

CHAPTER 5 - NUISANCES, OFFENSES AND OTHER REGULATIONS

Section 500 - Nuisances

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

500.02 Public Nuisances Affecting Health. The following are 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, except that City holding ponds shall be exempt from this Section;
- 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 flytight or which are so maintained as to constitute a health hazard or to emit foul or 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 and other rank growths of vegetation upon public or private property;
- I. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- J. Any offensive trade or business as defined by statute not licensed by the City board of health as defined by law.

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

- A. All gambling devices, slot machines, and punch boards in violation of State law;
- B. Betting, bookmaking, 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. Theft. Whoever intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property shall be guilty of a misdemeanor.
- F. Property Damage. Whoever intentionally causes damage to physical property of another without the latter's consent shall be guilty of a misdemeanor.

500.04 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;

E. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are 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 uses of the streets or sidewalks;

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 provided by 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. Discharge of Offensive Liquids. No person shall discharge out of or permit to flow from his or her premises, or any premises of which he or she may have control, any foul, nauseous, or offensive liquid into any street, lane, alley, road, avenue, or public ground nor on any private ground owned or occupied by any other person;

M. The Illicit Discharge of Pollutants including but not limited to sewage, industrial waste, or other wastes shall not be discharged from either point or nonpoint sources into any public well or cistern, or waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, visible oil film, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants, or other offensive or harmful effects,

- i. The City has adopted an Enforcement Response Procedure Document that includes

penalties for Illicit Discharges of Pollutants which is hereby referenced as part of this Ordinance;

N. Privy Vaults. No person shall construct a privy vault within the platted portion of this municipality below the surface of the ground, but shall construct it above the ground and subject to the approval of the Board of Health. All privy vaults in use in this municipality shall be subject to the approval of the Board and the Board may order and compel the owner of privy vaults in this municipality to make sewer connections when in its judgement it would improve sanitary conditions to have such connections made;

O. Obstruction of Public Way. No person shall encumber the streets, sidewalks, alleys, lanes or public grounds of this municipality with carriages, carts, wagons, sleighs or other vehicles or with boxes, lumber, firewood, posts, awnings, paper, ashes, refuse, offal, dirt, garbage, stones or other material or obstructions of any kind;

P. 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 to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated;

Q. Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;

R. No person shall throw, deposit, place, leave, maintain, or keep any stockpiled material, refuse, rubbish, garbage, lawn waste, or any discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land, such that it might inhibit proper stormwater drainage or become a pollutant, except when in containers, recycling bags, or other lawfully established waste disposal receptacles for scheduled collection. Placement of such materials is an Illicit Discharge and is subject to penalties as outlined in the City's Enforcement Response Procedure Document;

S. 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;

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

U. No person shall discharge any firearm; spit upon any sidewalk or crosswalks; appear in public or any exposed place in a state of nudity or in any indecent or lewd dress; unreasonably

annoy, disturb, interfere with, obstruct or be offensive to others to a degree whereby a breach of peace may be or is likely to be occasioned; fail or refuse to obey a police officer's lawful order; be guilty of any indecent or obscene acts or any lewd, indecent or obscene conduct, language, or behavior; or be guilty of any other disorderly act, language or behavior;

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

500.05 Nuisances Affecting Public Property.

Subd. 1 Definition. Public buildings and property shall mean any structures or areas owned and operated by any governmental unit for the conduct of governmental functions including, but not limited to, schools and libraries, parks, playgrounds, streets, holding ponds, City, County, State or Federal administrative offices; including similar facilities owned and operated by private, but nonprofit, religious or charitable organizations.

Subd. 2 Trespass.. It shall be unlawful for any person to remain in a public building or upon the grounds thereof after being requested to leave the premises by persons lawfully responsible for the control and maintenance thereof, when the continued presence of any person shall injure or endanger the safety of the buildings, or unreasonably interfere with the administration thereof.

Subd. 3 Interference. It shall be unlawful for any person to willfully harass, disrupt, interfere with, or obstruct any public or governmental business or function being conducted within or upon the premises or grounds of any public building.

Subd. 4 Damage.. Any person who willfully or negligently acts or fails to exercise due care any by that act damages any public property or building shall be liable for the amount of damage caused.

500.06 Trespassing on Private Property

Subd. 1 Purpose. To enable private owners of real property, situated within the City and to which the public has some implicit right of access, to exclude persons from that property where the person has committed a crime on the premises or violated the property posted rules of conduct for the property.

Subd. 2 Definitions. The following words and terms when used in the Section shall have the following meanings, unless the context clearly indicates otherwise:

A. "Covered Premises" – Any improved real property, or portion thereof, to which the

public has an implicit right of access including, but not limited to, places of worship, shopping malls, retail sales facilities, hotels, motels, nursing-homes, restaurants, multiple-family residential buildings, residential apartment complexes, hospitals, medical and dental offices, clubs, lodges, office buildings, banks and financial institutions, transit stations, athletic and recreational facilities, personal service establishments, theaters, and day care facilities.

- B. “Tenant” – Any authorized occupant of a covered premises, or the agent thereof.
- C. “Property Manager” – Any owner of a covered premises or the agent thereof who is authorized to exercise control over the property, including common areas. The term “property manager” includes any tenant who is an owner of the property or agent of the owner and authorized to exercise control over the property, including common areas.
- D. “Common Areas” – All areas of the property which are maintained for common use of its tenants or the general public incidental to the conduct of the normal and legitimate activities upon the premises, including, but not limited to, parking lots and ramps, private roadways, reception areas, rotundas, waiting areas, hallways, restroom facilities, elevators, escalators, and staircases.
- E. “Trespass Notice” – A written notice which contains minimally the following information:
 - i. a verbatim copy of Subd. 4 (Prohibited Conduct);
 - ii. the name, date of birth, and address of the person to whom the notice is issued, to the extent this information is available and is provided by that person, and the name of the person’s custodial parent or guardian when that person is a juvenile;
 - iii. a description of the specific conduct which serves as a basis for the issuance of the notice;
 - iv. a description of the specific property to which the trespass notice applies;
 - v. the period during which the trespass notice is in effect, including the date of its expiration;
 - vi. the name, title and telephone number of a person with authority to modify, amend, or rescind the trespass notice prior to its normal expiration, and
 - vii. the method by which the trespass notice was served upon the person to whom it was issued.

Subd. 3 When Trespass Notice May be Issued. A property manager or tenant may issue a trespass

notice as provided under this Ordinance only under the following circumstances:

- A. Where there is probable cause to believe that the person has committed an act prohibited by State Statute or City Ordinance while on the covered premises, whether in or on a common area or areas or in a tenant’s space; or
- B. Where there is probable cause to believe that the person has violated the rules of conduct for the property which have been conspicuously posted at all public entrances to the property or have been provided to the person in writing by the property manager or tenant.

Subd. 4 Prohibited Conduct.

- A. No person shall trespass in or upon any private property and, without claim of right, refuse to depart therefrom on demand of the property manager or tenant.
- B. No person who has been served with a trespass notice in conformity with this Ordinance shall enter the premises described therein during its effective period without the written permission of the party issuing the notice or the authorized agent thereof as specifically named in the notice. Violation of the terms of the notice will result in criminal prosecution with potential incarceration of up to 90 days in jail and a potential fine of up to \$700.00.
- C. No person shall enter any area of private property in violation of conspicuously posted signs prohibiting or restricting access thereto, including but not limited to the following signs; “No Trespassing”, “Authorized Personnel Only”, “Private”, “Employees Only”, “Emergency Exit Only”.

Subd. 5 Additional Provisions.

- A. Where a trespass notice is issued by a tenant, who is not the property manager, the notice is effective only as to that portion of the premises over which the tenant is entitled to exercise control.
- B. No trespass notice shall be effective for more than one-year from the date of its original issuance.
- C. All trespass notices issued pursuant to this Section, must be properly served upon the person named therein as follows:
 - i. personal service documented by either a receipt signed by the person to

whom it was issued or an affidavit of the issuer;

- ii. where the person named in the trespass notice is arrested by a police officer for an act prohibited by State Statute or City Ordinance, the arresting officer may personally serve the notice on behalf of the property manager or tenant and so document that fact in the officer's official police report detailing the incident.

Subd. 6 Penalty. A violation of Subd. 4 (prohibited conduct) shall be punishable as a misdemeanor.

