

CHAPTER VI

PUBLIC HEALTH

Section 600 – Public nuisances

600.01. Public nuisance prohibition. Subdivision 1. Prohibition. A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this section, a person that does any of the following is guilty of maintaining a public nuisance:

- (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;
- (b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (c) Does any other act or omission declared by law or city ordinance to be a public nuisance.

Subd. 2. Hazardous buildings. This section does not apply to the procedures available to the city under Minnesota Statutes, sections 463.15 through 463.261 to correct or remove a hazardous condition of any hazardous building or property, which may occur through a separate action or in conjunction with a nuisance abatement action under this section.

600.03. Duties of city officials. City officials may apply and enforce any provision of this section relating to public nuisances in the city. Any peace officer or other designated city official may inspect private premises in accordance with the law and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

600.05. Abatement procedure. Subdivision 1. Severability. The nuisance abatement procedure in this subsection is separate from, but may run concurrent with, the administrative enforcement procedure in Section 306 of this code.

Subd. 2. Nuisance abatement order. Whenever a peace officer or other designated city official determines that a public nuisance is being maintained or exists in the city, the official may issue a nuisance abatement order to the owner of record and occupant of the premises. The order shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. The order shall identify the nuisance, specify what must be done to abate the nuisance, and provide a reasonable period of time, not less than 10 days, within which the nuisance must be abated. The order shall also contain a clear statement of the right of the owner or occupant to request a hearing before the city council. If the nuisance conditions identified in the order are not fully corrected by the indicated date, the city may abate the nuisance.

Subd. 3. Opportunity to be heard. Upon receipt of a nuisance abatement order, the owner or occupant may forestall abatement action by the city by requesting a hearing before the city council. Such request must be in writing and received by the city no later than 4:30 p.m. on the compliance date indicated in the order. Upon receipt of such request, the city manager shall place the matter on the agenda for the next available city council meeting. At the meeting the city council will provide the owner and occupant an opportunity to be heard regarding the matter. At the conclusion of the hearing the city council may act to uphold, modify or dismiss the nuisance abatement order. If the city council upholds or modifies the order, it shall also identify a date by which the nuisance must be abated. The city shall provide the owner and occupant written notice of the city council's decision and the date by which the nuisance must be abated.

Subd. 4. City abatement. If the owner or occupant fails to comply with the nuisance abatement order by the established compliance date, the city may act to protect the public health, safety, and welfare by taking such actions as it determines are reasonable to abate the nuisance.

Subd. 5. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedural requirements as set forth in subdivisions 2 and 3 of this subsection will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city manager may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated city official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant and owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivisions 2 and 3 of this subsection and may order that the nuisance be immediately terminated or abated. The order shall be hand delivered to the owner or occupant and, if neither is available, it shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. If the nuisance is not immediately terminated or abated, the city manager may order summary enforcement and abate the nuisance.

Subd. 6. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 7. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy as authorized by law.

600.07. Recovery of costs. Subdivision 1. Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. After the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the responsible party. Thereupon the amount shall be immediately due and payable to the city.

Subd. 2. Assessment. After notice and hearing as provided in Minnesota Statutes, section 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the city clerk shall, on or before September 1 following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, section 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the city council may determine in each case.

600.09. Penalty. Any person who fails to comply with an abatement notice shall be guilty of a misdemeanor. Each additional day of noncompliance constitutes a separate offense.

Section 605 – Garbage and refuse

605.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Approved. "Approved" means acceptable to the health authority following the determination as to compliance with established public health practices and standards.

Subd. 2. Composting. "Composting" means a microbial process that converts plant materials to a usable organic soil amendment or mulch.

Subd. 3. Dumpster. "Dumpster" means a large container for temporary storage of refuse, recycling, or source-separated compostable material.

Subd. 4. Health authority. "Health authority" means any officer or employee designated by the city manager to enforce the provisions of this section.

Subd. 5. Litter. "Litter" includes all of the following:

- (a) Refuse, as defined in this subsection;
- (b) The meaning given by Minnesota Statutes, section 609.68; and
- (c) Abandoned property in the form of deteriorated, wrecked or derelict property in unusable condition or left unprotected from the elements. The term "abandoned property" includes, but is not limited to, deteriorated, wrecked, inoperable, unlicensed, partially dismantled, or abandoned motor vehicles, trailers, boats, machinery, refrigerators, washing machines, household appliances, plumbing fixtures and furniture.

