

Chapter 6 - Nuisances and Offenses

Section 602 – General Provisions
(*section 600 repealed and section 602 added 2/18/09*)

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

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

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

Subd. 3. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

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

Subd. 1. Exposed accumulation of decayed or unwholesome food or vegetable matter, except vegetable matter in an approved and maintained compost bin by a residential property owner;

Subd. 2. All ponds or pools of stagnant water;

Subd. 3. Accumulations of manure, refuse, or other debris;

Subd. 4. 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;

Subd. 5. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

Subd. 6. All noxious weeds and other growths of vegetation upon public or private property in excess of eight (8) inches. The requirements of this section do not apply to areas established with meadow vegetation. Meadow vegetation is defined as grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, except noxious weeds. In meadow areas, the prior vegetation has been eliminated and meadow vegetation planted through transplanting or seed by human or mechanical means; the area is cut at least once per year to a height of no more than ten inches if noxious weeds

State law reference Authority to prevent, abate nuisances, M.S. ' 412.221(23).

or other prohibited vegetation cover more than 25 percent of the area; and a sign is posted on the property in a location likely to be seen by the public advising that a meadow or prairie is being established. The sign shall be no smaller than ten inches square and no longer than one square foot and no higher than three feet tall. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this subsection; provided that cutting and removing the weeds, grass and vegetation at least once in every three (3) weeks, between May 15 and September 15, shall be deemed to be in compliance with this subsection.

Subd. 7. All public exposure of people having a contagious disease;

Subd. 8. Any offensive trade or business as defined by statute not operating under local license;

Subd. 9. Accumulation of manure, tree branches, cut trees, grass clippings, bottles, rubbish, trash, refuse, junk and other abandoned materials, metals including aluminum or tin cans, or lumber;

Subd. 10. Any condition which provides a harborage for rats, mice, snakes and other vermin;

Subd. 11. All unnecessary or unauthorized noises and annoying vibrations, including animal noises;

Subd. 12. Any diseased animals running at large or the carcasses of animals or foul not disposed of within a reasonable time after death;

Subd. 13. Open burning in violation of state law, or dense smoke, nauseous fumes, gas, soot or cinders in unreasonable quantities; and

Subd. 14. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

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

Subd. 1. All trees, hedges, signs, or other obstructions which materially obstruct the clear vision area between a height of two and one half feet (2-1/2) and ten (10) feet. The clear vision area includes an area within a triangle that is measured along the edge of the driving surface of the road starting at the intersection of two roads (public or private) and extending thirty (30) feet in each direction from the intersection and then a line connecting these two end points;

Subd. 2. 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;

Subd. 3. All unnecessary noises and annoying vibrations;

Subd. 4. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by city code or other applicable law;

Subd. 5. Radio aerials or television antennae erected or maintained in a dangerous manner;

Subd. 6. 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;

Subd. 7. 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 city code;

Subd. 8. 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;

Subd. 9. Any barbed wire fence less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;

Subd. 10. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

Subd. 11. Waste water cast upon or permitted to flow upon streets or other public properties;

Subd. 12. 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 such accumulation;

Subd. 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;

Subd. 14. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

Subd. 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;

Subd. 16. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

Subd. 17. All other conditions or things which are likely to cause injury to the person or property of anyone;

Subd. 18. All snow or ice not removed from public sidewalks within twenty-four hours after the snow or ice has been deposited, unless that portion of the public sidewalk has been exempted from this requirement by city council resolution;

Subd. 19. The piling, storing or keeping of old machinery, equipment, building materials, wrecked or junked vehicles or other junk or debris except as may otherwise be permitted by the city code;

Subd. 20. Making repairs to motor vehicles, including tires, on a public street or alley, except that emergency repairs may be allowed if they do not unduly interfere with traffic; and

Subd. 21. Except as provided in Section 710.12 and its subdivisions relating to shade trees; dead, diseased or fallen trees or tree branches not removed within a reasonable period of time. *(2011-012 - amended 11/28/11)*

Subd. 22. Any tree which poses an imminent danger to life or property. *(2011-012 - adopted 11/28/11)*

602.04 Duties of City Officers. The city building official or designee and/or city law enforcement agency officers shall enforce the provisions of this chapter as defined in Sections 602.02 and

602.03. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of such public nuisances.

602.05 General Abatement Procedure. Whenever the officer charged with enforcement determines that a public nuisance, as defined in Section 602.02 and Section 602.03, is being maintained or exists on property within the city, the following code enforcement procedure shall apply:

Subd. 1 Notice of Violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises are 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. The notice shall describe the facts which are in violation of the City's public nuisance regulation; the specific City regulation which have been violated; the type of action necessary to abate the violation; and deadline for compliance.

Subd. 2 Notice of Council Hearing. If a property owner fails to comply with the notice of violation requirements, the officer charged with enforcement shall serve the owner of record and occupant of premises either in person or by certified or registered mail with a notice of a council hearing. If the premises is not occupied, and the owner of record is unknown, or other owner of record or occupant refuses to accept notice of council hearing, the notice of council hearing shall be served by posting it on the premises. Notice of council hearing shall specify the time, date and place of the hearing and

indicate that the property owner can appear at that time. At the conclusion of the hearing, the City Council shall determine whether to issue an abatement order.

Subd. 3 Notice of City Council Order. Except for those cases determined by the City to require emergency abatement, the written notice of a any city council order to abate shall be served upon the owner of record, or the owner's agent, if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lien holders of holder of record in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building, or if there is no building, in a conspicuous place on the property and by four (4) weeks publication in the official newspaper of the City. A copy of the order with proof of service shall be filed with the court administrator of the district court. At the time of filing of the city council's order, the City shall file for record with the county recorder or registrar of titles a notice of the pendency of the proceeding, describing with reasonable certainty the lands effected and the nature of the order. In all other respects, the City's service and order shall comply with the provisions of Minn. Stat. 463.17.

