

**CHAPTER 11**

**ENVIRONMENTAL CONTROL AND PUBLIC SAFETY**

**FOUL, NAUSEOUS AND UNHEALTHFUL SUBSTANCES**

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

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the public or a considerable number of members of the public; or
- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

11.102. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (2) All diseased animals running at large;
- (3) All ponds or pools or stagnant water;
- (4) Carcasses of animals not buried or destroyed within 24 hours after death;
- (5) Accumulations of manure, refuse, or other debris;
- (6) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (8) All noxious weeds and other rank growths of vegetation exceeding 12 inches in height upon public or private property;
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable

quantities;

- (10) All public exposure of persons having a contagious disease;
- (11) Any offensive trade or business as defined by statute not operating under local ordinance;
- (12) Breeding sites of the aedes triseriatus (tree hole mosquito), including unused tires (not mounted on wheels), pots, pans, cans, pails, bottles and other containers left outdoors in which water or debris may accumulate.
- (13) All other conditions or things which are likely to cause injury to or endanger the health of the public.

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

- (1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- (3) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (4) All unnecessary noises and annoying vibrations;
- (5) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (6) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- (8) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (9) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

- (10) Any barbed wire fence less than six feet above ground and within three feet of a public sidewalk or way;
- (11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (12) Waste water cast upon or permitted to flow upon streets or other public properties;
- (13) Any well, hole, or similar excavation which 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;
- (14) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash of other materials;
- (15) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- (16) The depositing of garbage or refuse on a public right-of-way or on adjacent private property; other than within twenty-four (24) hours of a scheduled garbage pickup;
- (17) Leaving or displaying anything for sale on public or private property, except that an owner of an item for sale may display it on property that the person owns or otherwise controls;
- (18) Depositing of, permitting or failing to remove, garbage, trash, rubbish, bottles, cans, discarded machinery, household appliances, automobile bodies, and any other refuse on any property, including large quantities of organic debris and materials that accumulated by other than natural means, except neatly maintained compost piles;
- (19) Property that has been disturbed by construction, grading, or other activity and is not seeded, sodded, or otherwise planted with a ground cover within 240 days, unless the 240 days expires between November 1 and May 15, in which case the ground cover must be established by the following July 15, unless the city approves a time extension;
- (20) The accumulation of any piles of wood that are not:
  - a. neatly stacked; or
  - b. stacked or secured in a stable manner to avoid collapse.

- (21) A structure, or a portion of a structure, located in a residential zoning district, if the exterior is not completed in accordance with city-approved construction plans within one year days after the date that the city building permit was issued;
- (22) Construction materials, including piles of dirt, sand, and sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first;
- (23) Discarded construction material or other litter at a construction site that is not placed in an adequate waste container or that is allowed to blow around or off the site;
- (24) Erosion or stockpiling of any material onto a public street that is not part of a public improvement; or erosion or drainage from a property when it is causing, or has the likelihood of causing, serious harm to neighboring property or to natural resources such as significant trees, water bodies, wetlands, and wetland buffers. Serious harm includes actual damage as well as interference with reasonable use of the property;
- (25) The intentional discharge of items such as leaves, grass clippings, solvents, antifreeze, oil, fireplace ashes, paint, and cement reinsate into a street, storm sewer system, or water resource such as a wetland, creek, pond or lake; and
- (26) Gravel driveways maintained in such a manner that the gravel erodes into, or is placed in, a public street or a water resource such as a wetland, creek, pond or lake.
- (27) Buildings, fences, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.
  - a. Standards. A building, fence, or other structure is a public nuisance if it does not comply with the following requirements.
    - 1. No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.
    - 2. Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated

surface finish on more than 25 percent of any one wall or other flat surface.

- (28) Outside Parking and Storage: 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 (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners and occupants enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

a. Definitions

1. "Motor Vehicle" means any motorized, self-propelled vehicle of a type that may be used to convey persons or materials or to perform a task.

A. For purposes of this section the definition of motor vehicle includes the following:

- (i) Inoperable, pioneer, classic, collector, and street rod vehicles;
- (ii) Motorcycles; and
- (iii) Motor homes and converted vans that are motor homes.

B. For purposes of this section the definition of motor vehicle does not include the following:

- (i) Home maintenance equipment such as riding lawn mowers or snow blowers.
- (ii) Mobile construction equipment not licensable for public streets that is being used for construction or remodeling at the residence. The temporary parking of mobile construction equipment is permitted only for the duration of the construction or remodeling project. This section does not

permit the permanent storage or parking of mobile construction equipment.

