

Chapter 6. Nuisances and Offenses

600.01 Public Bathing. No person shall swim or bathe in the municipal swimming pool, in Root River, or in any creek within the limits of the City without bathing suits or the equivalent thereof.

600.02 Clinging to Moving Vehicles. It shall be unlawful for any person riding upon a sled or roller skates or any similar device to attach the same or himself or herself to any moving vehicle upon any street.

600.03 Planting Trees, Shrubs, Bushes on Boulevard Portion of Street. It shall be unlawful for any person to plant tree, shrubs or bushes on the boulevard portion of a street described as that strip of land lying between the abutting property owner and the developed street.
(Am. Ord. 2002-03, passed 3-26-03; Am. Ord. 2016-4, passed 5-24-16)

600.04 Obstruction of Pedestrian or Vehicular Traffic, Unlawful Assembly, Trespass.

Subd. 1 Definitions.

A. “Obstructing or partially obstructing pedestrian or vehicular traffic” shall mean to walk, stand, sit, lie, assemble or place an object in the a manner as to block passage by another person or a vehicle or to require another person or a driver of a vehicle to take evasive action in order to avoid physical contact; and also specifically include skateboarding, rollerblading, or otherwise impeding pedestrian or vehicular traffic on a public thoroughfare.

B. “Public Thoroughfare” shall include sidewalks, bike paths, streets, roads, alleys, highways, and specifically includes areas along sidewalks which furnish ingress and egress to business establishments.

C. “Public Property” shall mean land or property that are opened to access by the public, whether publicly or privately owned, specifically including public buildings, parks, parking lots and any and all other business establishments.

D. “City Parking Lot” shall mean any parking lot used by the City for either public or restricted off street vehicular parking purposes. This term shall specifically include, but shall not be limited to, the City Center parking lot located at the Southeast corner of State Highway 63 (Main Street) and Highway 30.

Subd. 2 Unlawful Acts.

A. Obstructing Traffic. A person shall be guilty of obstructing or partially obstructing pedestrian or vehicular traffic:

1. If that person intentionally obstructs or partially obstructs pedestrian or vehicular traffic along a public thoroughfare. In addition, in order to be “obstructing”, a person shall fail to move out of the way, or remove the obstructing object after being asked to do so by a law enforcement officer; or in the case of the obstruction of access to public property after being so asked by either a law enforcement officer or the lawful owner or occupant of the property.

2. If that person uses or exhibits, profane, threatening, vulgar, indecent or abusive or insulting language, conduct, or behavior in or about any public property, place of business, or upon or adjacent to the public thoroughfares within the City so as to be audible or offensive; and which language, conduct or behavior would tend reasonably to arouse alarm, anger, or resentment in others.

B. Unlawful Assembly. A person shall be guilty of unlawful assembly on public property if that person shall assemble with one or more other persons on public property and commit any of the unlawful acts described in Subd. 2 A 2 above, or otherwise commits any act evidencing the intent to abuse, disturb, or cause distress in or threaten another.

C. Trespass. In addition to all other violations contained in Minnesota Law, it shall be specifically a violation of this Code for a person to return to the property of another (property including public property and City parking lots as defined in this Section and private property) within thirty (30) days after being told to leave the property and not to return, if the parties so returning is without claim of right to the property, or does not have the consent of one with authority to consent to the return.

600.05 Abandoned, Wrecked, Junked Vehicles; Charges.

Subd. 1 Prohibited Storage. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any junk or abandoned motor vehicle of any kind, or any part of such a vehicle, whether attended or not, upon any private or public property within the City limits for a period of time in excess of seventy-two (72) hours, unless the vehicle or part thereof is completely enclosed within a building, or is stored in connection with a used car junk area lawfully established pursuant to the zoning regulations of the City, or is stored in connection with the operations of any automobile dealer in an area lawfully established pursuant to the zoning regulations of the City. For the purposes of this section, a “junk or abandoned motor vehicle” shall be defined as any motor vehicle which is not currently licensed or is not operable.

Subd. 2 Nuisance Declared. The accumulation and storage of one (1) or more of the vehicles or parts thereof as defined in Subd. 1 above shall constitute a nuisance detrimental to the health, safety, and welfare of the inhabitants of the City, and it shall be the duty of the

owner of the vehicle(s) or part(s) thereof, and it shall also be the duty of the owner, lessee or other person in possession of the property where such vehicle(s) or part(s) thereof is located, to remove the vehicle(s) or part(s) thereof from the property or to have the vehicle(s) or part(s) thereof housed in a building where it shall not be visible from the street or from other private property. It shall be the duty of the owner of the vehicle(s) or part(s) thereof to remove any such vehicle(s) or part(s) thereof from any public street.

Subd. 3 Towing. The Council shall be hereby authorized to enforce this subsection by having all vehicles found to be in violation of this subsection towed away or otherwise removed and placed in storage. The towing may be by a private individual, and all towing and storage charges shall be paid before the City shall release the vehicle involved.