602.06 Emergency Abatement Procedure/Summary Enforcement. In the case of an emergency, where a delay in abatement of a nuisance will occur because of the time necessary during normal review procedures as defined in section 602.05 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 or 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 602.05, 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.

602.07 Accelerated Abatement Procedure. In order to more efficiently abate the recurring general nuisances which are defined in this section, the City Council's abatement order may indicate that it will remain in effect for a two (2) year period and will authorize the City's code enforcement officers to take corrective actions during such period in regard to the removal of tall grass, nuisance weeds and other vegetative growth; the removal of snow and/or ice within public rights-of-way; the removal of accumulations of debris and garbage; the trimming and care of trees and the removal of unsound trees from public rights-of-way; the removal of insect infested or diseased trees on private property; and the enforcement of housing code violations. The accelerated abatement procedure shall include the following:

Subd. 1 Notice of Violation. Whenever the officer charged with enforcement determines that a nuisance prescribed under Section 602.07 is being maintained or exists on premises in the City, written notice by certified mail or registered mail shall be provided to the property owner or occupant. If the premises are not occupied and the

property owner is not known, the notice may be served by posting it on the premises. The notice shall include the following information:

A description of the nuisance to be abated.

- A. The nuisance shall be abated within seven (7) working days;
- B. If the nuisance is not abated within seven (7) working days, the City Council will hold a hearing, and the date of the hearing shall be included;
- C. The owner has the right to appear at the hearing;
- D. The City will have the nuisance abated if corrective action is not taken, and the order to abate may continue for up to two years; and
- E. 125 percent of the cost of the abatement, including administrative costs will be charged to the property owner and certified against the property for collection with taxes if the bill is not paid.

Subd. 2 Abatement by City. If the owner or occupant fails to comply with the Council's Order to Abate a reoccurring nuisance within seven (7) days of the date of the Council's Order, the City shall provide for the abatement of the nuisance and may continue to abate at intervals it deems appropriate for up to two years. The officer charged with enforcement shall keep records of the cost of the abatement including administrative costs and shall provide this information to the City Administrative for billing and assessment against the property pursuant to section 602.08.

Subd. 3 Reoccurring Nuisance. If the nuisance reoccurs within two years of the Council's Order to Abate, the officer charged with enforcement shall send a notice requiring compliance within seven (7) working days. If the owner or occupant fails to comply with the notice, the City shall provide for the abatement of the nuisance. An additional public hearing shall not be required within two years of the Council's original Order to Abate. The officer charged with enforcement shall keep records of the cost of the abatement including administrative costs and shall provide this information to the City Administrative for billing and assessment against the property pursuant to section 602.08.

602.08 Recovery of Cost.

Subd. 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 administrator 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.

Subd. 2 Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow, ice, or rubbish on public sidewalks; removal or elimination of public health or safety hazard (excluding structures under MN Statute

463.15 and 463.26); the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city administrator shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against 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.

Section 610 - Abandoned Property

610.01 Disposition of Abandoned Property.

Subd. 1 Procedure. Except for abandoned and junked vehicles, all property lawfully coming into possession of the City shall be disposed of as provided in this section. Abandoned and junked vehicles shall be disposed of according to the procedures of this section.

Subd. 2 Storage. The department of the city acquiring possession of the property shall arrange for its storage. If City facilities are unavailable or inadequate, the department may arrange for storage at a privately-owned facility.

Subd. 3 Claim by Owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4 Sale. If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the law enforcement agency after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

Subd. 5 Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.
State law reference - Sale of unclaimed property, see M.S. § 471.195

610.02 Findings and Purpose. Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the City in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the City and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed. (M.S. § 168B.01)

610.03 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- Abandoned Vehicle. The words "Abandoned Vehicle" shall mean:
 - ▶ A motor vehicle, defined in M.S. § 169.01 and as amended from time to time, that:

- 1) Has remained illegally:
 - a. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or
 - b. On private property for a period of time, without the consent of the person in control of the property; and
 - 2) Lacks vital components or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
- ▶ A classic car or pioneer car, as defined in M.S. § 168.10 and amended from time to time, is not considered an abandoned vehicle.
 - ▶ Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242, as amended from time to time, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.
 - ▶ A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.
 - Department. The word "Department" shall mean the Minnesota Department of Public Safety.
 - Impound. The word "Impound" shall mean to take and hold a vehicle in legal custody. There are two types of impounds: public and nonpublic.
 - Impound Lot Operator; Operator. The words "Impound Lot Operator" or "Operator" shall mean a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. "Operator" includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.
 - Junk Vehicle. The words "Junk Vehicle" shall mean a vehicle that:
 - ▶ Is three years old or older;
 - ▶ Is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train or transmission;
 - ▶ Is apparently inoperable;
 - ▶ Does not have a valid, current registration plate; and/or

- ▶ Has an approximate fair market value equal only to the approximate value of the scrap in it.
- Motor Vehicle; Vehicle. The words “Motor Vehicle” or “Vehicle” shall have the meaning given “Motor Vehicle” in M.S. § 169.01, as amended from time to time.
- Motor Vehicle Waste. The words “Motor Vehicle Waste” shall mean solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.
- MPCA; Agency. The words “MPCA” or “Agency” shall mean the Minnesota Pollution Control Agency.
- Nonpublic Impound Lot. The words “Nonpublic Impound Lot” shall mean an impound lot that is not a public impound lot.
- Public Impound Lot. The words “Public Impound Lot” shall mean an impound lot owned by or contracting with a unit of government under Subsection 610.11.
- Unauthorized Vehicle. The words “Unauthorized Vehicle” shall mean a vehicle subject to removal and impoundment pursuant to 610.05 or M.S. § 169.041, as amended from time to time, but is not a junk vehicle or an abandoned vehicle.
- Unit of Government. The words “Unit of Government” shall include a state department or agency, a special purpose district and a county, statutory or home rule charter city, or town.
- Vital Component Parts. The words “Vital Component Parts” shall mean those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train and wheels.(M.S. § 168B.011)

610.04 Violation to Abandon Motor Vehicle. Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor. (M.S. § 168B.03)

610.05 Authority to Impound Vehicles.

Subd. 1 Abandoned or Junk Vehicles. Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.