2. "Recreational Equipment" is defined as:
    - A. Travel trailers including those that fold down, chassis, campers, tent trailers and slip in campers.
    - B. A non-motorized utility trailer intended and generally used for transporting other recreational equipment.
    - C. Snowmobiles, all terrain vehicles, boats and any type of water craft. Recreational equipment placed on a utility trailer is, together with the trailer, considered to be one vehicle.
  3. "Oversized Vehicles" are those vehicles that have been issued a license decal greater than "D" and have a gross vehicle weight in excess of 18,000 pounds.
  4. "Front yard area" will mean an open, unobstructed yard across the front of a lot between the building or allowed building line and the front property lines excluding on appropriately surfaced designated driveway to the garage or house.
  5. "Side yard area" will mean any open unobstructed yard between the building or allowed building line and either side lot line to the rear yard line.
  6. "Outside" means to be outside of an enclosed storage facility and visible from any other property.
  7. "Improved Parking Surface" means a prepared surface which has been improved by concrete, asphalt, gravel, cobblestone, or paving stone.
- b. Unlawful Parking and Storage
1. No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, or other similar non-permanent structures or equipment outside continuously for longer than 24 hours in the front yard area of residentially-zoned property, unless more than 100 feet back from the front property line.

2. No person may place, store or allow the placement or storage of non-commercial pipe, lumber forms, steel, machinery, or similar materials outside on residentially-zoned property, unless shielded from ordinary public view by an opaque cover or fence.
3. Recreational equipment may not be parked or stored on required front or side yard set back areas nor on any landscaped area of the front or side yard of residential property. One piece of recreational equipment may be stored on an improved surface beyond the front and side yard set back or on the landscaped area of the backyard of residential property subject to the oversized vehicle restrictions of paragraph b(4) of this subdivision.
4. Oversized vehicles may not be parked or stored on residential property except those vehicles being used in conjunction with a legitimate service or those vehicles parked or stored in a completely enclosed building.
5. No person will cause, undertake, permit or allow the outside parking and storage of motor vehicles on residentially-zoned property unless it complies with the following requirements:
  - A. No more than four licensed and operable motor vehicles per lawful dwelling unit may be parked or stored anywhere outside on R-1 and R-2 zoned property, excluding vehicles of occasional guests who do not reside on the property.
  - B. The parking or storage of motor vehicles is not allowed on any required front yard or side yard setback area nor on any landscaped area. In any event, motor vehicles parked or stored on residential property must be parked or stored on an improved parking surface.
6. Any vehicles so parked is the act of the registered owner as well as the act of the person actually parking the vehicle. For purposes of this section, a registered owner is defined to include motor vehicle renewal or leasing agencies or corporate owners. It will be a defense to any violation that the registered owner shows that on the date of the offense title had been transferred to another.

7. Penalty. A violation of this subdivision is a petty misdemeanor as defined by Minn. Statute §609.02, Subd. 4a.
8. Fines for Violation. The City will collect fines for violations of this subdivision in accordance with the fine schedules adopted from time to time by the City Council. Payment of the scheduled fine indicated on the violation notice, enclosed in said notice and deposited in the manner described thereon and received by the City, will satisfy the violation.
9. Enforcement. It is the duty of law enforcement to report to the City the following information:
  - A. The license number of such vehicle.
  - B. The date and hour of which such violation was found to exist.
  - C. The nature of the violation.
  - D. Any other necessary facts relating to such violation.
10. Tags. Law enforcement will attach to the vehicle referred to in this subdivision a notice to the owner or operator thereof that the vehicle has been parked in violation of the provisions of this subdivision and directing the owner or operator to make payment as required by this subdivision.
  - A. Exceptions. The prohibitions of this section will not apply to the following:
    - (i) Any motor truck, pickup truck or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.
    - (ii) Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pickup or delivery and in excess of the two-hour limit will be unlawful.



- (iii) Lawful nonconforming uses as defined by ordinance.
- (29) All other conditions or things which are likely to cause injury to the person or property of anyone.

11.104 Duties of city officers. The City Administrator/Clerk, or other designated official shall enforce the provisions of this ordinance relating to nuisances affecting public safety. The police department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

11.105 Abatement. Subd. 1. Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the city council; notice of city council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

- (1) Notice of violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.
- (2) Notice of council hearing. Written notice of any city council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of council hearing, notice of council hearing shall be served by posting it on the premises.
- (3) Notice of city council order. Except for those cases determined by the city to require summary enforcement, written notice of any city council order shall be made as provided in Minnesota Statute 463.17 (Hazardous and Substandard Building Act).
- (4) Notice of motion for summary enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minnesota Statute 463.17 (Hazardous and Substandard Building Act).