(Am. Ord. 259, passed 7-13-99)

600.06 Disorderly Conduct. Whoever shall do any of the following in a public or private place, knowing or having reasonable grounds to know that it shall or shall tend to unreasonably alarm, anger, or disturb others or provoke an assault or breach of the peace shall be guilty of disorderly conduct and shall be guilty of a misdemeanor:

- A. Engages in brawling or fighting; or
- B. Unreasonably disturbs an assembly or meeting which is not unlawful in its character; or
- C. Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending to reasonably arouse alarm, anger, or resentment in others.

600.07 Prohibited Conditions on Vacant Lots.

Subd. 1 Definitions. For the purposes of this Section, the term "vacant lot" shall be a lot of record in the City upon which no dwelling or other structures have been constructed. The term "vacant lot" shall include, but not be limited to, lots in residential, commercial and industrial subdivisions upon which no residential dwelling or commercial building or industrial building has been constructed.

Subd. 2 Prohibited Conditions Upon Vacant Lots. It shall be unlawful to permit the accumulation of rubble, trash, concrete, refuse and other construction debris and trash to accumulate upon any vacant lot in the City. It shall also be unlawful to allow weeds, whether noxious as defined by law or not, to grow upon any vacant lot in the City to a height greater than 6 inches.

Subd. 3 Owner Responsible. The owner of any vacant lot in the City shall be responsible for complying with the requirements of Subdivision 2 of this Section.

Subd. 4 Notice. Whenever the designated law enforcement officer of the City or the Clerk-Administrator determines that a violation of this Section has occurred, he or she shall notify, in writing, the owner of the vacant lot of the fact and shall order that the condition be remedied. The notice shall be served in person or by certified mail. If the owner is unknown, the notice may be served by being published once in a legal newspaper of general circulation in the City. If the owner of the vacant lot does not remedy the condition within 5 days of his or her receipt of the notice of violation, the owner shall be in violation of this Section.

Subd. 5 Penalty. The owner of any vacant lot convicted of violating any provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or both, not to exceed the maximum penalty authorized by the State of Minnesota for a misdemeanor. Each day during which a violation of this Section exists shall constitute a new and separate misdemeanor offense.

(Ord. 2005-3, passed 5-24-05)

**Section 610 - Nuisances Affecting Public Health;
Morals and Decency; and Peace and Safety**

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

- 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; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Shall be guilty of any other act or omission declared by law or this Section to be a public nuisance and for which no sentence shall be specifically provided.

610.02 Public Nuisances Affecting Health. The following shall be hereby declared to be nuisances affecting health:

- 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. Accumulations of manure, refuse, or, other debris;
- F. 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;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All noxious weeds, grasses greater than 6" in length, and other rank growths upon public or private property; See also Section 610.05.
- I. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- J. All public exposure of persons having a contagious disease;
- K. Any offensive trade or business as shall be defined by statute not operating under local license.

610.03 Public Nuisances Affecting Morals and Decency. The following shall be hereby declared to be nuisances affecting public morals and decency:

- A. All unlawful gambling devices, slot machines, and punch boards;
- B. Betting, bookmarking, and all apparatus used in such occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;
- E. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

610.04 Public Nuisances Affecting Peace and Safety. The following shall be declared to be nuisances affecting public peace and safety:

- A. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

- B. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- C. 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;
- D. All unnecessary noises and annoying vibrations as shall be defined in this Code, city ordinance, or by State or Federal law;
- E. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as shall be permitted by this Code or other applicable law;
- F. Radio aerials or television antennae erected or maintained in a dangerous manner;
- G. 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;
- H. 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 shall be provided by this Code or other applicable ordinance;
- I. 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;
- J. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- L. Wastewater cast upon or permitted to flow upon streets or other public property;
- M. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from the accumulation.
- N. 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;
- O. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

- P. 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 the substance;
- Q. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- R. All other conditions or things which shall be likely to cause injury to the person or property of anyone.

610.05 Weed Elimination. See also Subsection 610.02.

Subd. 1. Definitions.

- A. Landscaping. The active involvement in the encouragement of selective plants to grow on a site.
- B. Meadow vegetation. Grasses and flowering broadleaf plants that are native to, or adapted to the State of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.
- C. Native grasses. Grasses (Beach Grass, Wood Chess Grass, Sand Reed Grass, Wheat Grass, Bluestem Grass, Grama Grass, Brome Grass, Buffalo Grass, Switch Grass, Indian Grass, Wild Rye) that existed in the area prior to European settlement.
- D. Native plants. Plants that existed in the area prior to European settlement.
- E. Natural landscaping. The use of groups of plants native to the area.
- F. Prairie. A plant community dominated by a diversity of native herbaceous plants and grasses.
- G. Traditional landscaping. The use of turf grasses and woody plants (shrubbery and trees) with defined areas for cultivation of annual and perennial plants.
- H. Turf grasses. Bluegrass, fescue, and ryegrass blends with non-woody vegetation interspersed with grasses commonly used in regularly cut lawn, including the following:
 - 1. Bermuda grass-Cynodon dactylon;
 - 2. Chewings fescue-Festuca rubra commutata;
 - 3. Creeping bent grass-Agrostis palustris;

4. Creeping red fescue-Festuca rubra;
5. Italian rye grass-Lolium multiflorum;
6. Kentucky bluegrass-Poa pratensis;
7. Perennial rye grass-Lolium perenne;
8. Sheep fescue-Festuca ovina;
9. Tall fescue-Festuca elatior; and
10. Zoysia grass sinica-Zoysia japonica and Zoysia.