Subd. 2 Unauthorized Vehicles. Units of government and peace officers may take into custody and impound any unauthorized vehicle under M.S. § 169.041, as amended from time to time. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

A. In a public location not governed by M.S. § 169.041, as amended from time to time:

1. On a highway and properly tagged by a peace officer, four hours;

2. Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or
3. That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours.

B. On private property:

1. That is single-family or duplex residential property, immediately;
2. That is private, nonresidential property, properly posted, immediately;
3. That is private, nonresidential property, not posted, 24 hours; or
4. That is any residential property, properly posted, immediately. (M.S. § 168B.04)

610.06 Sale; Waiting Periods.

Subd. 1 Sale after 15 Days. An impounded vehicle is eligible for disposal or sale under Subsection 610.10, 15 days after notice to the owner, if the vehicle is determined to be:

- A. A junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subsection; or
- B. An abandoned vehicle.

Subd. 2 Sale after 45 Days. An impounded vehicle is eligible for disposal or sale under Subsection 610.10, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

610.07 Notice of Taking and Sale.

Subd. 1 Contents; Notice Given Within Five Days. When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice of the taking within five days. The notice shall:

- A. Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained; and the place where the vehicle is being held;
- B. Inform the owner and any lienholders of their right to reclaim the vehicle under Subsection 610.08; and
- C. State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under Subsection 610.06 shall be deemed a waiver by them of all right, title and

interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to 610.10.

Subd. 2 Notice by Mail or Publication. The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The Department makes this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

Subd. 3 Unauthorized Vehicles; Notice. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under Subd. 2 above, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.
(M.S. § 168B.06)

610.08 Right to Reclaim.

Subd. 1 Payment of Charges. The owner or any lienholder of an impounded vehicle shall have a right to reclaim such vehicle from the unit of government or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under Subsection 610.06, after the date of the notice required by Subsection 610.07.

Subd. 2 Lienholders. Nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section, "Garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.
(M.S. § 168B.07)

610.09 Operator's Deficiency Claim; Consent to Sale.

Subd. 1 Deficiency Claim. The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:

- A. 25 days storage for a vehicle described in Subsection 610.06, Subd. 1; and
- B. 55 days storage for a vehicle described in Subsection 610.06, Subd. 2.

Subd. 2 Implied Consent to Sale. A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under Subsection 610.06 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

(M.S. § 168B.087)

610.10 Disposition by Impound Lot.

Subd. 1 Auction or Sale.

A. If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under Subsection 610.08, it may be disposed of or sold at auction or sale when eligible pursuant to 610.07 and 610.08.

B. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

Subd. 2 Unsold Vehicles. Abandoned or junk vehicles not sold by units of government or public impound lots pursuant to Subd. 1 above shall be disposed of in accordance with Subsection 610.11.

Subd. 3 Sale Proceeds; Public Entities. From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

Subd. 4 Sale Proceeds; Nonpublic Impound Lots. The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of Subd. 1 above. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

(M.S. § 168B.08)

610.11 Disposal Authority. A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal. A unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period. (M.S. § 168B.09(1))

610.12 Contracts; Reimbursement by MPCA.

Subd. 1 MPCA Review and Approval. If a unit of government enters into a contract with a person licensed by the MPCA pursuant to this section or a contract pursuant to Subsection 610.11, the MPCA may review the contract to determine whether it conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules. A contract that does so conform may be approved by the MPCA. Where a contract has been approved, the MPCA may reimburse the unit of government for the costs incurred under the contract that have not been reimbursed under Subsection 610.10. Except as otherwise provided in Subsection 610.11, the MPCA shall not approve any contract that has been entered into without prior notice to and request for bids from all persons duly licensed by the MPCA pursuant to Subd. 2 below; does not provide for a full performance bond; or does not provide for total collection and transportation of abandoned motor vehicles, except that the MPCA may approve a contract covering solely collection or transportation of abandoned motor vehicles where the MPCA determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.

Subd. 2 Solid Waste Disposers. The MPCA may issue a license to any person desiring to be a party to a disposal contract who meets the requirements for solid waste disposers established by the MPCA pursuant to M.S. § 116.07.

Subd. 3 Units of Government That Perform Work. If a unit of government utilizes its own equipment and personnel pursuant to its authority under Subsection 610.11, and the use of the equipment and personnel conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules, that government may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under Subsection 610.11.

Subd. 4 Units of Government Required to Contract Work. The MPCA may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the MPCA's plan for solid waste disposal. Where the unit of government fails to so contract within 180 days of the demand, the MPCA, through the Department of Administration and on behalf of such unit of government, may contract with any person duly licensed by the MPCA for such disposal.

(M.S. § 168B.10 (1) - (4))

Section 620 - Offenses*

620.01 Adoption of State Law. The various criminal offenses and misdemeanors enacted by the State of Minnesota, to the extent that the same may be adopted and enforced by the City, are hereby adopted by reference by the City and made a part of this code as if set out here in full.

620.02 Curfew.

Subd. 1 Imposed. It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, play or otherwise be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public and other unsupervised places and buildings or places of entertainment and amusement in the City between the hours of 10:00 p.m. and 5:00 a.m. the following day. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to loiter, idle, wander, stroll, play or otherwise be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and buildings, places of entertainment and amusement or vacant lots, and other unsupervised places in the City, between the hours of 12:00 midnight and 5:00 a.m. the following morning.