500.07 Violation and Penalty. Any violation of the provisions of this Section shall constitute a misdemeanor. Any person who does any of which is declared by the section to be a nuisance is guilty of a misdemeanor.

Section 505- Property Maintenance Code

505.01 Findings. The City Council finds there exist in the city numerous properties which are substandard in maintenance. Such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight. Adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum property maintenance standards.

505.02 Purpose. The purpose of the property maintenance code is to protect the public health, safety, and welfare. Said code establishes minimum property maintenance standards for all properties within the city and provides for administration and enforcement.

505.03 Definitions. The following words and phrases, when used in this Section and unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Subsection:

Graffiti- means any unauthorized inscription or markings, such as initials, words, figures, designs, symbols, slogans, emblems, or drawings marked, scratched, drawn, written, spray-painted, painted, pasted, etched, sketched or otherwise affixed to or on a sidewalk, wall, fence, building, sign or any other structure or surface.

Owner- The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person.

Professional- Whenever the words "professional state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

505.04 Graffiti and Defacement of Property.

- A. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building or public property by placing thereon any marking, carving, or graffiti.
- B. It shall be the responsibility of the owner to restore said surface to an approved professional state of maintenance and repair.

505.05 Property Maintenance. The owner of a property is responsible for ensuring that the property complies with the following requirements:

Subd. 1 Stairs, Porches, and Decks. Every outside stairway attached to a dwelling, every

porch, every deck and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in a professional state of maintenance and repair. Normal use live load shall be the uniform load as set out in the state building code.

Subd. 2 Guardrails and Handrails. Every outside handrail and outside guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 3 Foundations, Roofs, Exterior Walls, and Surfaces

- A. All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location, including redwood and other naturally suitable materials, and every exterior wall, chimney, foundation and roof shall be reasonably weathertight, watertight and rodentproof; and shall be kept in a professional state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect.
- B. The protective surface on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration.

Subd. 4 Windows, Exterior Doors, and Hatchways. Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in a professional state of maintenance and repair.

Subd. 5 Fences and Retaining Walls. Every fence and retaining wall shall be kept well mended and in good repair, consistent with the design thereof.

Section 510 - Weeds and Grass

510.01 Weeds Defined. Weeds as used in this Chapter shall mean not only such noxious weeds as are enumerated by the Minnesota Noxious Weed Law, M.S. 18.75, et. seq., and acts amendatory thereto, but also such useless and troublesome plants as are commonly known as weeds to the general public. Weeds shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high rank vegetable growth that may conceal filthy deposits.

510.02 A Nuisance. Any weeds or grass growing upon any lot or parcel of land, including the lands between the curb line of the street or alley and the property line of private properties to a height greater than one foot, or which are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City; excluding storm sewer holding ponds, storm sewer drainage areas, surface water drainage areas, wet lands, shoreline vegetation, nature preserve and other unplatted property.

510.03 Notice to Remove. When any conditions exist on any lot or parcel of land in the City in violation of the provisions of Subsection 510.02, the City Administrator or person assigned shall serve a notice on the owner or occupant of the lot or parcel of land, ordering the owner or agent to have the weeds or grass cut and removed within seven (7) days after the service of the notice, or to appeal to the City Council for a determination that the condition does not violate this ordinance. Such notice shall also state that in case of non-compliance, the cutting and removal will be done by the City or its authorized contractor at the owner's expense. The owner of the property will be determined as shown by the records of the office of the County Recorder. When the premises shall appear to be vacant and unoccupied or when the owner or occupant cannot be found, then notice may be served by posting upon the premises in a conspicuous place. For the second or successive violations concerning grass, weeds and other vegetation in a calendar year, the City will post a notice of violation on the property stating that if the violation is not corrected within forty eight (48) hours after such posting, the City or its authorized contractor will, without further notice, correct the conditions creating such violations and assess the cost there for against the property.

510.04 Removal by City. Upon the failure of the owner, occupant or agent to comply with the provisions of the notice, and after the expiration of seven (7) days, the City or its authorized contractor shall cut and remove or have cut and removed the weeds and grass, and determine the cost of the cutting and removal, including administrative costs and bill the owner of the premises for that amount.

510.05 Cost Assessed. The listed total of unpaid charges for the cutting and removal of growth of long grass or weeds on private property or outside of the traveled portion of public streets, shall be charged along with all other charges for current services to be assessed under Minnesota Statutes,

Section 429.101. If no objection is made or if the Council shall find that the work was properly done, then the amount of the cost shall be reported to the County Auditor as in the case of other special assessments, and the Auditor shall cause the cost to be assessed, levied and collected in one payment, provided, that within thirty (30) days after the Commissioner's report is made to the City Council, the amount of the cost may be paid to the City of Big Lake.

Section 520 - Trees

520.01 Declaration of Policy. The City Council hereby determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, food order, general welfare and convenience of the public. It shall be the intention of the Council to control and prevent the spread of those diseases and this Section shall be enacted for that purpose.

520.02 Setback and Other Regulations. In all new subdivisions, street and yard trees shall be planted three (3) to five (5) feet inside the property line and not in the “boulevard.” The setback provisions shall not apply to tree plantings on City parkways or streets where the City Council may permit the planting of trees in landscaped median or boulevard areas. No tree shall be planted within thirty (30) feet of the intersection of curb lines on corner lots. No trees shall be planted or set out on any different line than as above designated on the public streets or highways of the City. The Public Works Department shall have the power in their discretion to cause the removal of all trees hereafter planted in violation of this Chapter. The City shall not be responsible for the destruction of any private improvements located within the setback. (Ord. 2004-02, 1/28/04).

520.03 Forester.

Subd. 1 Position Created. The powers and duties of the City forester as set forth in this Section shall be conferred upon the Director of Public Works, engineer, park superintendent etc. as designated by the Council.

Subd. 2 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 and oak wilt disease and other epidemic diseases of shade trees. He or she shall recommend to the Council the details of a program for the control of the disease; and perform the duties incidental to such a program adopted by the Council.

520.04 Epidemic Disease Program. It shall be the intention of the Council to conduct a program of plant pest control pursuant to all the powers of this City including the authority granted by Minnesota Statutes Section 18.022. This program shall be concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture. The forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

520.05 Nuisances.

Subd. 1 Trees Constituting Nuisances. The following are 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.

C. Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus CERATOCYSTIS FAGACEARUM.

D. Any dead oak tree or part thereof which in the opinion of the forester constitutes a hazard, including but not limited to, logs, branches, stumps, roots, firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.

E. Any other shade trees with an epidemic disease.

F. Any dead or dying tree, or any part of such a tree, that is endangering the safety and welfare of the public, or which poses a serious threat of damage to property.

Subd. 2 Abatement. It shall be unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by him or her within the City. The nuisances may be abated in the manner prescribed by this Section.

520.06 Inspection and Investigation.

Subd. 1 Annual Inspection. As often as practicable, the forester shall inspect all public and private premises within the City which might harbor any plant pest as defined in Minnesota Statutes Section 18.46, Subdivision 13, or this Code 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, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.

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, oak wilt, or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as otherwise provided in this Section, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

520.07 Abatement of Nuisance. In abating a nuisance 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 epidemic diseases including Dutch elm disease and oak wilt disease. He or she shall also take such steps as are necessary to prevent root graft transmission of the diseases. He abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

520.08 Procedure for Removal of Infected Trees and Wood.

Subd. 1 Action by Forester. 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, oak or other trees is not imminent because of the dormancy of the infected trees he or she shall make a written report of his or her finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 or (b) abating the nuisance as provided in Subdivision 2 of this Subsection.

B. If the forester finds that danger of infestation of other elm, oak, or other 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 fourteen 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 limit in the notice he or she may abate the nuisance.

Subd. 2 Action by Council. Upon receipt of the forester's report required by Subd. 1, paragraph B, 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 reference 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 Record. The forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the City Administrator all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

Subd. 4 Assessment. On or before November 30 of each year the 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, Section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

520.09 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.

Section 525 – Noise Regulations

525.01 General Prohibition

Subd. 1. It is unlawful for any person to make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort's repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

Subd. 2. This general prohibition is not limited by the specific restrictions of the subdivisions.