I. Vacant lot. A lot of record in the City upon which no dwelling or other structures have been constructed. Vacant lot shall include, but not be limited to, lots in residential, commercial and industrial subdivisions upon which no residential dwelling or commercial building or industrial building has been constructed.

J. Weeds. All noxious weeds including prohibited noxious weeds, restricted noxious weeds, secondary noxious weeds, noxious seeds, and any plants or seeds added to the noxious weed list by County petition, all plants so designated by the Commissioner of Agriculture under authority of Minn. Rules 1505.0730 to 1505.0750, as amended. Weeds shall also include any undesirable or troublesome plant that is horticulturally out of place, especially one that grows profusely where it is not wanted. For the purposes of this Section, Taraxacum spp (common dandelion) is not considered a weed.

Subd. 2. Nuisance. The owner and/or occupant of a lot shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

A. Any weeds, or turf grass, whether noxious as defined by law or not, growing upon any occupied or vacant lot or parcel of land outside the traveled portion of any street or alley in the City to a greater height than six inches (6") or which have gone or are about to go to seed shall be a nuisance.

B. Any accumulation of rubble, trash, concrete, refuse and other construction debris and trash to accumulate upon occupied or vacant lot of parcel in the City.

Subd. 3. Exemptions. The provisions of this chapter shall not apply to the following:

A. Designated Natural Landscape Area:

1. A designated natural landscape area is an area of land owned or designated by the City that is allowed to have natural grasses and plants, other than those defined as weeds, to grow and exist with minimal human intervention in order to retain or recover, to a substantial degree, its natural character;
2. Periodic seasonal burning of a designated natural landscape area in a P/SP Zoning District will be allowed in compliance with Minnesota Department of Natural Resources and Township rules.

B. Private Naturally Landscaped Areas.

1. Private Naturally Landscaped Lot(s) Defined. A “private naturally landscaped lot(s)” is a privately owned, occupied lot, or combination of occupied lots that are naturally landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate and maintain those native or naturally occurring plant and grass species, other than those defined as weeds.

(a) Permit Required. No person or groups of persons shall own or maintain a private naturally landscaped lot(s) without first securing a natural landscaping permit from the City. Permit applications shall include a site plan drawn to scale on paper no smaller than eight and one-half inches by eleven inches (8 1/2" x 11"), and no larger than twenty four inches by thirty six inches (24" x 36"), which contains the location of property lines, location of the plant materials, list of plant materials by common name, north arrow, location of structures, fences and paved areas, and all setbacks of plant materials.

(b) Said permit application shall be reviewed by City Staff for recommendation and approval by City Council.

(c) Maintenance Plan. No permit shall be issued without the completion of a maintenance plan. Said plan shall identify the boundaries of the naturally landscaped area including lot lines and setbacks from adjacent properties. In addition, the plan shall address the following items:

- (1) List of proposed plants;
- (2) Weed eradication plan;
- (3) Pest and rodent control plan;

(4) Mowing schedule, if any, appropriate for plant types; and

(5) For multi-lot naturally landscaped areas, an ownership cooperation agreement to define legal name, address, and description of participating property owners; primary contact for compliance issues; responsibility for cost sharing, payment of assessments and City fines for noncompliance of City fees, and any other items as may be required by the City or its agents.

(d) Compliance With Permit. Compliance with the terms of this Section shall be a condition of any natural landscaping permit. The terms and conditions of natural landscaping permits shall be enforced in accordance with this Section. Permits may be amended with the approval of the City Council.

(e) Term. The term of natural landscaping permits shall be to the next succeeding June 30, five (5) years after issuance, unless terminated sooner. The permit is subject to review at the end of every five (5) years and may be extended, following review, for an additional five (5) years. The permit shall run with the land and be binding upon and inure to the benefit of the owner and its successors in title.

2. Area Requirements. Private naturally landscaped lot(s) shall not be less than one-half (.5) acre in size as a lot under single ownership, or as a combination of contiguous lots under multiple ownership.

3. Annual Cutting. Natural landscaping on private lots shall be mowed or cut to eighteen inches (18") or less at least once prior to June 1 of each calendar year.

4. Under no circumstance will periodic seasonal burning of private naturally landscaped areas be allowed.

5. Setbacks.

(a) Single-lot Naturally Landscaped Area. Naturally landscaped areas on a single private lot shall not be located within the front or front-side yards, or within four feet (4') of any other property line; provided however, no rear or rear side-yard setback shall be required where the natural landscaping material is separated from adjacent lots by fencing or bushes, or where the natural landscaping material abuts permitted natural landscaping material on an adjacent lot. An intervening path or sidewalk shall not be deemed to prevent natural landscape materials from "abutting" for purposes of this Section.

(b) For Multi-lot Natural Landscape Areas on Adjoining Lots. Naturally landscaped areas within a multi-lot area shall not be located within the front or front-side yard; Rear and rear-side yard setbacks of four feet (4') shall be

waived for adjoining lots with approved naturally landscaped areas; however, in addition, no rear or side yard setback shall be required where the natural landscaping material is separated from adjacent lots by fencing or bushes, or where the natural landscaping material abuts permitted natural landscaping material on an adjacent lot. An intervening path or sidewalk shall not be deemed to prevent natural landscape materials from abutting for purposes of this Section.