Subd. 2 Exceptions. The provisions of this section shall not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or to a minor who is upon an emergency errand, upon other legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor, or where the presence of the minor in the place or places is connected with and required by some legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor, or where the presence of the minor in the place or places is connected with and required by some legitimate business, trade, profession or occupation in which the minor is permitted by law to be engaged or direct travel to or from such business. The provisions of this subsection shall also not apply to minors engaged in interstate travel; attending or directly traveling to or from official school, religious or other recreational activity supervised by adults and sponsored by a school, church, religious group, the City, a civic organization or another similar entity; exercising First Amendment rights; located on the sidewalk abutting his or her parent or guardian's residence, or abutting the residence of a next door neighbor if the neighbor has not complained to the City's designated law enforcement provider about the minor's presence; or who has been married or otherwise legally emancipated.

Subd. 3 Duties of Parents. It shall be unlawful for the parent, guardian or other adult having charge of a minor under the age of eighteen (18) years to permit the minor to loiter, idle, wander, stroll, play or otherwise be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, places and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in the City during the hours prohibited by this subsection except as provided for in Subd. 2 above.

State law references - Criminal code of M.S. Ch. 609; crimes, other provisions, M.S. Ch. 624

Subd. 4 Minors in Amusement Places. No person operating or in charge of any place of amusement, entertainment or refreshment shall permit any minor under the age of eighteen (18) years to remain in such place during the hours prohibited by this subsection; provided however, that the provisions of this subsection shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.

620.03 Weapons.

Subd. 1 Deadly Weapons Defined. The term "Deadly Weapons," as used in this section shall include, but not be limited to the following:

- A. Any pistol or firearm;
- B. Bows and arrows when the arrows are pointed or tipped;
- C. All instruments used to expel at high velocity any pellets of any kind, including, but not limited to, BB guns and air rifles;
- D. Sling shots;
- E. Cross knuckles or knuckles of lead, brass or other metal; and
- F. Switchblade knives, being knives with retractable blades.

Subd. 2 Prohibited Generally. Except as herein specifically authorized, the discharging or use of deadly weapons within the City is hereby prohibited.

Subd. 3 Aiming Prohibited. The aiming of any deadly weapon, whether loaded or not, at or towards any human being, is hereby prohibited.

Subd. 4 Furnishing to Minors. The selling, giving, loaning or furnishing in any way of any deadly weapon to a minor without the written consent of his or her parents or guardian is hereby prohibited.

Subd. 5 Use by Minor. No minor under the age of fourteen (14) years shall handle or have in his or her possession or under his or her control any deadly weapon, except while accompanied by or under the immediate charge of his or her parent or guardian.

Subd. 6 Carrying Concealed. The possession by any persons other than a public officer of any deadly weapon concealed on his or her person is hereby prohibited.

Subd. 7 Discharge Restricted. The firing of a gun or use of other deadly weapon in the lawful defense of the person, property or family of the user of the weapon is excepted from the prohibitions set forth in this chapter and similarly, the firing of a gun or use of other deadly weapons in the necessary enforcement of the law, whether by a law enforcement officer or a private individual, is also excepted from the prohibitions contained in this subsection. Bows and arrows may be used in a county archery range.

Subd. 8 Permits. The City Council may promulgate regulations for the suitable protection of persons and property and, subject to the regulations, the Council may issue special permits to duly organized clubs and their members for shooting or the use of air rifles or bow and arrows on lands owned or leased by the clubs. The permits shall be issued by the city administrator upon direction of the Council, shall be in writing, and shall be valid only when in the possession of the person to whom issued.

620.04 Garbage and Trash. *(repealed 12/20/07)*

620.05 Alarm Systems.

Subd. 1 Scope. This subsection provides regulation for the use of fire, burglary and safety alarms, establishes users' fees and establishes a system of administration.

Subd. 2 Purpose. The purpose of this subsection is to protect the public safety services of the City from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

Subd. 3 Definitions.

A. Alarm System. An alarm installation designed to be used for the prevention or detection of burglary, robbery or fire and located in a building, structure or facility.

B. Alarm User. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

C. False Alarm. An alarm signal eliciting a response by personnel of the public safety department when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, pet movement, alarm malfunction, improper installation or the inadvertence of the owner or lessee of an alarm system or of his or her employees or agents. "False alarms" shall not include alarms caused by extreme climatic conditions such as tornadoes, thunderstorms, lightning strikes, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

D. Public Safety Department. The designated law enforcement agency.

Subd. 4 Reports of False Alarms; Notice to Alarm User. The public safety department shall file a written report of each false alarm with the city administrator. Upon receipt of the first false alarm report at an address, the city administrator shall, by certified mail, notify the alarm user of the provisions of this chapter.

Subd. 5 User Fees; Notice.

A. An alarm user owning an alarm system which precipitates or reports more than two (2) false alarms to the City in a single calendar year shall be charged a user fee per false alarm in excess of two (2) false alarms in a calendar year, and a user fee per false alarm in excess of ten (10) false alarms in a calendar year. *(revised 3/11/13)*

B. Upon receipt of a third and all subsequent false alarm reports as to an alarm system, the city administrator shall notify the alarm user by certified mail that the threshold number of false alarms has occurred and that the applicable user fee specified has become due and owing. The user fees shall be established from time to time by Council resolution. *(revised 3/11/13)*

Subd. 6 Appeals Process. Any alarm user who is required by the City to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the City Council within ten (10) days of the City's mailing of the notice of false alarm which shall have authority to make a final determination as to whether the appellant is to be charged with a false alarm.

Subd. 7 Payment of Fees.

A. Payment of user fees shall be made to the city treasurer within thirty (30) days of the date of notice by the City to the alarm user. Failure to pay the fee within the thirty-day period shall cause the alarm user to be considered delinquent and subject to a penalty of a full eight (8%) percent of fee due.