Subd. 3. All obnoxious noises in violation of Minn. Rules Chapter 7030, as it may be amended from time to time, which are hereby incorporated by reference into this code, are declared to be nuisances affecting public peace and safety.

525.02 Horns, Audible Signaling Devices and the Like. It is unlawful for any person to sound any signaling device on any vehicle, except as a warning of danger. The only exceptions are allowable uses as allowed by special permits or conditional uses as may be approved by the City Council.

525.03 Exhaust. It is unlawful for any person to 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.

525.04 Defective Vehicles or Loads. It is unlawful for any person to use any vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noise.

525.05 Loading, Unloading and Packing. It is unlawful for any person to create loud and excessive noise in loading, unloading or unpacking any vehicle.

525.06 Radios, Phonographs and the like

Subd. 1. It is unlawful for any person to use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 9:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

Subd. 2. The only exceptions are allowable uses as allowed by special permits or conditional uses as may be approved by the City Council.

525.07 Noisy Parties or Gatherings. It is unlawful for any person to participate in any party or gathering of people giving rise to noise, disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer

may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every effort to see that the disturbance is stopped. The only exceptions are allowable uses as may be approved by the City Council.

525.08 Loud Speakers, Amplifiers and the like. It is unlawful for any person to 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.

525.09 Animals

Subd. 1. It is unlawful for any person to keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

Subd. 2. For purposes of this section, “disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise” means any of the following:

1. The animal noise occurs at a time between 9:00 p.m. and 7:00 a.m. and can be heard from a location outside the building and premises where the animal is being kept and the animal has made the noises intermittently for more than three minutes with one minute or less lapse of time between each animal noise during the three-minute period;
2. The animal noise can be heard from a one block distance from the location of the building and premises where the animal is being kept and the animal has made the noises intermittently for more than three minutes with one minute or less lapse of time between each animal noise during the three-minute period; or
3. The animal noise can be heard from a location outside the building and premises where the animal is being kept and the animal has made the noise intermittently for a period of at least five minutes with one minute or less lapse of time between each animal noise during the five-minute period.

525.10 Schools, Churches and the like. It is unlawful for any person to create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of the institution.

525.11 Domestic Power Equipment. It is unlawful for any person to 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 9:00 p.m. on any weekday and Saturday or between the hours of 9:00 a.m. and 8:00 p.m. on any Sunday or holiday. Snow removal equipment is exempt from this provision when initiated within 12 hours of the completion of the most recent snowfall.

525.12 Refuse Hauling. It is unlawful for any person to collect or remove garbage or refuse in any residential district, except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday or between the hours of 7:00 a.m. and 4:00 p.m. on any weekend or holiday.

525.13 Heavy Construction Activities. It is unlawful for any person to use tools powered by air compressors including but not limited to jackhammers, impact wrenches, or the use of any kind of diesel or gas powered machine for construction activities except between the hours of 7:00 a.m. and 8:00 p.m. on any weekday or between the hours of 9:00 a.m. and 4:00 p.m. on Saturday.

525.14 Light Construction Activities. It is unlawful for any person to engage in or permit construction activities involving the use of hand held tools including but not limited to tools such as hammers, saws, wrecking bars or electrically powered tools including but not limited to skill saws, drills or sanders except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday and Saturday or between the hours of 9:00 a.m. and 8:00 p.m. on any Sunday or holiday.

525.15 Exception for Emergency Work. Operations and acts performed exclusively for emergency work to preserve the safety, welfare or public health of the citizens of the city or for emergency work necessary to restore public service or to eliminate a public hazard shall be exempt from the provisions of this chapter. Persons having performed emergency work under this section shall inform the Police Department at the time of the need to initiate the work or if during non-business hours of the city offices than upon resumption of business hours of the city. Any person responsible for the emergency work shall take all reasonable actions to minimize the amount of noise pollution or vibration.

525.16 Exceptions for Approved Work. Upon timely application being made and the necessity therefore being established, the Council may suspend the operation of this section for a specific purpose at a specific location and for a specific length of time by Council action and by giving public notice of the nature and limits of the suspension. The City Engineer may also authorize an exception for dewatering, mass grading, road construction, and other activities for Council approved projects.

525.17 Enforcement Duties. The Police Department shall enforce the provisions of this chapter. The Police Department may inspect private residences and shall make all reasonable efforts to prevent violations of this chapter.

525.18 Enforcement. This chapter may be enforced by criminal action, injunction, abatement, or other appropriate remedy.

Section 530 - Use of Weapons

530.01 Restrictions. With the exception of subdivision 4, no person except a police officer in the performance of duty shall, within the City, discharge any gun, pistol, or firearm of any description, or carry any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This Subdivision does not prevent the carrying of a handgun within the City under a permit subject to the restrictions imposed by law.

Subd. 1 Pointing of Guns Prohibited. No person shall, within the City, aim or point any firearm, air gun, or B.B. gun, of any kind, whether loaded or not, at or towards another human being, except it being in defense of person or persons or property against one committing or attempting to commit a felony.

Subd. 2 Air Rifles, Sling Shots, Wrist Rockets, Cross Bows, Bows and Arrows, BB Guns, Air Guns, and Paint Ball Guns. With the exception of subdivision 4, no person shall use or discharge any air rifle, sling shot, wrist rocket, cross bow, bow and arrows, BB gun, air gun or paint ball gun within the City..

Subd. 3 Offense by Parents, Guardians. It shall be unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit the person to violate any provision of this Section.

Subd. 4 Hunting on privately owned property. Discharge of a firearm for the purpose of hunting may be permitted on privately owned property providing the following conditions are satisfied. A person requesting permission to discharge a firearm under this subdivision must be either the landowner, or possess current written permission from the landowner. Discharge of a firearm may not take place within 500 feet of any building, structure, platted area, public park, public trail, or public/private school. A request to hunt in accordance with this subdivision must be submitted on the designated application form which may be approved by the Chief of Police or his designee if it is determined the discharge of a firearm can be undertaken in a safe manner. Granted requests require that the hunter(s) be issued a special permit which shall be in possession at all times while hunting on the permitted property. The hunting permit may be revoked at any time by the Chief of Police if it is determined a violation of this ordinance has occurred, or the land owner has rescinded permission. All applicable state statutes and regulations shall apply to hunting within City Limits of Big Lake in accordance with this subdivision. (Ord. 2015-12, 12/09/15)

Section 535 - Hunting

535.01 Hunting. No person shall, within the City, hunt any animal species by any method. Such as; rifle, shotgun, handgun, bow and arrow, B.B. gun, air gun or slingshot.

Subd. 1 Exceptions. There shall exist within this Ordinance an exception for:

- A. Animal Control Officers, Police and Sheriff Deputies in the performance of their duties.
- B. Exceptions shall also be recognized in accordance with 530.01, Subd 4, Hunting on privately owned land.

Section 540 - Open Burning

540.01 Yard Waste. The burning of dried leaves and other yard waste is hereby prohibited within the City.

540.02 Permits. Special burning permits shall be allowed only for practice fires of the Big Lake Fire Department. Permits shall be issued by the Fire Chief only and shall meet all requirements of State law.

540.03 Recreational Fires. Recreational fires shall be permitted without a permit but must follow the guidelines set forth by the Minnesota Department of Natural Resources.

Subd. 1 Definition. For the purpose of this Section, a recreational fire shall mean any fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.

Subd. 2 Requirements. When a campfire is used for recreational purposes, it must:

- A. Be ignited with an approved starter fluid using dry, clean wood.
- B. Produce little detectable smoke, odor, or soot beyond the property line.
- C. Be conducted with an adult tending the fire at all times.
- D. Be extinguished completely before quitting the occasion.
- E. Be respectful of weather conditions, neighbors, burning bans, and air quality.

Section 550 - Sidewalks

550.01 Clean Walks Required. The owner or occupant of any premises in the City shall clear the sidewalk in front of or beside the premises, of snow and loose or melting ice within twenty-four hours after the completion of any snowfall.

550.02 Failure to Clean Sidewalks. Whenever the owner or occupant of any premises in the City fails to clear their sidewalk of snow and loose or melting ice within twenty-four (24) hours after the completion of any snowfall, the City or its authorized contractor shall serve a notice on the owner or occupant of the lot or parcel of land, clear the sidewalk and bill the property owner for all costs. Such notice shall state that in case of further non-compliance, the clearing of sidewalks will be done by the City or its authorized contractor at the owner's expense. The owner of the property will be determined as shown by the records of the office of the County Recorder. When the premises shall appear to be vacant and unoccupied or when the owner or occupant cannot be found, then notice may be served by posting upon the premises in a conspicuous place.