Subd. 6. Owner. "Owner" means any person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others may be in ownership of, or have charge, care, or control of, any premises or business within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

Subd. 7. Pests. "Pests" means any insects, vermin, rodents, birds or any other living agent capable of reproducing itself that causes or may potentially cause harm to the public health or significant economic damage.

Subd. 8. Premises. "Premises" means any dwelling, house, building or other structure or parcel of property.

Subd. 9. Public place. "Public place" means any and all streets, sidewalks, boulevards, alleys, parks, public buildings, and other public ways.

Subd. 10. Recycling. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 11. Recyclable materials. "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 12. Refuse. "Refuse" means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. Refuse does not include recyclable materials, source-separated compostable materials or yard waste.

Subd. 13. Refuse enclosure. "Refuse enclosure" means an enclosure capable of containing all refuse, recyclable materials, source-separated compostable materials, and yard waste stored by an establishment between pickups.

Subd. 14. Refuse enclosure - food service. "Refuse enclosure - food service" means an enclosure constructed for sanitary temporary storage of refuse, recyclable materials, and source-separated compostable materials generated by food establishments.

Subd. 15. Roll-off container. "Roll-off container" means a usually open-top dumpster characterized by a rectangular footprint. Typical container sizes are 10, 15, 20, 30, and 40 cubic yards.

Subd. 16. Source-separated compostable materials. "Source-separated compostable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subd. 32a.

Subd. 17. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a thoroughfare including devices used exclusively upon stationary rails or tracks.

Subd. 18. Waste matter. "Waste matter" means, collectively, refuse, recyclable materials, yard waste, and source-separated materials.

Subd. 19. Yard waste. "Yard waste" means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

605.03. Refuse storage and disposal. Subdivision 1. Containers required. The owner of any residential premises, and any other person having refuse, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water tight, must have tight fitting covers, must be impervious to pests and absorption of moisture, and must not exceed 96 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week and all six family and larger dwellings, must store refuse in roll-off containers or dumpsters, or an approved equivalent, provided by its licensed collector. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

Subd. 2. Sanitary disposal. Refuse must be disposed of in a sanitary manner as approved by the health authority and must not constitute a public nuisance.

Subd. 3. Frequency and manner of collection. The contents of refuse containers must be collected at least every other week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed under this section. The collector must transfer the contents of the containers to the vehicle without spilling them, or if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in such a manner as to not create a public nuisance. Upon each collection, the containers must be completely emptied and returned to where they are kept, and the covers of the containers must be replaced.

Subd. 4. Placement of containers.

- (a) The preferred location for storage of containers is in an enclosed building. However, if stored outside, containers must be placed and kept in a neat and orderly manner and maintained in such a way as to not unreasonably interfere with the use of the adjoining property.

- (b) Containers may be placed at their designated collection location the evening before the applicable collection day and shall be removed from that location no later than 12:00 p.m. on the day following the applicable collection day.
- (c) Properties with a sidewalk directly behind the curb may place containers on that part of the sidewalk closest to the curb in accordance with subdivision 4(b).
- (d) Containers may never be placed on public streets or interfere in any way with the removal of snow from the roadways.

Subd. 5. Defective containers. If a container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the health authority may notify the provider or user of the container of the deficiency and require repair or replacement of the container. If the deficiency is not corrected, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subd. 6. Dumpsters and roll-off containers. A dumpster or roll-off container may not be located in any public place. A dumpster or roll-off container may not be located on any residential premises for more than three consecutive months during any 12-month period. The city manager, or its designee, is authorized to issue temporary permits for placement of a dumpster or roll-off container on any residential premises for more than three consecutive months when special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit must be displayed on the dumpster or roll-off container or elsewhere on the premises. All dumpsters and roll-off containers must have the current licensed collector's name, address and phone number in clearly legible letters no less than three inches in height. No fee is required for the temporary permit.

605.05. Exterior storage - commercial and industrial. Exterior storage of refuse, including dumpsters, at buildings in property zoned for commercial or industrial uses must conform to the following rules:

- (a) The refuse must be contained in a refuse enclosure or in the case of food establishments, in a refuse enclosure - food service; and
- (b) The exterior storage area must be constructed in compliance with the open and outdoor storage requirements contained in the city's zoning regulations.