B. All delinquent charges for user fees shall be certified by the city administrator to the county for collection with taxes due against the property on which the alarm system is installed.

C. This certification process shall take place on a yearly basis on October 10 of each year or by such earlier date as is necessary to have the delinquent charges collectible with taxes due and payable against the property in the next calendar year.

Subd. 8 Administrative Rules. The City Council may promulgate such rules as may be necessary for the implementation and administration of this subsection.

Subd. 9 Confidentiality.

A. All information submitted in compliance with this subsection shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.

B. Subject to requirements of confidentiality, the city administrator may develop and maintain statistics for the purpose of on-going alarm systems evaluation.

Subd. 10 Enforcement and Penalties.

A. Failure or omission to comply with any part of this section shall be deemed a misdemeanor and may be so prosecuted.

B. Upon conviction, a violation of this subsection shall be punishable by a fine, imprisonment or both as provided by state law for a misdemeanor.

620.06 Food and Food Handlers^{*}

Subd. 1 Compliance. No person shall operate any restaurant, café, public dining room or eating house unless it is at all times clean and sanitary, and all requirements of this subsection and other applicable provisions of this code and state law have been fulfilled.

Subd. 2 Authority of Health Officer. If upon investigation of any restaurant, café, dining room or eating house, the city's designated health officer finds violations of this chapter or other applicable provision of this code, he or she shall notify the owner, proprietor or manager in writing stating the condition to be corrected and stating a reasonable time, not less than forty-eight (48) hours, in which the correction shall be made. Failure to comply with the notice shall constitute a violation of this subsection.

Subd. 3 Physical Examination of Food Handlers. It shall be unlawful for any person to engage in the handling and/or sale of food or food products or allow any person to be so engaged if his or her condition is such that disease may be transmitted by him or her to others either directly or indirectly. Upon receipt of a complaint or whenever deemed necessary by the health officer, a special physical examination may be required of any person so engaged.

^{*}State law references - Food law, M.S.A. Ch. 31; meat inspection, M.S.A. Ch. 31A; dairy products, M.S.A. Ch. 32; authority to regulate restaurants, M.S.A. § 412.221 (30)

Section 630 - Construction Activities

630.01 Prohibited 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 9:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

630.10 Prohibited Activities. Except as allowed by permit of the City Council, 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 9:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday. Upon application for a waiver and notification to all properties within 500 feet from the property line at least ten days prior to the City Council meeting, the City Council may grant a permit waiving the requirements of this Section for maintenance activities and may impose reasonable conditions to it.

630.11 Emergency Construction Activities. Emergency construction activities which are necessary to protect the public health, safety, and welfare, are exempt from the requirements of Section 630.10, provided that parties shall notify the City Public Works Director as soon as reasonably possible regarding the existence of the emergency condition and the projected time necessary to abate the emergency.

Section 640 - Property Complaint Data

640.01 Registering Complaints; Confidentiality. The identities of individuals who register complaints with state agencies of political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to M.S. § 13.44 (1), as amended from time to time.

Section 650 – Clandestine Drug Lab Sites
(*adopted 4/25/05*)

650.10 Purpose and Intent; The purpose of Chapter 650 is to protect public health, safety and welfare, and reduce public exposure to health risks where law enforcement authorities have determined that hazardous chemicals from a suspected clandestine lab site or associated dumpsite may exist. The City Council finds that such sites may contain hazardous chemicals, substances, or residues that place people, particularly children or women of child-bearing age, at risk of exposure through inhabiting or visiting the site or being exposed to contaminated personal property.

Chemicals used in the production of illicit drugs can condense, penetrate and contaminate surfaces, furnishings, and equipment of surrounding structures. These conditions present health and safety risks to occupants and visitors of structures through fire, explosion, skin and respiratory exposure to chemicals.

650.11 Interpretation and Application. The provisions of this Chapter 650 shall be interpreted and applied as the minimum requirements necessary to protect public health, safety and welfare. Where conditions imposed by any provision of this Chapter 650 are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

650.12 Definitions

- Chemical Dump Site. Any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.
- Chemical investigation site. A Clandestine drug lab site that is under notice and order for cleanup and/or remediation as a public health nuisance, and this Chapter 650.
- Clandestine drug lab operation. The unlawful manufacture, or attempt to manufacture, a controlled substance(s).
- Clandestine drug lab site. Any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, or structures, a chemical dumpsite, vehicle boat, trailer or any other land.
- Cleanup. The proper removal and/or containment of substances hazardous to humans and/or the environment at a chemical investigation site.
- Controlled substance. A drug, substance or immediate precursor described under Schedules I through V of Minnesota Statute 152.02, and as amended in the future. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

- Health Authority. Ramsey County Department of Public Health
- Household hazardous wastes. Waste generated from a clandestine drug lab operation. Such wastes shall be treated, stored, transported, or disposed of in a manner consistent with Minnesota Department of Public Health, Minnesota Pollution Control Agency and Ramsey County Health Department rules and regulations.
- Law Enforcement Agency. An agency or a person designated by the City Council.
- Manufacture. In places other than a pharmacy, shall mean and include the production, cultivation, quality control, or standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, or filling, of a controlled substance.
- Occupant. Any person who occupies real property, whether with or without any right, title, or interest in the property, and any person in possession or charge or such property in the event the owner resides or is located elsewhere.
- Owner. Any person, firm or corporation who owns, in whole or in part, the land, buildings or structures associated with a clandestine drug lab site. Unless information is provided to prove otherwise, the owner of real property is deemed to be the property taxpayer of record in the Ramsey County records, and the owner of a vehicle, boat or trailer as deemed to be the person listed as the owner of the most recent title to said vehicle boat or trailer.
- Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site deemed unsafe due to potential health hazards.
- Remediation. Methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminate materials from a chemical investigation site.