(c) Non-noxious weeds and grass vegetation in wetland areas.

(d) Non-noxious weeds, grasses and herbaceous vegetation within fifty feet (50') of designated stormwater ponds or within fifty feet (50') of natural or altered creeks, rivers, and stream corridors, including riparian buffer strips, that convey water, provided they are cut to less than six inches (6") at least once a year if located within two hundred feet (200') of an occupied residence or developed property.

(e) Non-noxious weed and grass vegetation growing on agriculturally zoned land, including pastures that are fenced and contain animals.

(f) Temporary erosion control plants and grasses.

(g) Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1.

(h) Ornamental grasses.

Subd. 4. Council Action.

A. **Owner Occupied Lots.** On or before June 1 of each year and at such other times as shall be ordered by resolution of the City Council, the Clerk-Administrator shall publish once in the official newspaper a notice directing owners and occupants of property within the City to destroy all weeds declared by Subd. 2 of this Subsection to be a nuisance and stating that if not so destroyed within ten (10) days after publication of the notice, the weeds shall be destroyed by the Public Works Director or his or her designee at the expense of the owner, and if not paid, the charge for the work shall be made a special assessment against the property concerned.

B. **Vacant Lots.** Whenever the designated law enforcement officer of the City or the Clerk-Administrator determines that a violation of this Subsection has occurred, he or she shall notify, in writing, the owner of the vacant lot of the fact and shall order that the condition be remedied. The notice shall be served in person or by mail. If the owner is unknown, the notice may be served by being published once in a legal newspaper of

general circulation of the City. If the owner of the vacant lot does not remedy the condition within five (5) days of his or her receipt of the notice of violation, the owner shall be in violation of this Subsection.

Subd. 5. Abatement. If the owner or occupant of any property in the City fails to comply with the notice within ten (10) days after its publication, the superintendent of streets shall cut and remove the weeds. He or she shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the Clerk-Administrator.

Subd. 6. Penalty. The owner of any vacant lot convicted of violating any provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or both, not to exceed the maximum penalty authorized by the State of Minnesota for a misdemeanor. Each day during which a violation of this Subsection exists shall constitute a new and separate misdemeanor offense.

(Am. Ord. 2006-4, passed 4-11-06)

610.06 Reserved.

610.07 Abatement.

Subd. 1 Notice. Whenever the designated law enforcement officer of the City or Clerk-Administrator determines that a public nuisance, as declared in this Section is being maintained or exists on premises in the City, he or she shall notify in writing the owner or occupant of the premises of the fact and order that the nuisance be abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by being published once in a newspaper in general circulation in the City.

Subd. 2 Public Hearing. If the notice is not complied with within ten (10) days, the designated law enforcement officer of the City or Clerk-Administrator shall report that fact forthwith to the Council. Thereafter, the Council shall, in the manner set forth in Subd. (1) of this Section, serve notice to the owner or occupant for an opportunity to be heard. The date of the hearing stated in the notice shall be at least ten days after the giving of notice.

Subd. 3 Abatement. Following the hearing, the Council may provide for abating the nuisance by the City.

610.07 Summary Abatement. Notwithstanding the notice and hearing provisions of the designated law enforcement officer of the City or Clerk-Administrator may, if he or she deems it necessary, order the immediate abatement of a public nuisance by the City. The action may be deemed necessary if the public nuisance presents an immediate or imminent danger to the health or safety of the public.

610.08 Personal Liability for the Cost of Abatement. 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 attorneys' fees and administrative costs. After the work has been completed and the cost determined, the Clerk-Administrator shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable.

610.09 Assessment. On or before November 30 following abatement of the nuisance, the Clerk-Administrator shall list the total unpaid charges along with all other such charges as well as other charges for current services under Minn. Statute 429.101 against each separate lot or parcel to which charges shall be attributable. The Council may then allocate the charges to the property under the 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 ten, as the Council may determine in each case.

610.10 Penalty. Any person convicted of violating any provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or both, not to exceed the maximum penalty authorized by State law for a misdemeanor, plus the costs of prosecution in either case.

Section 620 - Noises

620.01 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 shall not be limited by the specific restriction of the following subsections.

620.02 Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger.

620.03 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.

620.04 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.

620.05 Loading, Unloading, Unpacking. No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.

620.06 Radios, Tape, Disc Player, Paging Systems. 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, so as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

Subd. 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 subdivision.

Subd. 2 When sound violating this subdivision 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.

Subd. 3 This subdivision shall not apply to sound procured by the following:

- A. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract authorizing such activity.

620.07. Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to unreasonable noise which disturbs the peace, quiet, or repose of another person. When an officer of the City's designated law enforcement provider determines that a gathering is creating such a noise disturbance, the officer may order all persons 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 an authorized law enforcement officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

620.08 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.

620.09 Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. See also Chapter 5.

620.10 Schools, Churches, Nursing Homes, Etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or nursing home, 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 the institution.