Subd. 2. Procedure. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record and occupant of the premises of such fact and order that such 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 enforcing officer shall report that

fact forthwith to the council. Thereafter, the council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the council the city may seek injunctive relief by serving a copy of the city council order and notice of motion for summary enforcement.

Subd. 3. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above 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 officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the council meeting to consider the question of summary enforcement. The city council shall determine whether or not the condition identified in the notice to the owner and occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 above, and may order that such 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.

Subd. 4. Immediate abatement. Nothing in section 11.105 of this ordinance shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

#### 11.106 Recovery of cost.

- (1) Personal liability. The owner of premises on which a nuisance has been abated by the city 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 official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.
- (2) Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the 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 Minnesota Statute 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and 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 council may determine in each case.

11.108 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 \$500 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

### USE OF ELECTRICAL EQUIPMENT

11.201. Certain Operation of Radio Equipment Prohibited. No person shall operate any radio receiving equipment in such a manner as to cause electro-static or electro-magnetic waves to radiate from its antenna in such a manner as to result in interference with radio reception. (Ordinance 28A, Section 4, 11/5/28)

11.202. Certain Operation of Electrical Equipment Prohibited. No person shall operate any vibrating battery charger or any other apparatus or equipment, excluding X-ray machines, in such a manner as to cause electro-static or electro-magnetic waves to be radiated therefrom in such a manner as to result in interference with radio reception. (Ordinance 28A, Section 4, 11/5/28)

11.203. Inspector's Duties. It shall be the duty of the zoning coordinator to enforce the provisions of Sections 11.201 to 11.202; and for that purpose he shall have authority to enter upon the premises of and to inspect the equipment referred to in Sections 11.201 and 11.202. (Ordinance 28, Section 3, 11/5/28)

11.204. Penalty. Any person violating any provision of sections 11.201 to 11.203 or any person interfering with a city employee in the performance of duties prescribed under Sections 11.201 to 11.203 shall be guilty of a misdemeanor. (Ordinance 28A, Section 4, 11/5/28)

### DUTCH ELM DISEASE CONTROL

11.301. Certain Nuisances Prohibited. No person shall allow any of the following nuisances to exist on any premises owned or controlled by him, or on any premises abutting on any streets on public right-of-way (this includes boulevards):

- (1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus Ceratocystis (Buisman) Moreau or which harbors any of the elm bark beetles Scolytus Multistriatus (Eichh.) or Hylungopinus Rufipes (Marsh).
- (2) Any dead elm tree or part thereof, including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide. (Ordinance 208, Section 1, 7/19/76)

11.302. Transportation of Diseased Wood Prohibited. No person shall transport any bark-bearing elm wood within the City without a permit which is to be issued by the forester under Section 11.304.

(Ordinance 208. Section 2, 7/19/76)

11.303. Duties of Forester Conferred on the Street Superintendent. The powers and duties of the City Forester set forth in sections 1 to 7 are hereby conferred upon the street superintendent.

(Ordinance 208, sec. 3, 7/19/76)

11.304. Duties and Responsibilities of Forester. The forester shall co-ordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of dutch elm disease.

- (1) The forester shall recommend to the council the details of a program for the control of Dutch elm disease and perform the duties incident to such a program for the control of Dutch elm disease.
- (2) The forester shall act as the coordinator between the commissioner of agriculture and the council in the conduct of the Dutch elm disease control program.
- (3) The forester shall inspect all premises and places within the City at least annually and as often as practicable to determine whether any condition described in section 1 exists thereon. He shall investigate all reported incidents or infestations by Dutch elm fungus or elm bark beetles.
- (4) The forester or his duly authorized agents may enter private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this section
- (5) The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be recommended by the commissioner. Except as provided in section 5, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.
- (6) The forester shall supervise and control the abatement of all nuisances described in section 1 in accordance with the provisions of section 5.
- (7) The forester shall keep a record of the costs of abatements done under section 5 and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

- (8) Whenever the forester determines that an elm tree or elm wood within the City is infected with Dutch elm fungus, he may spray or treat all nearby high value elm trees, with an effective elm bark beetle destroying concentrate or both. Activities authorized by section 5 shall be conducted in accordance with technical and expert opinions and plans of the commissioner of agriculture and under the supervision of the commissioner and his agents whenever possible.
- (9) The forester shall issue permits for the transportation of bark-bearing elm wood within the City.  
(Ordinance 208, sec. 4, 7/19/76)