650.13 Public Health Nuisance. A clandestine drug lab site or chemical dump site is hereby determined to be a public nuisance subject to the regulations of this Chapter 650 in addition to any and all applicable federal, state, or local laws and ordinances. No person may occupy, enter or allow occupancy or entrance to property declared a public health nuisance under this Chapter 650 until such declaration is vacated or modified to allow occupancy.

650.14 Notice to Other Agencies (“Agency Notice”). Law enforcement authorities, if other than the City’s Law Enforcement Agency, upon identification of a clandestine drug lab site or a chemical dump site shall promptly notify the City’s Law Enforcement Agency. The City’s Law Enforcement Agency shall notify the Building Official, appropriate health authority and other appropriate agencies of the property location, property owner if known, and conditions found.

650.15 Notice to Owner and Occupant (“Owner/Occupant Notice”). Upon notification by law enforcement authorities, the Building Official will promptly notify the following parties by U.S. Mail:

- A) The owner of the property, if known.
- B) Occupants of the property.
- C) Any neighbors determined to be at risk to the extent that they can be located.
- D) Other appropriate state and local authorities including, but not limited, to the Minnesota Department of Health, the Minnesota Pollution Control Agency, which are known to have applicable public and environmental protection responsibilities.

The Owner/Occupant Notice must, at a minimum, include the location of the chemical dump site or the clandestine drug lab site; the name of the property owner, if known; the type and nature of the contamination; and the extent of the contamination. The Building Official must also cause a copy of the Owner/Occupant Notice to be posted at each appropriate access point to such site. Removal of the posted Owner/Occupant Notice by anyone other than the Building Official, City's Law Enforcement Agency, or their designees, is prohibited.

650.16 Issuance of Abatement Order (“Abatement Order”). The Building Official shall notify and order the property owner and occupant to have the public health nuisance abated as provided in and this Chapter. The Abatement Order shall include a description of the site and all portions thereof that are determined to be contaminated and shall include statements indicating:

- A) That all or portions of the site are determined to be contaminated and at risk to occupants or visitors are immediately vacated.
- B) That the owner commence and complete all testing and clean up procedures and other required remedial actions on the site by dates specified in the order or such other dates agreed to by the City.
- C) That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH.
- D) That if the owner does not commence testing and complete the clean up procedures by the dates established in the order, the City, its officials, employees, or agents, will arrange appropriate on-site assessment and cleanup services at the owner's expense.
- E) That the owner is responsible for all costs associated with the on-site assessment and clean up of the site including all costs incurred by the City and other public agencies, and that if the owner does not promptly pay those cost they will be assessed against the property and collected in the manner of a special tax.

650.17 Service of Abatement Order. The Abatement Order shall be deemed to be properly served if a copy thereof is delivered in one of the following methods:

- A) Delivered personally

- B) Sent by certified or first class mail addressed to the last know address.
- C) A copy posted in a conspicuous place in or about the dwelling or area affected by such order.

650.18 Property Owner and Occupant Responsibility to Act. Property owner(s) and occupant(s) provided with an Owner/Occupant Notice, which may include the posted warning notice informing them about the chemical investigation site public health nuisance, shall promptly act to vacate within twenty-four (24) hours all occupants from those parts of a structure that are a chemical investigation site public health nuisance, including dwellings, buildings, motor vehicles, trailers, boats or other vehicles and appliances.

Subd. 1 In the event the property owner(s) and occupant(s) who received the Owner/Occupant Notice fail to vacate parts of a structure that are a chemical investigation site public health nuisance, the Building Official shall order all persons to vacate the premises. Failure to leave is a misdemeanor. Where a person fails to vacate the premises as ordered by the Building Official, the City's Law Enforcement Agency may be summoned to assist in vacating the premises and issuing such citations or in making such arrests as may be necessary to comply with this subsection.

Subd. 2 Except as hereinafter provided, within ten (10) business days of receiving the Abatement Order, the property owner(s) and/or occupant(s) shall act to accomplish the following:

- A. Notify the Building Official that the affected parts of the structure has been and will remain vacated and secured until the health authority acts to remove the chemical investigation site public health nuisance declaration;
- B. Contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided the Minnesota Department of Health and/or Building Official assurance of appropriate equipment, procedures and personnel) to accomplish the following:
 - 1. Conduct a detailed on-site assessment;
 - 2. Determine the extent of contamination;
 - 3. Carry out and /or direct remediation operations;
 - 4. Perform and/or direct follow-up sampling and testing; and
 - 5. Determine that the risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow the structure to be reoccupied;

C. Provide the Building Official with the identity of the environmental hazard testing and cleaning firm with whom the owner has contracted, for remediation of the structure as described above; and

D. Provide the Building Official with the contractor's plan and schedule for remediation leading to removal of the chemical investigation site public health nuisance declaration.

Subd. 3 The property owner(s) or occupant(s) may seek authorization for an extension of time to allow the owner to consider options for arranging cleanup or removal of the affected parts of the structure. The owner(s) or occupant(s) must show good cause for any such extension. Any extension shall be dependent on the owner(s) assurance that the affected parts of the structure will not be occupied pending appropriate cleanup or demolition.

Subd. 4 The owner(s), occupant(s) or their contractor shall provide documentation of the cleanup and remediation, including but not limited to follow-up environmental testing as deemed necessary, to the Building Official. Review and determination of acceptable cleanup must be made by the Building Official prior to re-occupancy of the property.