605.07. Refuse hauler regulations. Subdivision 1. License required. It is unlawful to engage in hauling or conveying of waste matter from a premises, other than one's own domicile, in the city without a license. Each vehicle so used must be licensed.

Subd. 2. License procedure. Applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority will require. Applications to provide routine weekly collection and removal of refuse from residences must provide complete collection of all refuse which normally results from day to day use of this type of property except furnishings, appliances, building or construction wastes and similar bulky wastes for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application. An application for license under this section must be submitted to the health authority for review and recommendation and approved by the city council if it meets the requirements of this section. Fees for licenses are set by appendix IV.

Subd. 3. Pricing requirement. Applications for license or renewal of license must contain a description of refuse collection charges. The charges must increase with the volume or weight of the refuse collected from a premises. The charges imposed on a premises that recycle shall not be greater than the charges imposed on a premises that do not recycle.

Subd. 4. Insurance. Applicants for licenses or renewals of licenses must file with each application a copy of an insurance policy or policies and an endorsement, under which there is coverage as to each vehicle in the minimum amounts of \$1,000,000 for bodily injury to each person; \$1,000,000 aggregate per occurrence; and, \$1,000,000 for loss or damage to property. Every policy must provide that it will not be cancelled or terminated for any reason without at least ten days' written notice thereof first being given to the city.

Subd. 5. Vehicle decals; specifications. Whenever a license or renewal has been granted hereunder, the health authority will furnish to the licensee a decal for each vehicle signifying that the vehicle is licensed by the city. The licensee must apply the decal to the left forward side of the vehicle's body or in another visible location as required by the health authority. Old, expired, or otherwise invalid decals must be removed. Licenses and decals are non-transferable to other vehicles. Every vehicle used to collect refuse must also clearly identify the name and phone number of the owner or operator of that vehicle.

Subd. 6. Vehicle construction, maintenance and loading. Every vehicle used to collect waste matter must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm. Vehicles must be kept in good repair, regularly cleaned, and maintained in a way to prevent persistent odors.

Subd. 7. Service cancellation. A licensed refuse hauler must cancel service to any premises when the only container or containers thereon have been condemned and may cancel service for cause or when the party charged for the collection service is two months or more overdue in payment for such services. When a refuse hauler cancels service to any premises, written notice thereof must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.

Subd. 8. Vehicle storage and parking. It is unlawful to park or store a refuse collection vehicle within 100 feet of any residential premises, or within 200 feet of any food establishment, for purposes other than, or for periods inconsistent with, providing collection at said premises.

Subd. 9. Collection schedules and districts. The city council has the authority to create and modify collection districts for refuse and recycling and may designate specific days during which collection in each district may occur. Licensed haulers must establish their collection routes and days of collection in a manner consistent with the city's approved collection districts and specified days of collection. Violation of this subdivision is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day if the collection is due to a missed pick up or is during a week in which a legal holiday occurs.

Subd. 10. Collection hours. The collection or removal of refuse or recycling shall not occur between the hours of 10 p.m. and 6 a.m. on any day.

605.09. Public nuisance; abatement. Unless stored in containers in compliance with this section, any accumulation of refuse on any premises is deemed a public nuisance and may be abated under section 600 of this code.

605.11. Composting. Subdivision 1. Compost containers. Composting shall only be conducted within a covered or uncovered container, enclosed on all vertical sides, and constructed of (i) wood, (ii) wire mesh, (iii) a combination of wood and wire, (iv) metal barrels with ventilation, or (v) commercially fabricated bins or barrels. Containers shall be durable and shall be constructed and maintained in a structurally sound manner. Wood used in the construction of a compost container must be sound and free of rot.

Subd. 2. Size. The maximum size for a compost area on residential lots shall be 15 cubic yards. The maximum size on non-residential lots shall be 25 cubic yards for lots under 10,000 square feet and 120 cubic yards for lots over 10,000 square feet.

Subd. 3. Location on property. A compost container may not be placed closer than five feet from a property line or closer than 20 feet to any habitable building not on the subject property. The compost may be located only in a rear yard as defined in the zoning regulations.

Subd. 4. Prohibited contents. The following materials may not be placed in a compost: meat, fats, oils, grease, bones, whole eggs, milk or other dairy products, human or pet wastes, pesticides, herbicides, noxious weeds, diseased plant material in which the disease vector cannot be rendered harmless through the composting process, and any garbage or refuse that may cause a public health risk or create nuisance conditions.