620.11 Recreational Vehicles. No person shall, between the hours of 10:00 p.m. and 8:00 a.m., drive or operate any minibike, snowmobile, or other recreational vehicle not licensed for travel on public highways.

620.12 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 weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment shall be exempt from this provision.

620.13 Refuse Hauling. No company shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on weekdays or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(Am. Ord. 2003-13, passed 1-14-03)

620.14 Construction Activities. No company/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 weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(Am. Ord. 2003-04, passed 1-14-03)

620.15 Variances.

Subd. 1 Authority. The Council shall have authority, consistent with this Section, to grant variances from the requirements of any provision of this Section.

Subd. 2 Application. Any person seeking a variance shall file an application with the Clerk-Administrator on a form prescribed by the Council 15 days prior to the beginning of the variance. The application shall state the dates during which the variance is proposed, the location of the noise source and times of operation, the nature of the noise source, reasons why the variance is sought, steps taken to minimize the noise level, and such other information as shall be required by the City. If the application is for a variance for more than three days, the Clerk-Administrator shall give mailed notice of the requested variance to all property owners within 350 feet of the noise source. Any person claiming to be adversely affected by the variance applied for, may, within 10 days of mailing of the notice, file a statement with the Clerk-Administrator in support of his or her claim.

Subd. 3 Action on Application. If the Council finds that sufficient controversy exists regarding the proposed variance, the council may hold a public hearing on the proposal at which all persons affected shall be given an opportunity to be heard. The council shall also hold such a hearing upon request of the applicant or any person claiming to be adversely affected by the variance applied for. Unless a hearing is requested or required as provided above, within 20 days of receipt of the application, the Council shall approve or deny the

application. It may be approved only if the Council finds that full compliance with the requirements of this Section would constitute an unreasonable hardship on the applicant, on other persons, or on the community. In determining whether to grant or deny the application, the Council shall balance the hardship to the applicant against the adverse impact on the health, safety, and welfare of the persons affected, the adverse impact on property affected, and any other adverse effects of granting the variance. The variance may be granted subject to conditions, including a time limit, which shall be clearly stated.

Subd. 4 Appeals. Either the applicant or any party aggrieved may, within 20 days of the decision on the variance application, appeal to the City Council for a review of the decision. The appeal shall be filed in writing with the Clerk-Administrator. The appeal shall be heard as soon as practicable and within 20 days of the filing of the appeal, and the applicant and any person who has filed a statement on the application for a variance with the Clerk-Administrator shall be given at least 10 days mailed notice of the time when and place where the appeal will be considered by the Council. The Council may affirm, modify, or overrule the action of the Clerk-Administrator on the basis of the criteria set out in Subdivision 3.

620.16 Enforcement.

Subd. 1 Enforcement Duties. The appropriate law enforcement agency shall enforce the provisions of this Section. The appropriate law enforcement agency may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this Section.

Subd. 2 Civil Remedies. This Section may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 3 Noise Impact Statements. The Council or its representative 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 or its representative. 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.

Subd. 4 Criminal Penalties. Every person who violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine or imprisonment or both, not to exceed the maximum penalty authorized by State law for a misdemeanor, plus, in either case, the costs of prosecution. Each act of violation and each day a violation occurs or continues shall constitute a separate offense.

Section 630 - Trees

630.01 Declaration of Policy. The City Council has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch Elm disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It shall be declared to be the intention of the Council to control and prevent the spread of this disease and this Section shall be enacted for that purpose.

630.02 Forester Position Created. The powers and duties of the City forester as set forth in this Section shall be hereby conferred upon the Director of Public Works.

Subd. 1 Duties of Forester. It shall be the duty of the forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch elm disease. He or she shall recommend to the Council the details of a program adopted by the Council.

630.03 Dutch Elm Disease Program. It shall be the intention of the City Council to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes and any rules promulgated by the Department of Natural Resources or the Department of Agriculture. .

This program shall be directed specifically at the control and elimination of Dutch elm disease fungus and elm bark beetles and shall be undertaken at the recommendation of the Commissioner of Agriculture. The City forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

630.04 Nuisances Declared. The following things shall be public nuisances whenever they may be found within the City:

A. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus (*Ceratocystis Ulmi*) (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rufipes* (Marsh).

B. 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.

630.05 Removal Required. It shall be unlawful for any person to permit any public nuisance as defined in subsection 630.04 to remain on any premises owned or controlled by them within the City. The nuisances shall be abated in the manner prescribed by this Section.

630.06 Inspection and Investigation.

Subd. 1 Annual Inspection. The forester shall inspect all premises and places within the City as often as practicable to determine whether any condition described in this Section exists thereon. He or she shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetles.

Subd. 2 Entry on Private Premises. The forester or his or her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her under this Section.

Subd. 3 Diagnosis. 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 shall be recommended by the Commissioner. Except as provided in this Section no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

630.07 Abatement of Dutch Elm Disease Nuisances. In abating the nuisances defined in this Section, 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 elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as shall be designated by the Commissioner of Agriculture.