For each successive violation concerning clearing of snow and loose or melting ice from sidewalks, the City will post a notice of violation on the property stating that the City or its authorized contractor will, without further notice, correct the conditions creating such violations and assess the cost there for against the property. The City Council shall determine an hourly rate for clearing of sidewalks.

550.03 Assessment of Cost. If the bill is not paid to the City Administrator within thirty (30) days from the date issued, the listed total of unpaid charges for the clearing of snow and loose or melting ice from public sidewalks shall be charged along with all other charges for current services to be assessed under Minnesota Statutes, Section 429.101. If no objection is made or if the Council shall find that the work was properly done, then the amount of the cost shall be reported to the County Auditor as in the case of other special assessments, and the Auditor shall cause the cost to be assessed, levied and collected in one payment, provided, that within thirty (30) days after the Commissioner's report is made to the City Council, the amount of the cost may be paid to the City of Big Lake.

Section 560 - Lake Regulations

560.01 Public Nuisances Affecting Lakes or Other Bodies of Water. The following shall be declared to be public nuisances affecting the waters of any lake or other body of water within the limits of the City:

- A. Interfering with, obstructing or tending to obstruct a body of water within the limits of the City. Rendering dangerous for passage or for use a body of water within the limits of the City.
- B. Depositing of sewage in public waters within the limits of the City.
- C. Depositing of refuse, waste, other deleterious, poisonous or injurious substances within the waters of this City, provided, however, that weed control measures shall not be prohibited when carried out pursuant to a permit issued by an authorize governmental agency. One copy of the permit shall be on file at the office of the City Administrator prior to beginning work authorized within the permit.
- D. The failure to equip and to operate a boat, vessel or watercraft in accordance with the provisions of Chapter 86B of Minnesota Statutes, amended, which statutes are hereby adopted and incorporated herein; provided however, that these additional requirements shall be met by all owners and operators of watercraft within the waters described herein, namely:
 - 1. All watercraft in use or under way between sunset and sunrise shall be equipped with and have in operation red and green running lights in the forward section of the boat, and a white lite at the stern or on the superstructure, which white light shall be visible on a dark night with clear atmosphere for a distance of two miles from any direction. Provided, however, that motor powered watercraft under 16 feet in overall length may use portable lights, which shall be clamped on the watercraft when in use; and non-powered watercraft may use a portable single white light which shall be visible from any direction for a distance of two miles on a dark night with clear atmosphere.
 - 2. All watercraft when at anchor or drifting shall show a white light visible from any direction for a distance of one mile, and the light shall be lit from sunset to sunrise, except that a watercraft anchored in a cove within one hundred feet of shore and 200 feet away from normal navigation, and any watercraft anchored at a dock or pier need not have the white light.

3. All watercraft when in use shall have on board and readily accessible life preservers, vests or other similar buoyant devices capable of keeping every person on board afloat.
 4. No watercraft other than an authorized Water Patrol Boat or other police watercraft shall use or display a police, sheriff or law enforcement officers flag, or any device designed to simulate such a flag.
 5. No person shall board, use, damage or tamper with a watercraft, except when done by the owner or with the owner's consent.
 6. No person under fifteen years of age shall operate a watercraft powered by a motor of ten horse power or more, unless accompanied by a competent person fifteen years of age or older.
 7. No watercraft shall cause a wake to be created after sunset on any day of the week.
- E. Water skiing or surfboarding within 100 feet of an occupied craft, public or private dock and careless or reckless act on water skis or a surfboard except during the takeoff or the landing of a skier. No water skiing shall be allowed before sunrise or after sunset on any day of the week. For the purposes of this Subdivision, both the person or persons operating the watercraft and the person or persons being towed shall be deemed equally guilty if convicted of a violation hereof.
- F. The overtaking or passing of any craft in a channel or narrow passage by the operator of any motor boat, speed boat, or of any vessel under power, so as to endanger other craft; and all craft shall proceed through all channels and narrow passage of water at no wake speeds.
- G. Obstructing or interfering with the passage of a boat or vessel through a channel or narrow water passageway.
- H. Operating a boat or vessel in a careless or reckless manner, in or about a public swimming beach or within 100 feet of a private or public dock, except for the purpose of launching, docking or removing the boat or vessel from the water.
- I. Swimming in a channel, or jumping or diving from a channel bridge.

560.02 Speed.

Subd. 1 Scope. This Subsection shall apply to the bodies of water in the City known as Lake Mitchell and Big Lake.

Subd. 2 Direction. All watercraft exceeding a slow-no wake speed shall travel in a counter-clockwise direction.

Subd. 3 Speed.

- A. The maximum speed limit of watercraft shall be forty miles per hour (40 m.p.h.) at all times except with the exception of those areas and times listed in Sections 560.02, Subd.3.B. and 560.02, Subd.3.C.
- B. Maximum speed limit of watercraft shall be fifteen miles per hour (15 m.p.h.) sunset to sunrise all year.
- C. A slow-no wake speed shall be maintained in the area extending one hundred fifty feet (150') from the shore. Watercraft launching or landing water skiers by the most direct route to open water shall be exempt from this provision.

Subd. 4 Violation. Any watercraft operator who violates any provision of this Ordinance shall be guilty of a misdemeanor.

Subd. 5 Definition. “Slow-no wake” means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five miles per hour (5 m.p.h.).

Subd. 6 Enforcement. Primary enforcement of this Ordinance shall rest with the Sherburne County Sheriff’s Office.

Subd. 7 Posting Regulations. The City of Big Lake shall be responsible for marking the public accesses and lakes with signs and buoys explaining the rules and regulations of this Ordinance.

560.03 Public Lakeshore, Lakeshore Rights of Way and Docks.

Subd. 1 Definitions. For purposes of this section, the following terms shall have the meaning given them.

A. “Dock” shall mean any wharf, pier, boat ramp, boat slip, or other structure constructed or maintained in, upon, or into the water of a lake from either public property or public rights of way.

B. “Public property or public rights of way” shall mean all publicly owned property and all public rights of way that are immediately adjacent to a lakeshore, as designated on the dock location map to be maintained at all times by the City pursuant to this Section.

C. “Dock accessories” shall mean all structures and materials used in conjunction with a dock including but not limited to boat lifts, buoys, fences or other obstructions and permanent or semi-permanent steps, ramps or other structures leading to the shoreline.

D. “Dock site” shall mean the property designated in the license issued pursuant to this Section and as designated on the dock location map to be maintained by the City.

Subd. 2 License required. No person shall erect, place, keep, or maintain a dock or other structure from public property or public rights of way without a dock license.

Subd. 3 Applications. Applications for dock licenses shall contain the following information and such other information as the Council deems necessary:

- A. Full name of applicant;
- B. Address;
- C. Preferred dock location on the dock location map and dock specifications;
- D. Boat license number of any boats to be moored at the dock.

An application fee shall be set by the City Council and shall be paid with the application. The application fee shall be refunded if the applicant is not awarded a dock license.

Subd. 4 Eligible applicants. All owners of property within the City of Big Lake whose primary residence parcel is located within 750 feet of any dock site are eligible to apply for a dock license for said site or sites. Only one individual per household may apply for a dock license and only one license shall be issued per parcel.

Subd. 5 Shared docks. All parties that have an existing shared dock license may renew the license. The Dock Site License Agreement must be signed by each of the property owners. In the event that one of the parties fails to renew or otherwise abandons the dock license, the remaining licensee shall have the opportunity to assume the license for that dock site.

Subd. 6 Application approval and denial. The Dock Administrator shall approve or deny all applications. No application shall be approved if there are any outstanding non-compliance orders against the applicant or if the proposed dock will not comply with all terms of the City Code.

A. Vacant dock sites. A vacant dock site shall be awarded according to the following rules.

1. First Priority. Dock site applicants who own property closest to the dock site shall have first priority for a vacant dock site except as provided in the next section. In case of a tie based upon distance, the license shall be awarded by lottery.