Subd. 5. Maintenance. Compost materials shall be layered, aerated, moistened, turned, and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner. Compost materials shall be covered with a layer of material such as leaves, straw, wood chips, or finished compost to reduce odor.

Subd. 6. Nuisance. Operating a compost in a manner that results in objectionable odors or placing prohibited materials in a compost are both deemed public nuisances and may be abated under section 600 of this code.

605.13. Wood piles. Subdivision 1. General rule. The outside storage of cut firewood for residential buildings is permitted in residential zoning districts of the city subject to the provisions of this subsection. The rules in this subsection do not apply to wood stored inside of a building.

Subd. 2. Location and storage. All firewood located upon a residential premises must be cut/split, prepared for use, and stored in neat, secure stacks. Stacks of wood may be located only in rear yards as defined in the zoning regulations and may not be located on a property line. A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

605.15. Litter. Subdivision 1. General rule. It is unlawful to throw, scatter or deposit litter on or in private or public property, bodies of water, vehicles or structures within the city. Property owners must maintain their premises free of refuse or other litter, except as otherwise expressly authorized by this section. The owner, lessee or occupant of private property, whether occupied or vacant, must maintain the property free of litter.

Subd. 2. Nuisance; abatement. The accumulation of excess litter on private property is deemed a public nuisance and may be abated under section 600 of this code.

Subd. 3. Not exclusive. The authority granted by this subsection is in addition and independent of the authority granted and the procedure established by section 1315 of this code.

Section 610 - Recycling

610.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Dwelling unit. "Dwelling unit" means a residential structure in the city that is designated by the recycling authority to receive recycling collection services.

Subd. 2. Generator and mixed municipal solid waste. "Generator" and "mixed municipal solid waste" have the meanings given those terms in Minnesota Statutes, section 115A.03.

Subd. 3. Multifamily dwelling. "Multifamily dwelling" means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 4. Recycling and recyclable materials. "Recycling" and "recyclable materials" have the meanings given those terms in subsection 605.01 of this code.

Subd. 5. Recycling authority. "Recycling authority" means the official designated by the city manager to perform the powers and duties of the recycling authority as provided in this section. The recycling authority may be the administrator of the Hennepin Recycling Group joint powers entity of which the city is a member.

Subd. 6. Recycling container. "Recycling container" means a receptacle designated by the recycling authority for the accumulation and collection of recyclable materials at a dwelling unit.

Subd. 7. Recycling collection services. "Recycling collection services" means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit that is designated by the recycling authority for regular collection.

Subd. 8. Recycling services. "Recycling services" means recycling collection services, carryout collection services, and any other services provided to a dwelling unit in accordance with this section.

610.03. Recycling authority; powers. The recycling authority is responsible for supervising and controlling the collection, processing, and marketing of recyclable materials from all dwelling units in the city. The recycling authority may contract with one or more haulers or processors for the collection, processing and marketing of some or all types of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this section as necessary for the collection, processing, and marketing of recyclable materials, including but not limited to rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the city council.

610.05. Recycling rates; billings. Subdivision 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subd. 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services, unless an exemption is obtained as provided in this section. The amounts payable for recycling services will be shown as a separate charge on the utility bill for the dwelling unit and will be payable according to the same terms as those provided in this code for utility bills.

610.07. Assessment of unpaid bills. On or before September 1st of each year, the city clerk must list the total unpaid charges for recycling services against each lot or parcel to which they are attributable. The city council may then spread the charges against the property benefitted as a special assessment in the same manner as provided for current services by Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection the following year along with the current taxes.

610.09. Rate exemption. Subdivision 1. Exemption. A dwelling unit will not be billed for recycling collection services if the owner or occupant of the dwelling unit establishes that the recyclable materials generated at the dwelling unit are separated from mixed municipal solid waste by the generator, are separately collected, and are delivered to a final destination for reuse in their original form or for use in a manufacturing process.

Subd. 2. Application. Application for an exemption must be made by the owner or occupant of the dwelling unit to the recycling authority. The owner or occupant must produce evidence to the recycling authority of the amount, by weight and type, or recyclable materials that are separated, collected and delivered for reuse in their original form or for use in a manufacturing process. The recycling authority may establish additional reasonable criteria for determining when an exemption will be granted. The recycling authority's decision to grant or deny a request for exemption is final.