630.08 Procedure for Removal of Infected Trees and Wood.

Subd. 1 Procedure. Whenever the forester finds with reasonable certainty that the infestation defined in this Section exists in any tree or wood in any public or private place in the City, he or she shall proceed as follows:

A. If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he or she shall make a written report of his or her finding to the Council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 or (2) abating the nuisance as provided in Subd. 2. of this Section.

B. If the forester finds that danger of infestation of other elm trees is imminent, he or she shall notify the abutting property owner by certified mail that the nuisance shall be abated within a specified time, not less than 5 days from the date of mailing of the notice. The forester shall immediately report the action to the Council, and after the expiration of the time limited by the notice he or she may abate the nuisance.

Subd. 2 Council Action. Upon receipt of the foresters report required by Subd. 1, Part A, the Council shall by resolution order the nuisance abated. Before action is taken on the 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 the 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 the hearing or adjournment thereof, the Council shall hear property owners with references to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with the modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3 Records. The forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the City Council all work done for which assessments shall be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4 Assessment. On or before September 1 of each year the Clerk-Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

630.09 Spraying Elm Trees.

Subd. 1 Preventive Spraying. Whenever the forester determines that any elm tree or elm wood within City is affected with Dutch elm fungus, he or she may spray or treat all nearby high value elm trees, with an effective elm bark beetle destroying concentrate or fungicide or both.

Activities authorized by this Section 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 or her agents whenever possible.

Subd. 2 Notice. The notice provisions of Subsection 630.08 shall apply to spraying and treatment operations conducted under this Section.

630.10 Transporting Elm Wood Prohibited. It shall be unlawful for any person to transport within the City any bark-bearing elm wood without having obtained a permit from the forester. The forester shall grant the permits only when the purposes of this Section shall be served thereby.

630.11 Interference Prohibited. It shall be unlawful for any person to prevent, delay or interfere with the forester or his or her agents while they are engaged in the performance of duties imposed by this Section.

630.12 Penalty. Any person, firm or corporation who violates this Section shall be guilty of a misdemeanor and may be punished by a fine or imprisonment or both, not to exceed the maximum penalty authorized by State law for a misdemeanor..

Section 640 - Curfew

640.01 Purpose. The curfew for minors established by this Section is maintained for four primary reasons:

- A. To protect the public from illegal acts of minors committed during the curfew hours;
- B. To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- C. To protect minors from criminal activity that occurs during the curfew hours; and
- D. To help parents control their minor children.

640.02 Definitions.

Subd. 1 Emergency Errand. “Emergency Errand” shall mean a task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor’s household. Emergency Errands shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or man-made calamity.

Subd. 2 Official City Time. “Official City Time” shall mean the time of day as determined by reference to the master clock contained in the console of the Dispatch Center at the Olmsted County Law Enforcement Center.

Subd. 3 Places of Amusement, Entertainment, or Refreshment. “Places of ‘Amusement’, ‘Entertainment’ or ‘Refreshment’” shall mean those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

Subd. 4 Primary Care or Custody. “Primary Care” or “Primary Custody” shall mean the person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

Subd. 5 School Activity. “School Activity” shall mean an event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

640.03 Hours - Minors Under the Age of Sixteen Years. No minor under the age of sixteen (16) years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

640.04 Hours - Minors Ages Sixteen Years to Eighteen Years. No minor of the ages of sixteen (16) or seventeen (17) years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 12:00 midnight and 5:00 a.m. the following day, official city time.

640.05 Effect on Control by Adult Responsible for Minor. Subsections 640.03 and 640.04 above shall not be construed to give a minor the right to stay out until the curfew hours designated in this Section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this Section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

640.06 Exceptions. The provisions of Subsections 640.03 and Subsection 640.04 shall not apply in the following situations:

- A. To a minor accompanied by his or her parent(s) or guardian, or other adult person having the primary care and custody of the minor;
- B. To a minor who is upon an emergency errand at the direction of his or her parent(s) guardian, or other adult person having the primary care and custody of the minor;
- C. To a minor who is in any of the places described in Subsections 640.03 and 640.04 if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of such business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.
- D. To a minor who is participating in or traveling directly to or from an event which has been officially designated as a "school activity" by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the City of Stewartville, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent(s), guardian, or other adult person having the primary care and custody of the minor.
- E. To a minor who is passing through the City in the course of interstate travel during the hours of curfew.

F. To a minor who is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly, or freedom of religion. Minors who wish to exercise their rights pursuant to this exception shall notify the City at least twenty-four (24) hours in advance of the start of the gathering or event where the rights are to be exercised.

G. To minors on the sidewalk abutting the his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city’s designated law enforcement provider about the minor’s presence.

H. To a minor who is married or has been married, or is otherwise legally emancipated.

640.07 Duties of Person Legally Responsible for Minor. No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this Section by the minor.

640.08 Duties of Other Persons. No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent(s), guardian, or other adult person having primary care or custody of the minor, or unless one of the exceptions of Subsection 640.06 apply.

640.09 Penalties.

Subd. 1 Minors. Any minor found to be in violation of this Section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in Minn. Stat. § 260.185, as amended.

Subd. 2 Adults. Any adult person found to be in violation of this Section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by State law for a misdemeanor.