2. Not Eligible. Property owners who declined to participate in the City's dock area vacation proceedings shall not be eligible for dock licenses at any location.

B. License renewals. Dock license applicants who are applying to renew an existing dock license for another one year term shall have priority over all other applicants.

C. Waiting list. The City shall maintain a waiting list for dock licenses. Applicants will fill the waiting list according to an initial lottery and after that, in the order they submit applications. In the event that a current license holder does not renew their license, the dock license site does not become vacant until each individual on the waiting list has had an opportunity to obtain a license for that site. The Council shall adopt by resolution procedures for conducting the lottery and administering the waiting list.

Subd. 7 Terms of License. Before a dock license is issued, the applicant must sign a license agreement containing the following terms and conditions and other provisions as the Council may require.

A. Rights and Liabilities. Except as otherwise provided, a City dock license entitles the license holder to the exclusive use and control of the dock site and the same rights, obligations and liabilities as a private property owner. In addition to the provisions of this Section, all dock license sites shall fully comply with Sections 1020 and 1065 of this Code and all applicable state laws and regulations.

B. Indemnification. Dock license holders shall be solely responsible for the dock license site and all activities thereon. The license holder shall indemnify, defend and hold the City, its officers, boards, commissions, agents and employees harmless from and against any and all lawsuits, claims, causes of action, liability, and costs, of any nature that the City may at any time, directly or indirectly, suffer, sustain in any way connected with the grant of a dock license or activities on the dock license site.

C. Docks. The license holder shall maintain only one dock at the dock license site.

D. License plates. Dock license plates shall be issued by the City after approval of the license application. The license plate must be securely fixed to the shoreland end of the licensed dock. License plates shall be maintained by the licensee and shall remain the property of the City.

E. Transferability. Dock licenses may not be sold, assigned, licensed, or otherwise transferred in any way to any person, partnership or corporation, except that the license may be transferred to a purchaser of the license holder's residential property within the City.

F. Removal of docks. Upon termination of a dock license, the license holder must completely remove the licensed dock and all accessory items, including but not limited to stairs leading to the dock from the public property or public right of way. Any dock or accessory item that has not been removed will be removed by the City and all costs the responsibility of the last license holder for that dock site.

G. Dock Construction; specifications and dimensions. Docks on dock sites shall comply with the following regulations:

1. docks shall not be less than 24” wide or more than 48” wide;
2. docks shall not be less than 10 feet long or more than 24 feet long, unless otherwise approved by the Dock Inspector;
3. docks shall be constructed of materials approved by the Dock Inspector; docks shall be of plank or rail construction; and all dock posts shall be of equal height above the dock;
4. docks shall not be located closer than 10 feet to a neighboring dock license site or private property line.

The City Council may grant exceptions where there are unusual circumstances and such an exception will not have a detrimental impact on the lake. The City Council may impose conditions on any exception granted under this subsection.

H. Dock accessories. All dock accessories must be approved in writing prior to use at a Dock Site. Dock accessories must comply with Section 1065 of the City Code.

I. Dock Storage. Docks must be removed from the water no later than November

1. Licensed docks may be stored on public land or public rights of way provided the following conditions are met:

1. storage is at least 5 feet from the City sidewalk;
2. storage does not conflict with the following uses as shown on the dock map: slide area, snowmobile crossings, skating rinks, trails and road access;
3. storage is not on those areas shown on the dock location map as having topographical conditions that are too steep, or have fragile flora, or where tree damage may occur.

J. Watercraft. Only properly licensed watercraft may be moored at a licensed dock. No watercraft may be landed, beached or otherwise anchored or tied to the shore within a dock site.

K. Subject to inspections. All licensed docks are subject to inspection at reasonable times by the Dock Inspector or his or her designee.

L. City Access. The City shall be free to enter the dock site for any reason at any reasonable time and to perform maintenance and regulatory functions to be specified in the terms of the dock license agreement.

M. Costs. All costs of maintaining licensed docks and dock accessories are the responsibility of the license holder.

N. Term. All dock licenses shall be valid for three (3) years.

Subd. 8 Administration.

A. Dock Administrator. The City Council shall appoint a Dock Administrator who shall be responsible for the administration of the City Dock Licensing Program to include: processing applications, and maintaining the dock location map.

B. Dock Inspector. The Dock Administrator shall appoint a Dock Inspector who shall be responsible for inspecting all public shoreline and public rights of way. The Dock Inspector shall report to the Dock Administrator for all dock site related items.

C. Dock location map. There shall be on file with the City a map maintained by the Dock Administrator showing the approved locations of docks on public land and public rights of way. The map shall be reviewed annually. The map shall contain the following information:

1. Locations of public property and public rights of way;
2. Specific dock locations;
3. A numerical designation for each dock location to correspond with a list of license holders;
4. Restrictions applicable to certain areas of shoreline;
5. Shoreline access points;

6. Shoreline areas available for winter storage.

D. Inspections; license revocation. The Dock Inspector or designee shall from time to time inspect any dock erected or maintained on public property or public rights of way. If there are any violations of the City Code, state statute or state regulation, the dock license holder shall be notified in writing of the way or ways the dock or dock area does not comply. The license holder shall have fourteen days to remove the dock or otherwise bring the dock license site into compliance. If the violation is not corrected after fourteen days, the license shall be revoked and all property removed from the dock license site unless, within the fourteen days, the Dock Administrator receives from the license holder a written request for a hearing.

560.04 Use of Greenways.

Subd. 1 Prohibited Activity.

A. Except as otherwise provided for, no person shall: within the designated “Greenways” or public rights-of-way adjacent to Big Lake and Lake Mitchell or any other public body of water within the City, do any of the following:

1. Place or permit the placement of a dock, whether permanent or otherwise;
2. Place or permit the placement of boat lifts within ten feet of the greenway;
3. Place or permit the overnight placement of unattended lawn furniture;
4. Launch, land, anchor on shore or tie-off an unattended motorized watercraft;
5. Park, permit the parking, driving or riding of all motorized vehicles, except that snowmobiles shall be permitted unless the right-of-way is otherwise posted by order of the Council;
6. Erect, build, place, or permit the erection, placement or construction of any structure, fence or obstruction, whether permanent or otherwise;
7. Possess glass containers;
8. Unreasonably infringe on the rights of adjacent property owners;
9. Occupy the greenway or other right-of-way between the hours of 10:00 p.m. and 8:00

a.m.;

10. Engage in activities which result in trespassing onto private property.

560.05 Exemption. Law enforcement officials and state and local resource management personnel are exempt from the provisions of this Section when acting in the performance of their official duties.

560.06 Markings. The City shall be responsible for marking the public accesses and lakes with signs or buoys explaining the rules and regulations of this Section.

560.07 Enforcement. Primary enforcement of this Section shall rest with Sherburne County Sheriff's Office for water related activity.

560.08 Penalty. Any person who violates this Section shall be guilty of a misdemeanor.

Section 565 – Illicit Discharge

565.01 Statutory authorization. This division is adopted pursuant to M.S. §§ 462.351 and 462.364 that grants municipalities the necessary powers and a uniform procedure for municipal planning.

565.02 Findings. The City hereby finds that illicit discharge adversely affect the public health, safety, and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas that may be affected by unplanned land usage.

565.03 Purpose. The purpose of this division is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects occasioned by illicit discharge directly or indirectly to the City stormwater system and to natural waterbodies located in and downstream of the City.

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

Administrative penalty - means administrative penalties as set forth in the Enforcement Response Procedures.

CFR - means the Code of Federal Regulations.

City - means the City of Big Lake, Minnesota.

Contaminated - means containing a harmful quantity of any substance.

Contamination -means the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, Waters of the State, or Waters of the United States.

Cosmetic Cleaning - means cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

ERP - refers to the Enforcement Response Procedure Document as adopted by the City Council.

Harmful Quantity - means the amount of any substance that will cause pollution of waters of the City, State or Nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

Mobile Commercial Cosmetic Cleaning - means power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

Municipal Separate Storm Sewer System (MS4) - means the system of conveyances, including sidewalks, municipal streets, driveways, curb & gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

MS4 Permit - means the Minnesota Pollution Control Agency (MPCA) permit issued to the City of Big Lake for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency has promulgated the National Pollution Discharge Elimination System, Phase II storm water rules. The MPCA has delegated the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

National Pollutant Discharge Elimination System - means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.