Subd. 3. Expiration and renewal. Rate exemptions granted under this subsection shall automatically expire after three years. Upon expiration, the owner or occupant may reapply pursuant to the application requirements contained in subdivision 2.

610.11. Ownership of recyclable materials; scavenging prohibited. Subdivision 1. Ownership. Recyclable materials are the property of the generator until collected by authorized city employees, collectors or haulers. Recyclable materials become the property of the city, authorized collector, or authorized hauler upon collection.

Subd. 2. No scavenging. It is unlawful for a person, other than authorized employees of the city or authorized haulers, to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection. This subdivision shall not apply during city-sanctioned curbside cleanup events.

Subd. 3. Penalty. A violation of this subsection is a misdemeanor and may be punished as provided in chapter 115 of this code.

610.13. Relation to other provisions of code. To the extent that the provisions of this section are inconsistent with the provisions of section 605 of this code, the provisions of this section govern.

610.15. Multifamily dwellings. Subdivision 1. Recycling services. Owners of multifamily dwellings containing more than eight dwelling units must provide recycling collection services to all residents of the dwelling. Recyclable materials must be collected at least once per month.

Subd. 2. Recycling; notice. Owners of multifamily dwellings must provide notice to all new tenants of the opportunity to dispose of recyclable materials as well as the location of the disposal site.

Subd. 3. Recycling; preparation. Owners of multifamily dwellings must provide information to all new tenants related to the proper preparation of recyclable materials for collection.

Subd. 4. Recycling containers. Owners of multifamily dwellings must insure that stolen or broken containers for recyclable materials are replaced within a reasonable time.

Subd. 5. Landfilling prohibited. It is unlawful for an owner of a multifamily dwelling or an agent or contractor of an owner, to transport for disposal or to dispose of recyclable materials in a solid waste disposal facility, or to contract for such transportation or disposal.

Subd. 6. Penalties. Violation of subdivisions 1, 2, 3 or 4 of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation of subdivisions 1, 2, 3 or 4 by the same owner, the violation is punishable as a misdemeanor. Violation of subdivision 5 of this subsection is punishable as a misdemeanor.

610.17. Commercial buildings. Subdivision 1. Responsibility. Owners of commercial buildings must meet the recycling requirements imposed upon them by Minnesota Statutes, section 115A.151, as it may be amended from time to time.

Subd. 2. Penalties. A violation of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation by the same owner, the violation is punishable as a misdemeanor.

610.19. Defective recycling containers. If a recycling container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the recycling authority may notify the provider or user of the deficiency and require repair or replacement of the recycling container. If the deficiency is not corrected, the recycling authority may condemn the deficient recycling container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit recyclable materials in a recycling container which has been condemned.

Section 615 – Vegetation

615.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Maintenance plan. “Maintenance plan” means a document submitted with an application for a native vegetation permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

Subd. 2. Native vegetation. “Native vegetation” means those indigenous trees, shrubs, wildflowers, grasses and other plants that have naturally adapted themselves to the climate and soils of the area but require cultivation and maintenance to remain viable.

Subd. 3. Native vegetation permit. “Native vegetation permit” means a permit issued by the city pursuant to this section allowing an owner or occupant to cultivate native vegetation upon their property, subject to the restrictions of this section.

Subd. 4. Natural habitat. “Natural habitat” means specially uncultivated valued and sensitive habitat whereupon native vegetation exists in a pristine state and provides habitat for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

Subd. 5. Noxious weed. “Noxious weed” means an annual, biennial, or perennial plant designated by the Minnesota Commissioner of Agriculture or the city council as injurious to public health, the environment, public roads, crops, livestock, or other property.

Subd. 6. Rain garden. “Rain garden” means a shallow planted depression in the ground designed to allow for stormwater runoff to slowly infiltrate the soil.

Subd. 7. Rank vegetation. “Rank vegetation” means uncultivated vegetation growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

Subd. 8. Turf grass. “Turf grass” means cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

Subd. 9. Weeds. “Weeds” means unsuitable, unwanted, or uncultivated vegetation, often causing injury to the desired vegetation type.