11.305. Procedure for Abatement of Nuisance. The abatement of the nuisance described in section 1 shall be completed in the following manner:

- (1) If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his findings to the council which shall proceed as follows:
  - (a) abating the nuisance as a public improvement under Minnesota Statutes Chapter or
  - (b) abating the nuisance as provided in section 5.
- (2) If the forester finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 5 days from the date of mailing of such notice. The forester shall immediately report such action to the council, and after the expiration of the time limited by the notice he may abate the nuisance.
- (3) Upon receipt of the forester's report required by section 11.305 the council shall by resolution order the nuisance abated. Before action is taken of such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the council shall hear property owners with reference to the scope and desirability confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.
- (4) The forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as

fully as possible the spread of Dutch elm disease fungus and accordance with current technical and expert opinions and plans as may be designated by the commissioner of agriculture.  
(Ordinance 208, sec. 5, 7/19/76)

11.306. Unpaid Charges - A Special Assessment. On or before September 1 of each year the City Administrator/Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under sections 11.301 to 11.307. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes for certification to the county auditor and collections the following year along with current taxes.  
(Ordinance 208, sec. 6, 7/19/76)

11.307. Penalty. Any person preventing, delaying, or interfering with the forester or his agents in the performance of duties under sections 11.301 to 11.306 shall be guilty of a misdemeanor.  
(Ordinance 208, sec. 7, 7/19/76)

## CIVIL DEFENSE

11.401. Act Adopted by Reference. The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it relates to cities, one copy of which is on file in the office of the City Administrator/Clerk, is hereby adopted and incorporated in and made a part of this code as if fully set forth herein.  
(No prior Ord.)

11.402. Civil Defense Agency.

- (1) There is hereby created within the city government a civil defense and disaster agency which shall be under the control and supervision of a director of civil defense, hereinafter called the director. The director shall be appointed by the mayor for an indefinite term and may be removed by the mayor at any time.
  - a. The director shall serve without salary but shall be paid his necessary expenses.
  - b. The director shall have direct responsibility for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

- (2) The civil defense agency shall be organized into such divisions and bureaus consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required by Minnesota Statutes Chapter 12 or this code.  
(No prior Ord.)

11.403. Powers and Duties of the Director.

- (1) With the consent of the mayor, the director shall represent the city on any regional or state organization for civil defense. The director shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency to great to be dealt with unassisted, and he shall present such agreements to the council for action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the civil defense agency and civil defense forces shall render assistance in accordance with the provisions of such agreements.
- (2) The director shall prepare a comprehensive general plan for the civil defense of the city and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all civil defense forces of the city shall perform the duties and functions assigned by the plan.
- (3) The director shall prepare and present to the council periodically a report of the activities and recommendations of the civil defense agency.  
(No prior Ord.)

**FIREARMS**

11.501. Discharge Prohibited. Except as provided in sections 11.503 and 11.504, no person shall fire or discharge any gun, pistol or firearm of any description, within the city.  
(Ord. 162, sec. 1, 2/ /69)

11.502. Possession Prohibited. Except as provided in sections 11.503 and 11.504, no person shall have in their possession any gun, pistol, or firearm of any description within the city unless the pistol, gun, or firearm is dismounted or broken apart or carried in a case in such a manner that it cannot be discharged, nor shall any person carry or conceal any pistol or firearm upon his person.  
(Ord. 162, sec. 2, 2/ /69)

11.503. Law Enforcement Officers. The terms of sections 11.501 to 11.502 shall not

prohibit the possession or discharge of firearms by duly authorized peace officers or military authorities.

(Ord. 162, sec. 2, 2/ /69)

11.504. Protection of Home and Family. The provisions of sections 11.501 to 11.503 shall not be construed to embrace the possession of a firearm within the home or the discharge of the same when done in the lawful defense of person, property, or family.

(Ord. 162, sec. 5, 2/ /69)

11.505. Penalty. Any person violating any provision of section 11.501 to 11.504 shall be guilty of a misdemeanor.

(Ord. 162, 2/ /69)

#### PROHIBITION ON OPEN BURNING

11.600. Definitions. For the purpose of sections 11.600 to 11.602, the terms defined in this section have the meanings given them:

- (1) "Building Material" means lumber, wood shakes and other wood products but shall not include composite shingles, tar paper, insulation, wall board, wiring or other similar smoke producing materials.
- (2) "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- (3) "Open Burning" means the burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.
- (4) "Rubbish" means nonputrescible solid waste, such as paper, cardboard, yard clippings and other natural matter not including garbage.