NOI - means Notice of Intent.

Notice of Intent - means a written notice to the Minnesota Pollution Control Agency that the City plans on meeting the MS4 permit requirements.

NPDES - means the National Pollutant Discharge Elimination System.

Point Source - means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant - means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, and agricultural waste discharged into water or into the municipal separate storm sewer system.

Pollution - means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any Waters of the State or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Release - means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the municipal separate storm sewer system (MS4) or the Waters of the State.

Storm Water or Stormwater - means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm Water Pollution Prevention Plan - means a plan required by a permit to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

SWPPP - means storm water pollution prevention plan.

Waters of the State - means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

565.05 Administration. The City of Big Lake City Engineer and the City Administrator's authorized representatives are authorized to administer, implement, and enforce the provisions of this Ordinance.

565.06 Discharge to MS4 Prohibited.

Subd. 1 Violations. A person commits a violation if the person introduces or causes to be introduced into the Big Lake MS4 any discharge that is not composed entirely of storm water.

Subd. 2 Exempt Discharge Activities. The following are considered exempt discharge activities from enforcement action for a violation of this section:

- A. A discharge authorized by, and in full compliance with a site specific NPDES permit such as a storm water management plan permit for construction activities;
- B. A discharge or flow resulting from fire fighting by the Fire Department;
- C. Agricultural storm water runoff;
- D. A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection;
- E. A discharge or flow from lawn watering, or landscape irrigation;
- F. A discharge or flow from a diverted stream flow or natural spring;
- G. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- H. Uncontaminated groundwater infiltration;
- I. Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain;
- J. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- K. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- L. A discharge or flow from individual residential car washing;
- M. A discharge or flow from a riparian habitat or wetland;
- N. A discharge or flow from cold water (or hot water with prior permission of the Director) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
- O. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.

Subd. 3 No Exemptions. No exemption shall be allowed under Subdivision 2 if:

- A. The discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the State or to the MS4;
- B. Written notice of such determination has been provided to the discharger; and
- C. The discharge has continued after the expiration of the time given in the notice to cease the discharge.
- D. A person commits a violation if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

Subd. 4 Connection of Sanitary Sewer Prohibited. A person commits an offense if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Subd. 5 Nuisances.

- A. An actual or threatened discharge to the MS4 that violates or would violate this Article is hereby declared to be a nuisance.
- B. A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.

565.07 Enforcement Response Procedures (ERP)

Subd. 1 ERB Document. The City has adopted an ERB Document that includes increasing penalties for Illicit Discharges of Pollutants. This document includes Written Notices, Citations, Cease and Desist Orders as well as revocation of permits.

- A. The ERB Document is hereby referenced as part of this Illicit Discharge Ordinance.
- B. The following subdivisions 2 and 3 are Additional ERPs that may be applied where unlawful illicit discharges are associated with fully operational operations properties that do not have construction related permits and where cease and desist orders would create a disproportionate penalty.

Subd. 2 Emergency Suspension of Utility Service and MS4 Access.

- A. Providing there are State regulations restricting the interruption of service, the City may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a person discharging to the MS4, Waters of the State, or Waste Water Treatment Plant when such suspension is necessary to stop an actual or threatened discharge which:
- B. Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
- C. Presents or may present imminent and substantial danger to the MS4 or Waters of the State.
- D. When the Big Lake Director Public Works determines that City-provided water and/or sanitary sewer service needs to be suspended pursuant to Subdivision 11.A, the Director of Public Works is empowered to order such suspension.
- E. As soon as is practicable after the suspension of service or MS4 discharge access, the Director of Public Works shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the discharge immediately. When time permits, the Director should also attempt to notify the violator prior to suspending service or access.

- F. If the violator fails to comply with an order issued under Subdivision 11.C, the Director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- G. The City shall not reinstate suspended services or MS4 access to the violator until:
 - i. The violator presents proof, satisfactory to the Director, that the noncomplying discharge has been eliminated and its cause determined and corrected;
 - ii. The violator pays the City for all costs the City incurred in responding to abating, and remediating the discharge or threatened discharge; and
 - iii. The violator pays the City for all costs the City will incur in reinstating service or access.
 - a. A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the Director, in writing, within ten days of notice of the suspension.
 - b. The City may obtain a lien against the property to recover its response costs.
 - c. The remedies provided by this Section are in addition to any other remedies set out in this chapter. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

Subd. 3 Non-emergency Suspension of Utility Service and MS4 Access.

- A. The City may terminate the City-provided water supply, sanitary sewer connection, and/or MS4 access any person discharging to the MS4 in violation of this ordinance, if such termination would abate or reduce the illicit discharge.
- B. The Director of Public Works will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access. The violator may petition the Director for a reconsideration and hearing before the City Council.
- C. The City shall not reinstate suspended services or MS4 access to the discharger until:
 - i. The violator presents proof, satisfactory to the Director, that the noncomplying discharge has been eliminated and its cause determined and corrected; and
 - ii. The violator pays the City for all costs the City will incur in reinstating service or MS4 access.

Subd. 4 Remedies. The remedies provided by this Section are in addition to any other remedies set out in this ordinance. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

Subd. 5 Violations. A person commits a violation if the person reinstates water service, sanitary sewer service, and or MS4 access to premises terminated pursuant to this ordinance, without the prior approval of the Director of Public Works.

Section 570 - Park Regulations

570.01 Purpose. The purpose of this Section which is enacted pursuant to Minnesota Statutes, shall be to secure the quiet, orderly and suitable use of public parks, trail systems, and public access to lakes established by the City, and to further the safety, health, comfort and welfare of all persons in the use thereof.

570.02 Definitions. For the purpose of this Section, the following terms shall have the meanings given to them:

Subd. 1 Big Lake Parks. “Big Lake Parks” shall mean the park organization or system in the City.

Subd. 2 Domestic Animal. “Domestic Animal” shall mean a dog, cat or horse.

Subd. 3 Drugs. “Drugs” shall mean any substance defined as a controlled substance by Chapter 152, Minnesota or other statutes of Federal law or regulation.

Subd. 4 Intoxicating Liquor. “Intoxicating Liquor” shall mean any liquor which is intoxicating pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent alcohol by weight.

Subd. 5 Motorized Recreational Vehicle. “Motorized Recreational Vehicle” shall mean any self propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy, or four-wheel drive vehicle.

Subd. 6 Non-intoxicating Malt Liquor. “Non-intoxicating Malt Liquor” shall mean a beverage containing not more than 3.2 percent alcohol by weight.

Subd. 7 Park. “Park” shall mean any land or water area and all facilities thereon, established as a park of the City pursuant to Minnesota Statutes.

Subd. 8 Park Director. “Park Director” shall mean the person appointed by the City Council to serve as the chief administrative officer of the City Park System.

Subd. 9 Park Visitor. “Park Visitor” shall mean any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

Subd. 10 Skate Park. “Skate Park” shall mean the Big Lake Skate Park located at Lakeside Park.

Subd. 11 Vehicle. “Vehicle” shall mean any motorized, propelled, animal drawn or human powered conveyance.

Subd. 12 Weapon. “Weapon” shall mean any devise from which shots or projectile of any type can be discharged by means of explosive, gas, compressed air or otherwise propelled, including but not limited to firearms, bow and arrows, slings and spring guns.

Subd. 13 Wildlife. “Wildlife” shall mean all living creatures, not human, wild by nature, endowed by sensation and power or voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

570.03 General Conduct. It shall be unlawful for any person to:

- A. Use threatening, abusive, insulting, obscene or indecent language or to at in an indecent manner, or to do any act which constitutes a breach of the public peace in a park.
- B. Have in possession or bring into a park “Non-intoxicating” or “Intoxicating” Malt Liquor or beer in kegs or barrels.
- C. Consume any alcoholic beverage, whether “Intoxicating” or “Non-intoxicating Liquor” in a park after 10:00 o’clock p.m. and before the park is open the following day.
- D. Disturb, harass or interfere with any park visitor’s property.
- E. Deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, sewage, waste or other material, except in receptacles provided for such purposes.
- F. Enter a park with glass beverage containers.
- G. Dig trenches or make other excavations in a park.
- H. Throw, discharge or place on or upon any lake, stream, creek, pond or other body of water in or adjacent to a park, or tributary, stream, storm sewer, or drain flowing into the waters any substance, liquid or gas.
- I. Gamble or participate in any game of chance in a park.