650.19 Owner's Responsibility for Cost. The owner of the site is responsible for the costs of vacating the site and surrounding areas, testing, clean-up and public expenses. Public expenses include all costs that have or may be incurred by the City and other public agencies including but not limited to, costs for:

- A) Emergency Response
- B) Posting and physical security of site
- C) Notification of affected parties
- D) Expenses related to the recovery of costs, including the assessment process
- E) Laboratory fees
- F) Clean-up fees
- G) Administrative fees

650.20 Recovery of Public Costs. The City is authorized under Minnesota Statutes 463 to proceed within ten (10) business days after mailing of notification, to initiate the assessment and cleanup when the property owner (a) is not located, (b) is located but fails to respond appropriately, or (c) notifies the City that the owner refuses to or cannot pay the costs or arrange timely assessment and cleanup that is acceptable to the Building Official.

Subd. 1 The City may abate the nuisance by removing any hazardous structure, building, or otherwise, in compliance with Minnesota Statutes Chapter 463 or by any other means provided under law.

Subd. 2 If the City abates the public health nuisance, it may recover all costs associated with such abatement.

Subd. 3 In addition to any other legal remedy, the City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes §429.101

650.21 Authority to Modify or Remove Declaration of Public Health Nuisance. The Building Official is authorized to modify the Declaration of chemical investigation site public health nuisance. Such modifications or removal shall be only after the Building Official has determined levels of contamination are sufficiently reduced through remediation to warrant modification or removal of the declaration. The Building Official may rely on information from competent sources, including those supplied by the property owner(s) and/or others such as state and local health, safety, and pollution control authorities to reach such decisions.

Section 660 – Garbage, Refuse, and Recycling
(*adopted 12/20/07*)

660.01 Purpose.

Subd. 1 The City Council finds, determines, and declares that it is necessary and conducive for the protection and enhancement of the public health, safety and welfare of the people to provide regulations for the dumping, collection, and disposal of garbage, refuse, recyclable materials, and other mixed municipal solid waste within the City. In order to protect and enhance the public health, safety and welfare of the people of the City, this subsection seeks to prohibit and prevent the indiscriminate and uncontrolled use of property for dumping purposes in violation of zoning regulations, health regulations, and recognized public health standards; prevent and prohibit open dumping on land in the City; promote environmentally responsible behavior in regards to recyclable materials; and require that disposal, collection, and dumping of garbage, refuse, recyclable materials, and other mixed municipal solid waste materials be authorized only pursuant to permits granted under this subsection.

660.02 Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

- Collection. The aggregation of garbage, refuse, recyclable materials, and other mixed municipal solid waste from the place at which it is generated and includes all activities up to the time when materials are delivered to a designated facility.
- Commercial, Institutional, and Industrial. Any location in the City that is not residential and contains a retail business, restaurant, manufacturing enterprise, government, school, church, nursing home, daycare facility or any other similar establishments.
- Garbage. Putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.
- Manufactured Home or Mobile Home. The definition given it under M.S. Chapter 327 as amended from time to time.
- Manufactured Home Community. Any site, lot, field or tract of land upon which two or more occupied manufactured or mobile homes are located.
- Mixed Municipal Solid Waste. The definition given it under M.S. Ch. 115A.03, as amended from time to time.
- Multi-family dwelling. A building or complex which provides more than four residential dwelling units as part of a large building or complex which as part of the rental fee or association dues provides collection service for the entire group of households.

- Refuse. All putrescible and non-putrescible solid waste (except body waste) including, but not limited to, garbage, rubbish, ashes, street cleanings, abandoned automobiles, automobile parts, tires, demolition and construction debris, and market and industrial solid waste.
- Refuse Collector. Any person, firm, corporation or business licensed to collect refuse and other mixed municipal solid waste from residential or non-residential premises, or both.
- Recyclable Materials. Any material that is separated from refuse or other mixed municipal solid waste for the purpose of recycling.
- Recycling. The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- Recycling Contractor. A company or corporation that is in the business of collecting and/or transporting, recyclable materials to be processed for use or resale value.
- Recycling Facility. A facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.
- Single-family Dwelling. Any building containing one to four dwelling units (single-family, duplex, triplex, and fourplex), and any building with units contiguous to each other (townhouses) sharing no more than two common walls and not having a centralized garbage, refuse, mixed municipal solid waste and/or recycling pickup location.

660.03 Depositing Restricted. It shall be unlawful for any person to deposit or cause to be deposited any garbage, refuse, recyclable materials, or other mixed municipal solid waste upon any vacant lot or other tract of land, whether platted or unplatted, or upon any ground appurtenant to any building in the City except in the manner provided by this subsection.

660.04 Collection and Licensing.

Subd. 1. No person, company, or corporation shall act as a garbage collector or recycling contractor without first obtaining the appropriate licenses required by the County and the City. Anyone desiring a license to collect garbage, refuse, recyclable materials, or other mixed municipal solid waste material in the City shall submit a completed license application form and all required information prior to providing services within the City and shall otherwise comply with and be subject to Arden Hills Code Section 300 and its subdivisions.

Subd. 2. No person, except a collector duly licensed by the City, shall collect or in any manner interfere with garbage, refuse, recyclable material, or other mixed municipal solid waste material placed in containers for collection or interfere in any manner with

containers for garbage, refuse, recyclable materials, or other mixed municipal solid waste.

Subd. 3. All garbage, refuse, recyclable materials, and other mixed municipal solid waste shall be transported on the streets or alleys in the City only in vehicles with leak proof bodies of easily cleanable construction and metal sides and a closable cover. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance. The equipment operator shall be responsible for promptly cleaning up any drips or spills. The equipment shall be kept clean and shall not be allowed to stand in any street or public place longer than necessary to collect materials.

Subd. 4. No person, company, or corporation shall collect or remove garbage, refuse, recyclable materials, or other mixed municipal solid waste in any residential district or from any property sharing a property line with a residential district in which the collection can cause a negative impact to the adjacent residential district (i.e., noise, odors), except between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday.

Subd. 5. A licensee's failure to comply with the provisions of the City of Arden Hills code, State laws or any of the conditions attached to the license shall be grounds for license revocation, without refund of licensee fee.