640.10 Defense. It shall be a defense to prosecution under this Section that the owner, operator, or employee of an establishment promptly notified the City’s designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Section 650 - Fire Prevention and Protection

650.01 Causing, Permitting Fires in Public Streets. No person shall, within the limits of the City, cause or permit to be made any fire in any public street.

650.02 Construction of Trash Burner. No person shall maintain a trash burner within the limits of the City nor shall any person burn any trash or rubbish within the city limits.

650.03 Burning within the City Limits.

Subd. 1 No person shall set on fire, or cause to be set on fire, any grass, hay, brush, leaves or other combustible materials within the City limits.

Subd. 2 All combustible materials must be taken to a county approved site.

Subd. 3 This section does not pertain to approved Department of Natural Resources (DNR) burns of wild grasses, weeds, riverbanks, wetlands, and the like.

Subd. 4 This section does not pertain to recreational fires as set forth in Section 650.04.

Subd. 5 Any person or persons in violation of this section shall be punished by fines and/or imprisonment not to exceed the limits set forth by the State Fire Marshal and/or the County Attorney.

(Am. Ord. 2002-02, passed 3-12-02)

650.04 Recreational Fires. Nothing in this Section shall prohibit recreational fires and no permit shall be required for recreational fires. Recreational fires shall mean those fires set in designated fire pits or rings, or in grills or other similar containers designed and intended for burning, and set for recreational, ceremonial, food preparation, and similar social purposes only. Recreational fires shall burn only unpainted wood, charcoal, or fuel from containers designed for use with the grill to which the container is attached. Recreational fires shall be no more than three (3) feet in diameter and no more than three feet in height. No recreational fire pit or ring shall be located closer than twenty feet from any structure or building. Recreational fires shall be supervised at all times, and shall not be allowed to smolder with no flame present. Recreational fires shall be fully extinguished and all ash shall be removed to a permitted solid waste land disposal facility or disposed of by other method authorized by law. Recreational fires may be prohibited by order of the City if conditions so warrant to protect the public's health, safety and welfare.

Section 660 - Weapons

660.01 Unlawful Discharge. No person shall fire, discharge, or explode any gun, pistol, bb/pellet gun, or other similar weapon in any part of the City except as provided in this Section, nor shall any person fire or discharge any bow and arrow in any part of the City.

(Am. Ord. 2003-15, passed 9-9-03)

660.02 Archery Range. Bow and arrow are allowable only within the premise of the City controlled Archery Range located in Bear Cave Park.

(Am. Ord. 2003-15, passed 9-9-03)

660.03 Exception. Nothing in this Section shall be construed to prohibit the firing of a gun, pistol, BB-pellet gun, or other similar weapon when done on an improved indoor shooting range. Prior to the construction of any shooting range within the City limits of the City, the owner thereof shall seek City Council approval. The City Council shall review the plans for said shooting ranges for appropriate safety and noise control measures.
(Am. Ord. 2001-03, passed 4-25-01; Am. Ord. 2003-15, passed 9-9-03)

Section 670 - Indecent Conduct

670.01 Indecent Conduct. No person, in any public or private place, shall engage in, or offer or attempt to engage in, or congregate because of:

- A. Lewd, lascivious or immoral conduct;
- B. The use of slanderous, foul, obscene, or indecent language;
- C. The indecent or lascivious exposure or use of the human body, or any part thereof; or
- D. Behavior, whether by words or acts, of such a nature to corrupt the public morals or to outrage the sense of public decency.

(Ord. passed 6-9-98)

Section 675 - Garbage

675.01 Garbage. All rubbish, garbage or other refuse (including garbage and refuse in plastic garbage bags) shall be placed in proper containers. Proper garbage containers shall be manufactured for the purpose of containing garbage and refuse and shall be water-tight and shall be impervious to insects and rodents.
(Ord. 2009-1, passed 2-24-09)

675.02 Penalty. Failure to comply with the provisions of this section shall subject the violator to a misdemeanor charge.
(Ord. 2009-1, passed 2-24-09)

Section 680 - Disorderly House

680.01 Participating in a Disorderly House. No person shall own, lease, operate, maintain, reside in, visit or entice or attempt to entice another to reside in or visit any building or place with knowledge that unlawful sexual intercourse, prostitution, lewd, lascivious or indecent acts, gambling, the unlawful possession or sale of controlled substances or the unlawful sale of

intoxicating liquor or non-intoxicating malt liquor occurs therein. Evidence of the general reputation of such a building or place as one where any of the forgoing occurs shall be prima facie evidence of such knowledge.
(Ord. passed 6-9-98)

Section 685 - Outside Wood/Corn Burning Stoves

685.01 Wood/Corn Burning Stoves. No outside wood/corn burning stoves shall be allowed in the City.
(Ord. 2008-3, passed 7-22-08)

685.02 Definitions. “Outside wood/corn burning stoves” shall be defined as a free standing outside device designed to burn wood, wood pellets, corn or other combustible material. This does not include the use of recreational fire pits/fireplaces.
(Ord. 2008-3, passed 7-22-08)

685.03 Penalty. Failure to comply with the provisions of this Section shall subject the violator to a misdemeanor charge.
(Ord. 2008-3, passed 7-22-08)

