505.23. Fishing from bridges.

It is unlawful for any person to fish from any bridge, including the approaches thereto.

1505.25. Trespass.

Subdivision 1. Unlawful conduct.

On premises privately owned but open to the use of the general public, it is unlawful to remain on the premises after having been requested to leave by the owner of the premises, an authorized representative of the owner, or any other person or entity entitled to possession of the premises.

It is unlawful for any person to enter upon the land of another without claim of right or the written consent of the owner or of one who has the right to give consent, except in an emergency situation. It is unlawful for any person to refuse to leave land upon the order of a police officer or if the person is lawfully on the land, to refuse to

exhibit the written consent as described above.

Subd. 2. Two-year rule.

On any property privately owned but open to the use of the general public, it is unlawful to return to the property after receipt of a written notice of trespass from the owner, an authorized representative of the owner, or any person or entity entitled to possession of the property, or law enforcement official, which notice prohibits the person from returning to the property. This prohibition is effective for two years from the date the written notice was served.

Subd. 3. Notice.

The written notice under subdivision 2 must be personally served upon the party prohibited from entering the property. An affidavit of service must be executed at the time of service. A prosecution may not be maintained under subdivision 2 unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

Section 1510 – Public Nuisances

1510.01. Public Nuisance Defined. Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

Subdivision 1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort, or repose of any considerable number of members of the public; or

Subd. 2. Interferes with, obstructs, or renders dangerous for passage, any public streets, highway or right-of-way, or waters used by the public; or

Subd. 3. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance, whether or not any sentence is specifically provided therefore; or

Subd. 4. Permits real property under his or her control to be used to maintain a public nuisance, or rents the same, knowing it will be so used; or

Subd. 5. Permits or maintains any condition which causes a blighted or undesirable effect on a property.

1510.03. Definitions. The following words, when used in this ordinance, shall have the meanings ascribed to them:

Subdivision 1. Garbage. All putrescible animal, vegetable or other matter, including the cans, containers, or wrappers wasted along with such materials.

Subd. 2. Rubbish. All non-putrescible wastes such as wood waste, tree trimmings, shavings, paper, rags, clothing, soil, plaster, glass, ashes, tin cans and other metal products, plastics and any other debris, whether combustible or non-combustible.

1510.05. Additional Public Nuisances Defined. It is hereby declared to be a public nuisance to permit, maintain, cause, deposit, or harbor any of the following:

Subdivision 1. Diseased animals, fish or fowl, wild or domestic, whether confined or running at large.

Subd. 2. Carcasses of animals, fish or fowl, wild or domestic, not buried or destroyed within 24 hours after death.

Subd. 3. Garbage not stored in rodent free and fly-tight containers, or garbage stored so as to emit foul and disagreeable odors, or garbage stored so as to constitute a hazard to public health.

Subd. 4. Accumulations of rubbish as defined herein.

- Subd. 5. The dumping of any effluent, garbage, rubbish, wastewater, fuel, oil, lubricant or other noxious substance upon public or private property.
- Subd. 6. Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.
- Subd. 7. The pollution of any public or private well or cistern, any public stream, lake, canal, or body of water by effluent, garbage, rubbish or other noxious substance.
- Subd. 8. Any noxious weeds, or any other vegetation which is maintained in violation of Minnesota Statutes, section 18.75 to 18.91, as may be amended from time to time.
- Subd. 9. The emitting or production of dense smoke, noxious fumes, gases, soot, cinders or sparks in unreasonable quantities.
- Subd. 10. Accumulation of disused furniture, appliances, machinery, automobiles, trucks, buses, light and heavy equipment, semi-trucks, fire trucks, ambulances, boats, other emergency response vehicles, trailers, recreational vehicles, and any other related vehicles or equipment and parts thereof, and freight or cargo containers of any kind, which may become a harborage for rats, snakes or vermin, or which may be conducive to fire, or which endangers the health, safety or welfare of the public, or which leads to a blighting condition in a particular neighborhood.
- Subd. 11. Accumulations of animal waste, litter or manure which pose a risk of pollution of ground or surface waters or which endanger public health, safety or welfare.
- Subd. 12. Any motor vehicle which is not currently licensed in Minnesota or any other state, or which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts, or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping or dismantling or salvage of any kind, or any abandoned vehicle as that term is defined in Minn. Stat. Section 168B.011, subd. 2.
- Subd. 13. Maintenance of grass or weeds on a property at a height of more than ten inches, except:
- (a) on those portions of a property actively farmed or used for agricultural purposes;
 - (b) on residential properties one acre or larger in size and located in the R-1, R-2, R-2(a), R-3, R-5, RDB, A, AP, and SDD zoning districts, except that those portions of such properties that are maintained as lawn shall be kept in compliance with the above standard;
 - (c) on residential properties, on slopes in excess of 3:1; wetlands; wetland buffers;

areas maintained in prairie or other native vegetation; or areas subject to a conservation or similar easement; and

(d) publicly owned parks, trails or nature areas.

Subd. 14. Any condition whereby any fuel, oil, fluid, or other substance is allowed to leak from any motor vehicle and leech into the ground.

Subd. 15. Violation of any provision of the city code related to the keeping of or care of animals.

Subd. 16. Any condition which creates excessive exterior storage resulting in a blighted condition of a property, or which is open and obvious to neighboring properties or to the general public from public areas.

Subd. 17. Anything else declared to be a nuisance by Minnesota statute or by the Minnetrista city code.

1510.07. Abatement of Abandoned and Junk Vehicles. The chief of police or their designee may take into custody and impound any vehicle described in Section 1510.05, subd. 12 in the manner authorized under Minn. Stat. Sections 168B.01 through 168B.101.

1510.09. Abatement of All Other Nuisances.

Subdivision 1. Procedure. Except with regard to the abatement of vehicles described in Section 1510.05, subd. 12, whenever a designated city official determines that a public nuisance is being maintained or exists on a property in the city, the official shall notify in writing the owner of record or occupant of the property of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the city council. Thereafter, the city council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the city council, the nuisance be abated by the city.

Subd. 2. Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the city council; and notice of the city council order shall be served by a peace officer or designated official on the owner of record or occupant of the property either in person or by certified or registered mail. If the property is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the property.

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 city council may order summary enforcement and abatement of the nuisance. To proceed with summary enforcement, the designated official shall determine that a public nuisance exists or is being maintained on property in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The designated official shall notify in writing the occupant or owner of the property of the nature of the nuisance, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth in subdivision 1 of this section 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 abatement of 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 in addition to or in lieu of an administrative remedy.

1510.11. Recovery of Costs.

Subdivision 1. Personal liability. The owner of the property 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 or other city official shall prepare a bill for the cost and mail it to the owner and occupant, where applicable. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subd. 2. Costs constitute service charge. Any charges incurred by the city in carrying out any obligations under this section shall constitute a service charge pursuant to Minn. Stat. 366.012 and Minn. Stat. 415.01. The city may recover all unpaid services charges as authorized by state law, including but not limited to as a special assessment pursuant to Minn. Stat. ch. 429.

Subd. 3. Assessment. After notice and hearing as provided in Minn. Stat. 366.012 and Minn. Stat. 429.061, as they may be amended from time to time, the city clerk 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 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, not exceeding 10, as the city council may determine in each case.

1510.13. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