660.05 Containers and Placement of Containers. (*amended 12/3/08*)

Subd. 1. Except as otherwise provided in this subdivision, all garbage, refuse, recyclable material, and other mixed municipal solid waste shall be kept in rust-resistant nonabsorbent and easily washable containers. Garbage and refuse containers shall also be watertight, equipped with a bail or handles, and covered with close-fitting lids. Insofar as practicable, all materials shall be drained of liquids and wrapped in paper or otherwise sealed in a bag or other container. Containers shall be provided in sufficient number to hold all garbage, refuse, recyclable materials, and other mixed municipal solid waste accumulating between collections. All containers on private property, located in the R-1, R-2, or R-3 Districts, shall be kept in the following manner:

A. Containers shall be stored within an enclosed building, or in the side or rear yard adjacent to a structure. Containers shall not be stored in the front yard forward of the principal structure. For properties adjacent to more than one public street, the side of the property with driveway access to the public street shall be deemed the front yard.

B. Containers shall not be stored closer to the principal building of an adjoining lot than to the principal building on the lot where they are stored.

C. All containers shall be washed and treated with a disinfectant as often as necessary to prevent a nuisance.

D. Containers shall be kept in a tidy and orderly manner, with lids closed, and all refuse stored within.

Subd. 2. All garbage, refuse, and recycling containers located on public property shall be located as determined by the Public Works Director to promote efficient public use and maintenance of public property.

Subd. 3. When extra recycling materials do not fit in the containers provided, certain items may be placed outside of the containers. Cardboard boxes should be flattened and bundled, not exceeding three (3) feet in length and fifty (50) pounds in weight and placed next to the recycling container. Old newspapers or mixed paper should be bagged and set next to the recycling container.

Subd. 4. Tree cuttings shall be bundled, not exceeding three (3) feet in length and fifty (50) pounds in weight, and placed next to the yard waste container.

Subd. 5. Garbage collectors may charge an extra fee and distribute guidelines for excess materials that cannot be placed inside of the refuse container.

Subd. 6. Refuse from demolition or construction sites must be stored in roll-off containers or other refuse containers. These containers shall be kept clean, orderly, and in good condition so as to prevent a nuisance.

Subd. 7. Commercial, business, industrial, or other such establishments having refuse and/or recyclable material volume in excess of two cubic yards per week and all multi-family dwellings shall provide bulk or box type refuse storage containers or approved equivalent. These containers shall be so located as to be accessible to collection equipment and so as not to require an intermediate transfer. These containers shall be kept clean, orderly, and in good condition so as to prevent a nuisance.

Subd. 8. Refuse and recycling containers from single-family dwellings shall be placed at their assigned collection location the night before, or the day of collection. Containers shall be removed no more than twelve (12) hours after the scheduled collection day.

660.06 Garbage, Refuse, and Mixed Municipal Solid Waste Collection.

Subd. 1. All occupied properties shall arrange for the collection of garbage, refuse, or other mixed waste thereof with a licensed refuse collector and shall pay the collector an amount not to exceed the collector's scheduled rates, as approved by the Council. All properties are required to contract for garbage collection services unless proof of other legal disposing of waste can be demonstrated to the City upon request.

Subd. 2. Collection of garbage and other refuse from single-family dwellings shall be made at least once each week by a duly licensed collector and every fourteen days from all other properties unless the City Administrator agent approves a waiver. Those properties south of Interstate 694 (Zone 1) shall receive collection services on Tuesdays and those properties north of Interstate 694 (Zone 2) shall receive collection services on Wednesdays. If a holiday occurs on the collection day, collection shall occur on the week day that immediately follows.

660.07 Recyclable Materials Collection.

Subd. 1. Curbside Residential Recycling Service. The City shall contract with a recycling contractor to serve as the exclusive curbside collector of recyclable materials for single family, duplex, triplex, and fourplex residential dwellings.

Subd. 2. Multi-Family and Manufactured Home Community Residential Recycling Service. Every multi-family building and manufactured home community shall contract with a recycling contractor who will remove recyclable materials by a duly licensed collector at least twice monthly with City Council approval. Owners of multi-family buildings and manufactured home communities may subscribe to the City's curbside collection program according to negotiated pricing with City Council approval and acceptance by the City's curbside recycling contractor.

Subd. 3. Commercial, Institutional, and Industrial Recycling Service. Commercial, institutional, and industrial locations in the City are encouraged to contract with a recycling contractor that removes recyclable materials provided the recycling contractor is licensed by the City.

Subd. 4. Recyclable Materials to Be Collected. The following list of recyclable materials must be collected by the recycling contractor for curbside residential recycling collection and by any hauler licensed by the City to collect recyclable materials from multi-family or manufactured home communities. Minimum recycling service provided must include the collection of the following materials:

- A. Paper – including, but not limited to, newspaper, corrugated cardboard, mixed mail, boxboard, telephone books, and/or magazines.
- B. Glass – including, but not limited to, clear, brown, and green glass bottles and jars.
- C. Metal – including, but not limited to, steel and aluminum food and beverage cans.
- D. Plastics – including, but not limited to, plastic containers with necks marked with a #1 or #2.

Subd. 5. Recyclable Materials Set Out for Collection Separately from Refuse Shall Not Be Disposed As Refuse. All recyclable materials collected shall be delivered to a recycling facility or end market. Recycling contractor(s) shall provide proof of delivery of recyclable materials to recycling facilities and/or end markets upon request of the City.

Subd. 6. Report to the City. All licensed recycling contractors who collect from single-family residential, multi-family residential, or manufactured home communities shall keep accurate records of all material collected and submit a report to the City on a monthly basis detailing the total tonnage by type of recyclable materials collected, by residential dwelling type, in a format and at the level of detail requested by the City. Failure to provide the required reports shall be cause for suspension of the collection license. *(adopted 12/20/07)*