Section 690 - Ultimate Fighting

690.01 Definition and Purpose. “Ultimate fighting” is defined for the purpose of this Section to include any organized activity or event, regardless of how named or described, or any other form of entertainment, where the primary practice involves individuals engaged in physical contact by striking an opponent with the hands, feet, head, or body. This shall include, but not be limited to, any event or contest where kicking, punching, martial arts, submission holds, knockouts, technical knockouts, and/or cage fighting are permitted. Officially sanctioned and regulated boxing and wrestling, and team sports in which physical contact is incidental to the primary purpose of the game, including, but not limited to, football, basketball, volleyball, soccer, baseball, and softball, are not forms of ultimate fighting. The City Council finds that the practice of ultimate fighting is dangerous and puts the public health, safety, and welfare at great risk.
(Ord. 2007-4, passed 8-14-07)

690.02 Controlled Environment. Ultimate fighting shall be allowed on any premises with the condition that the owner of the premises must contact with Olmsted County Sheriff’s Department and Gold Cross Ambulance to have personnel on duty during these events. It shall be at the discretion of the Sheriff’s Department and Gold Cross on criteria pertaining to fees, hours and the number of personnel required.
(Ord. 2007-4, passed 8-14-07)

Section 695 - Garage Sales

695.01 Prohibition of Sales. No person shall sell or offer for sale any new, used or secondhand goods or merchandise from a dwelling or a residentially zoned area where the general public is invited to purchase, trade, or bargain for such goods or merchandise, commonly known as garage, backyard or residential sales, except in accordance with the provisions of this Section.
(Ord. 2007-5, passed 9-25-07)

695.02 Regulation of Sales. No dwelling or residentially zoned area shall be used for such sales more often than two (2) sales per year, with an exemption of having an additional one during the “Town Wide Garage Sales” event in May of each year. Each sale shall not exceed more than three (3) days.
(Ord. 2007-5, passed 9-25-07)

695.03 Hours of Sales. No sale shall be held between the hours of 8:00 p.m. and 8:00 a.m.
(Ord. 2007-5, passed 9-25-07)

695.04 Property. Property sold or offered for sale shall consist only of property of the offeror, or relatives or friends of the offeror. No property shall have been bought for resale or received on consignment for the purpose of sale. No property shall be placed or displayed on public property including a street, boulevard or sidewalk.
(Ord. 2007-5, passed 9-25-07)

Section 697 - Designated Predatory Offender Residency Restrictions

697.01 Designated Predatory Offender Residency Restrictions.

1. Purpose. The City Council intends to serve the City's compelling interest to promote, protect and improve the health, safety, and welfare of its citizens under this Section. It is the express intent of the City Council to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence.

2. Findings. The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

(Ord. 2016-2, passed 5-24-16)

697.02 Definitions. For purposes of this ordinance the following definitions will apply unless the context or intent clearly requires a different meaning:

1. “Designated predatory offender.” Any person who is required to register as a predatory offender under Minnesota Statutes § 243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under Minn. Stat. § 244.052, Subd. 3, a successor statute, or a similar statute from another state.
2. “Permanent residence.” A place where a person abides, lodges, or resides for 14 or more consecutive days.
3. “Temporary residence.” A place where a 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 four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
4. “School.” A public or nonpublic preschool, elementary or secondary school.
5. “Licensed child care center.” A child care center currently licensed by the Olmsted County, Minnesota, child and family services department.
6. “Public park/playground.” Means any City-owned, or privately owned but open to the public area, designed, equipped, and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

(Ord. 2016-2, passed 5-24-16)

697.03 Prohibited Acts.

1. Prohibited location of residence. It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 1,500 feet of any of the following:
 - a. Public or private school;
 - b. Licensed child care provider, including but not limited to in home care providers that are licensed by the State and/or County;
 - c. Public park/playground;
 - d. Place of worship that provides regular educational programs;
 - e. Designated public trail;

- f. Public or private Gymnasium;
- g. Library;
- h. Public beach;
- i. Sporting facility (i.e. swimming pool, baseball field, football field, hockey rink, soccer field, etc.) where children are known to congregate; and
- j. Elderly living facility or care center facility

2. 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 the properties listed at Section 3.

(Ord. 2016-2, passed 5-24-16)

697.04 Exceptions. This ordinance does not apply under the following circumstances:

- 1. The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minn. Stat. § 243.166, or a successor statute, prior to May 24, 2016.
- 2. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
- 3. The designated predatory offender is a minor.
- 4. The designated predatory offender has been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minn. Stat. § 244.052, Subd. 3(i).
- 5. The property listed at Section 3 that is within 1,500 feet of the person's permanent residence was opened or created after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minn. Stat. § 243.166, or a successor statute.
- 6. The residence is also the primary residence of the designated predatory offender's parent, grandparent, sibling or spouse, and was their residence prior to May 24, 2016.
- 7. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to May 24, 2016.

(Ord. 2016-2, passed 5-24-16)

697.05 Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.

1. It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.

2. A property owner's violation of this prohibition shall be punishable as set forth in Section 6.

(Ord. 2016-2, passed 5-24-16)

697.06 Penalty. Any person who violates this ordinance shall be punished according to the laws of the State of Minnesota. A violation of this ordinance shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

(Ord. 2016-2, passed 5-24-16)