- J. Use any land or body of water within a park for starting landing field for aircraft, balloons, or parachutes, without a permit from the Park Director.
- K. Start a fire in the park, except a small fire for culinary purposes in a designated area, or fail to fully extinguish such a fire.
- L. Drop, throw or otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.
- M. Sell, solicit or carry on any business or commercial enterprise or serve in a park unless authorized by the Park Director in writing.
- N. Use loudspeakers or other amplifying systems in a park, except with written permission from the Park Director.

570.04 Protection of Natural Resources and Wildlife. It shall be unlawful for any person to:

- A. Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil or mineral in a park.
- B. Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park except that fishing may be permitted in designated areas.
- C. Shoot any weapon into a park from beyond park boundaries.
- D. Bring a dog, cat, horse or other domestic animal into a park unless under the control of the owner or attendant and the custodian shall have the responsibility of cleaning up any feces of any animal and shall dispose of such in a sanitary manner.
- E. Bring or permit any dog, cat, horse or other domestic animal to enter a beach area, nature center, picnic area, park building, skating rink or Lakeside Park.
- F. Permit a dog, cat, horse or other domestic animal to disturb, harass or interfere with any park visitor or visitor's property.
- G. Possess any weapon within a park.
- H. Release within a park any plant, chemical or other agent potentially harmful to the vegetation or wildlife or the park.

570.05 Camping. It shall be unlawful for any person to camp in a park.

570.06 Swimming. It shall be unlawful for any person to:

- A. Wade or swim within a park except at beaches designated for that purpose, and then only between sunrise and sunset, or such hours as may be designated by the Park Director. Any park visitor shall swim or wade at their own risk.
- B. Take bottles or glass of any kind, except eyeglasses into a designated beach area.
- C. Use air mattresses, inner tubes or other inflatable devices except in designated beach areas.

570.07 Boating. It shall be unlawful for any person to:

- A. Launch or land any boat, yacht, canoe, raft or other watercraft upon any water, lagoon, lake, pond or slough within a park except at locations and times designated for that purpose.
- B. Leave unattended any boat or watercraft except in areas designated for that purpose.
- C. Operate any watercraft in a designated swimming area or other prohibited area.
- D. Operate any watercraft in a park in violation of Minnesota Statutes, Chapter 86B, or Section 560 of this Code.

570.08 Horseback Riding. It shall be unlawful for any person to ride a horse or bring an untrailered horse into a park.

570.09 Bicycling. It shall be unlawful for any person to operate a bicycle except on park designated bikeways and roadways, and kept as close to the right hand side thereof as conditions shall permit.

570.10 Meetings, Speeches, Demonstrations and Parades. It shall be unlawful for any person to conduct public meeting, assemblies, entertainment, parades or demonstrations within a park without first obtaining a written permit from the Park Director, and then only in an area designated by permit.

570.11 Vehicles. It shall be unlawful for any person to:

- A. Operate any vehicle within a park except upon designated roadways and parking areas.
- B. Operate vehicle in a park at a speed in excess of posted speed limits.
- C. Park or leave a vehicle standing within a park except at a designated parking area.
- D. Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other polluting matter.
- E. Operate a vehicle in a reckless or careless manner in the park.
- F. Wash, polish, grease, change oil or repair any vehicle in a park, except that emergency repairs may be made.

570.12 Motorized Recreation Vehicle. It shall be unlawful for any person to:

- A. Operate a motorized recreation vehicle within a park except on designated roadways and parking areas.
- B. Operate a snowmobile within a park other than on designated trails within the park for snowmobile traffic.

570.13 Park Operation.

- A. A person may be granted a permit for temporary exclusive use of reserved space within a park. Said permit shall be for a maximum of eight hours.
- B. No person shall remain within a park between the hours of 10:00 p.m. and 5:00 a.m.
- C. Any permit granted pursuant to this Section may be revoked upon the violation by the permittee of any provision of this Section, or any other ordinance, rule or regulation of parks adopted by the City.
- D. It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the City without payment of the fee or charge.
 - i. The Big Lake Public Works Director or his/her designee shall have the authority to administratively approve or deny requests to waive parking fees at Lakeside Park for events benefiting non-profits, community events, and for Big Lake business events open to the public.

- E. The City shall not be liable for any loss, damage or injury sustained by a park visitor.
- F. Any park or portion thereof may be declared closed to the public by the City Council or the Park Director at any time and for any interval of time or to certain uses, as the City Council or Park Director shall find reasonably necessary.
- G. The City Council or Park Director shall have the right to issue administrative rules and regulations that shall be established by the Council or Park Director.
- H. Nothing in the Section shall prevent employees or agents of the Big Lake Parks from performing their assigned duties.
- I. No person shall impersonate any employee for the Big Lake Parks, nor interfere with, harass or hinder any employee in the discharge of his or her duties.

570.14 Skate Park. Rules and Regulations shall be posted at the Skate Park:

- A. Skate Park hours are from 5:00 a.m. to 10:00 p.m.
- B. Skateboard skates and bicycles are the only equipment allowed in the Skate Park.
- C. Parents are strongly encouraged to be in attendance at all times if user is under the age of ten.
- D. No drugs, alcohol, or tobacco products allowed.
- E. Personal Protective Equipment should be worn, including helmets, knee and elbow pads, gloves, wrist supports, and proper footwear.
- F. Adding or altering the ramps and/or equipment is prohibited.
- G. Keep noise to a minimum.
- H. Profanity is prohibited.
- I. Protect your Park from graffiti and abuse.
- J. Put trash in trash receptacles.
- K. No food or drink is allowed in the skating area.

- L. Do not cross in front in others.
- M. No horseplay, or “crack the whip”.
- N. Follow all other Park rules and regulations.
- O. Skating privileges will be revoked if these rules are not followed.
- P. The City of Big Lake does not assume any responsibility for injury. Any use of the Skate Park is “at your own risk”.

570.15 Waiver. Any provision of this Section may be waived at the discretion and direction of the City Council.

570.16 Enforcement and Penalties.

Subd. 1 Misdemeanor. A person guilty of violating any provision of this Section shall be guilty of a misdemeanor.

Subd. 2 Ejection. Designated Big Lake Parks employees may, in connection with their duties imposed by law, diligently enforce the provisions of this Section and eject from parks, persons acting in violation of this Section.

Subd. 3 Permit Revocation. The Park Director shall have the authority to revoke for good cause any permit or reservation issued by the Park Director.

570.17 Enforcement and Penalties (Parks Advisory Board).

Subd. 1 The City is establishing a Parks Advisory Committee.

Subd. 2 The City Council will establish the bylaws for the Committee and amend the bylaws as they deem necessary.

Subd. 3 The Parks Advisory Committee’s responsibilities will be determined by the Council through the bylaws.

Subd. 4 The Parks Advisory Committee will consist of seven (7) voting members including at least one (1) City Council and one (1) Planning Commissioner as defined in the bylaws. The City Administrator or his/her designee will act as the recording secretary and staff for the Parks Advisory Committee.

Section 580 - Minors

580.01 Curfew.

Subd. 1. Under Age 15. Except as otherwise provided in this Section, no minor under the age of 15 shall loiter, loaf, idle or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment or refreshment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

Subd. 2. 15 to 18 Year Olds. No minor under the age of 18 years but at least 15 years of age shall loiter, loaf, idle, or be in or upon the public streets, alleys, yards, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or unsupervised places between the hours of 12:00 midnight and 5:00 a.m. of the following day.

Subd. 3. Exceptions. The restrictions of this Section shall not apply when the minor:

- A. Is accompanied by parent, guardian or other person having the minor's lawful care, custody or control.
- B. Is returning home by a direct route from and within 30 minutes after a school activity or an activity of a religious or other voluntary association.
- C. Is on the way to or from the minor's place of employment and such employment is verifiable;
- D. Is upon an emergency errand or other legitimate business directed by parent, guardian or other adult having the lawful custody of the minor;
- E. Is in a motor vehicle involved in interstate travel;
- F. Is exercising a First Amendment right;
- G. Is on the sidewalk abutting the minor's residence or that of a neighbor if the neighbor does not complain.
- H. Is or has been married, or is otherwise emancipated.