11.601. Restrictions. No person shall cause, allow or permit open burning of any rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters, garbage, rubbish or physical matter within the city limits of the City of Long Prairie.

11.602. Exceptions. Open burning is allowed for the following exceptions providing the City Council has approved of the burning:

- (1) Bona fide instruction and training of firefighting personnel and for the



testing of fire extinguishing equipment.

- (2) Elimination of fire or health hazards which cannot be abated by any other practicable means.
- (3) Open burning is allowed for the following exceptions without council approval:
  - a. Ground thawing for utility repair, underground utility construction and preparation of burial grounds.
  - b. A cooking or warming fire contained in fireplace, fire-ring, charcoal grill, portable gas or liquid fueled camp stove or other similar container or device designed for the purpose of cooking or heating.
  - c. Upon receiving a permit issued by the City to start a fire to burn vegetative materials and other materials allowed by Minnesota Statutes or official state rules and regulations. This permission shall be in the form of a written permit signed by the City and shall set the time and conditions by which the fire may be started and burned. The permittee must have the permit on their person and shall produce the permit for inspections when requested to do so by any city official or peace officer. The permittee shall remain with the fire at all times and before leaving the site shall completely extinguish the fire. A person shall not start or cause a fire to be started on any land that is not owned or under their legal control without the written permission of the owner, lessee, or an agent of the owner or lessee of the land.

11.603. Penalty. Any person who violates any provision of section 11.600 to 11.602 is guilty of a misdemeanor.

### NOISE CONTROL REGULATIONS

11.700 Noises Prohibited. General prohibition. No person shall make or cause to be made 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 the specific restrictions of the following subdivisions.

11.701 Horns, audible signaling devices, etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger, as required by Minnesota Statute 169.68.

11.702 Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

11.703 Defective vehicles or loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

11.704 Loading, unloading, unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle or the opening and destruction of bales, boxes, crates, and containers;

11.705 Participation in noisy parties or gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all person present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. 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.

11.706 Loudspeakers, amplifiers for advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

11.707 Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. For purposes of this section, "disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise" means any one of the following:

- (1) The animal noise occurs at a time between 10:00 P.M. and 7:00 A.M. and can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period; or
- (2) The animal noise can be heard from a one block distance from the location of the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period, or
- (3) The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for a period of at least five (5) minutes with one

minute or less lapse of time between each animal noise during the five minute period.

11.708 Schools, churches, hospitals, etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

11.709 Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 A.M. and 10:00 P.M. on any day. Snow removal equipment is exempt from this provision.

11.710. Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 A.M. and 10:00 P.M. on any day.

11.711 Radios, Tape and Disc Players, etc. No person shall use, operate, or permit to be played any radio receiving set, tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

- (1) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from such machine or device shall be prima facie evidence of a violation of this section.
- (2) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
- (3) This section shall not apply to sound produced by the following:
  1. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City of Long Prairie, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
  2. Church bells, chimes or carillons.

3. School bells.
  4. Anti-theft devices.
  5. Machines or devices for the production of sound on or in authorized emergency vehicles.
- (4) With the exception of the machines or devices listed in subsection (3), this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.

11.712 Yelling, Shouting, etc. No person shall yell, shout, hoot, whistle, or sing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity;

11.713 Sound Trucks for Advertising Purposes. No person shall use sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization;

11.714 Pile Drivers, Hammers, etc. No person shall operate any pile driver, power shovel, pneumatic hammer, derrick, power or electric hoist, or other appliance the use of which is attended by loud or unusual noise between the hours of 10 P.M. and 7 A.M.

11.715 Blowers. No person or business shall operate any blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of erating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;

11.716 Noise impact statements. The council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

11.717 Exemptions. This ordinance shall not apply to sound produced by the following:

1. School bands
2. School sporting events
3. City approved parades
4. Collection of garbage and refuse by city contracted hauler

11.718 Exemptions Authorized by the Long Prairie City Council. Upon special request made by contractors, the Council may exempt contractors performing public works operations from time prohibitions set forth within this ordinance.

11.719 Penalty . Any person who violates any provision of Sections 11.700 to 11.717 shall be guilty of a petty misdemeanor.