Subd. 4. Parents' Responsibility. No parent, guardian or other adult person having the care and custody of a minor under the age of 18 years shall permit the minor to violate the provisions of this Section.

Subd. 5. Proprietors' Responsibility. No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor under the age of 18 years to loiter, loaf, idle, or be in such place during the hours prohibited by this Section, except as provided in this Section.

Subd. 6. Juvenile Court. Any minor under the age of 18 years who violates any of the provisions of this Section shall be dealt with in accordance with the Juvenile Court Law and Procedure.

Subd. 7. Misdemeanor. Any adult who violates this Section shall be guilty of a misdemeanor.

580.02. Social Hosts.

Subd. 1. Purpose and Findings. The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds:

- A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- C. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

- D. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- E. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. Definitions. The following words and terms when used in the Section shall have the following meanings, unless the context clearly indicates otherwise:

- A. “Alcohol” – Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- B. “Alcoholic Beverage” – Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- C. “Event or Gathering” – Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- D. “Host or Allow” – To aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.
- E. “Parent” – Any person having legal custody of a juvenile:
 - i. As natural, adoptive parent, or step-parent;
 - ii. As a legal guardian; or
 - iii. As a person to whom legal custody has been given by order of the court.
- F. “Person” – Any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any city, county, or state agency.

- G. “Residence, Premises or Public or Private Property” – Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- H. “Underage Person” – Any individual under twenty-one (21) years of age.

Subd. 3. Prohibited Acts.

- A. It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does (i) consume any alcohol or alcoholic beverage; or (ii) possess any alcohol or alcoholic beverage with the intent to consume it and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- B. A person is criminally responsible for violating Section 580.02, subd. 3(A) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 4. Exceptions.

- A. This article does not apply to conduct solely between an underage person and his or her parents while present in the parent’s household.
- B. This article does not apply to legally protected religious observances.
- C. This article does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensee’s, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503. subd. 1(a)(1).
- D. This article does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 5. Penalty. Violation of this Section is a misdemeanor.

Section 590 - Refuse

590.01 Definitions. The following words and phrases, when used in this Section and unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Subsection:

Subd. 1 Garbage. “Garbage” shall mean any animal and/or vegetable waste resulting from the handling, preparing, cooking, and consumption of food.

Subd. 2 Refuse. “Refuse” shall mean discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.

Subd. 3 Rubbish. “Rubbish” shall mean nonputrescible solid wastes consisting of combustible and noncombustible materials, including yard waste.

590.02. Required Collection of Mixed Municipal Solid Waste. Every household and commercial/industrial establishment must be under contract for at least weekly collection of mixed municipal solid waste by a licensed collector. A household or commercial/industrial establishment may apply to the City Council for an exemption from this requirement if the household or commercial/industrial establishment presents a plan to ensure an environmentally sound alternative.

590.03 Storing of Refuse.

Subd. 1 Garbage shall be kept in suitable and sufficient cans or receptacles with suitable handles and a tight fitting cover. Each of said receptacles or cans shall be maintained and cleaned, and in a state of repair which will prevent leakage.

Subd. 2 No person shall accumulate or permit to accumulate any refuse which might constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, or a fire or health hazard.

Subd. 3 Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within ten (10) days after the effective date hereof shall be deemed a violation of this Chapter.

590.04 Disposal Requirements.

Subd. 1 Disposing garbage, refuse, or rubbish on any streets, alleys, drives, parks, playgrounds, or other public places or on any vacant lots privately owned shall constitute a violation of this ordinance whether such material is discarded by the individual upon whose

premises the material originates or whether it is discarded by some other person.

Subd. 2 Yard Waste Disposal: It shall be unlawful for any person to dispose of yard waste in mixed municipal solid waste, as defined in Chapter 335 of the City Code, in a disposal facility or in a resource recovery facility except for the purposes of composting or co-composting.

Subd. 3 Prohibited Disposal: No person shall place or cause to be placed any garbage, refuse, rubbish, or anything they intend to dispose of or abandon within or next to a garbage can or dumpster or anywhere else unless they own or lease the receptacle or have the permission of the property owner or tenant.

590.05 Penalty. Anyone found in violation of this Section shall be guilty of a misdemeanor.

SECTION 595 – DRUG PARAPHERNALIA OFFENSES

(ADOPTED 04/22/15)

595.01 Use or Possession Prohibited. It is unlawful for any person to knowingly or intentionally use or to possess drug paraphernalia. Any violation of this subsection is a petty misdemeanor.

595.02 Delivery or Manufacturing Prohibited. A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, enhance, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Minnesota Statutes Chapter 152. Any violation of this subsection is a misdemeanor.

595.03 Drug Paraphernalia Definitions. The following definitions apply to “Drug Paraphernalia”.

1. Except as otherwise provided in subsection 2 of this definition, "drug paraphernalia" means all equipment, products, and materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota statutes chapter 152.
2. "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
3. The term paraphernalia includes, without limitation:
 - a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance.
 - d. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
 - e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
 - f. Diluents and adulterants, including quinine hydrochloride, mannitol, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.

- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- h. Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing controlled substances.
- i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances.
- k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances to include, but not limited to, marijuana, cocaine, hashish, or hashish oil into the human body, including:
 - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - ii. Water pipes.
 - iii. Carburetion tubes and devices.
 - iv. Smoking and carburetion masks.
 - v. Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, a marijuana cigarette, that has become too small or too short to be held in the hand.
 - vi. Miniature cocaine spoons and cocaine vials.
 - vii. Chamber pipes.
 - viii. Carburetor pipes.
 - ix. Electric pipes.
 - x. Air driven pipes.
 - xi. Chillums.
 - xii. Bongs.
 - xiii. Ice pipes or chillers.
- l. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.

595.04 Drug Paraphernalia Guidelines. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors:

- 1. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of this section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner, or of any person in control of the object, to deliver the object to another person whom the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of this section. The innocence of an owner, or of any person in control of the object, as to a direct violation of this section may not prevent a finding that the object is intended or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning the object's use.
8. Descriptive materials accompanying the object, which explain or depict the object's use.
9. National and local advertising concerning the object's use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning the object's use.
15. The actual or constructive possession by the owner or by a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

Section 596 – Sexual Predator Residency Restrictions

596.01 Findings and Intent.

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

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

596.02 Definitions. The following words and terms when used in the Section shall have the following meanings, unless the context clearly indicates otherwise:

A. “Day Care Center” – A facility licensed by the State of Minnesota in which care, supervision and training for individuals under the age of 18 is provided for part of a 24-hour period.

B. “Designated Offender” – Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state, and whose victim was under the age of 18 at the time of the offense.

C. “Park or Playground” – Any land, including improvements, operated by the city for the use by the general public as a recreational area.

D. “Permanent Residence” – A place where a person abides, lodges or resides for 14 or more consecutive days.

E. “School” – Any public or non-public educational institution that offers educational instruction to individuals under the age of 18.

F. “Temporary Residence” – A place, other than a person’s permanent residence, where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.

596.03 Residency Prohibition; Penalties; Exception.

Subd. 1 Residency Prohibition.

- A. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, day care center, park or playground.
- B. 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 of the designated offender to the nearest outer property line of a school, day care center, park or playground.

Subd. 2 Penalties. A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

Subd. 3 Exceptions.

- A. A designated offender residing within a prohibited area as described in Subdivision 1 does not commit a violation of this section if any of the following apply:
 - i. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. § 243.166, § 243.167, or successor statute, prior to the effective date of this section.
 - ii. The designated offender was a minor when he or she committed the offense and was not convicted as an adult.
 - iii. The designated offender is a minor.
 - iv. The school, day care center, park or playground within 2,000 feet of the designated offender's permanent residence or temporary residence was designated or opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. § 243.166 or § 243.167, or successor statute.

Section 597 - Mistreatment of a Police Canine

597.01 Mistreatment of a Police Canine. It is unlawful for any person to willfully tease, taunt, torment, harass, strike, kick, mutilate, disable, distract, or injure any police canine, or to cause any other person or animal to impede, harass or interfere with the function of any dog while such animal is being utilized by the Police Department, or any officer or employee thereof, in the performance of any function or duty of said department, of such officer or employee.

597.02 Penalty. Anyone found in violation of this section shall be guilty of a misdemeanor.