615.03. Weed inspector. As provided by state law, the mayor is the weed inspector. These duties may be assigned to the city manager or the city manager's designee.

615.05. General rules. Subdivision 1. Lot areas. All lot areas not designated for buildings, pedestrians or vehicles, parking, recreation, and storage shall be provided with turf grass, native vegetation, or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery.

Subd. 2. Noxious weed prohibition. No owner or occupant of any lot shall allow any noxious weeds to grow on any part or portion of said lot.

Subd. 3. Height limitation. No owner or occupant shall allow any turf grass, weeds, or rank vegetation to grow to a height greater than eight inches on any lot or parcel of land. However, a native vegetation permit exempts an owner or occupant from this subsection. The height of native vegetation shall be as stated in the native vegetation permit.

615.07. Native vegetation permit. Subdivision 1. Application. The application for a native vegetation permit and renewal application, which shall be provided by the city manager, or its designee, shall contain the following:

- a) The Latin and common names of the species the property owner or occupant plans to cultivate.
- b) A maintenance plan, which shall contain the following:
 - (1) A planting diagram showing the location and mature height of all specimens of native vegetation; and
 - (2) Detailed information on the upkeep of the planting and any long-term maintenance requirements.

Subd. 2. Permit issuance. Upon submission of an application in accordance with this subsection, the city manager, or its designee, shall review the application and either approve or deny it. If approved and issued, the permit grants any property owner or occupant with written permission of the owner the ability to cultivate native vegetation on the applicable property. A native vegetation permit shall be valid for five years from the date of approval. The city manager, or its designee, shall not approve a permit for any applicant having unresolved city code violations or administrative citations.

615.09. Compliance. The city manager, or its designee, may regularly inspect any property holding a native vegetation permit for compliance with the maintenance plan on file with the city. For any property out of compliance with the maintenance plan, the city manager, or its designee, shall provide mailed notice to the permit holder requiring that the property conform to the maintenance plan within 30 days. Should that period pass without action by the permit holder, the city manager, or its designee, shall:

- (a) Revoke the native vegetation permit;
- (b) Remove all improperly maintained native vegetation;
- (c) Declare the property ineligible for a native vegetation permit, unless sold, for a period of two years; and
- (d) Assess the property for all fees associated with any removal of improperly maintained native vegetation in accordance with Minnesota Statutes, section 429.101 and subsection 8.02 of the city charter.

615.11. Additional exemptions. Subdivision 1. Exemptions. The following exemptions shall apply according to their terms.

Subd. 2. Vacant land. The owner of vacant and unoccupied land consisting of a contiguous tract of one acre or more is exempt from the eight-inch limit, provided that weeds, turf grass, native vegetation, and rank vegetation thereon are cut at least twice annually. The first cutting shall not be later than June 1, and the last cutting shall be no earlier than July 15.

Subd. 3. Natural habitat.

- (a) All private lands designated by the city council as natural habitat shall be exempt from the provisions of this section.
- (b) All public lands designated in the city's comprehensive plan as natural habitat shall be exempt from the provisions of this section.

Subd. 4. Rain gardens. An area comprised of a rain garden is exempt from the eight-inch limit. However, in no event shall a rain garden contain noxious weeds and all rain gardens shall be maintained by the owner or occupant to ensure that they properly function and meet all other requirements of this section.

615.13. Penalty. A person who fails or neglects to cut and remove or otherwise eradicate weeds or grass as directed in this section, or who fails, neglects, or refuses to comply with the provisions of any notice provided under this section, or who violates any provision of this section, or who resists or obstructs the cutting, removal, or eradication of weeds or grass under this section, is guilty of a misdemeanor. Each day on which the violation continues is a separate offense.

Section 620 – Warning signs for pesticide application

620.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Commercial applicator. “Commercial applicator” means a person who is engaged in the business of applying fertilizer for hire.

Subd. 2. Fertilizer. “Fertilizer” means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

Subd. 3. Noncommercial applicator. “Noncommercial applicator” means a person who applies fertilizer during the course of employment, but who is not a commercial lawn fertilizer applicator.

Subd. 4. Pesticide. “Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

620.03. Warning signs for pesticide application. All commercial or noncommercial applicators that apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied. The warning signs shall comply with the requirements of Minnesota Statutes, section 18B.09, subdivision 3.

620.05. Penalty. Any person violating this section shall be guilty of a petty misdemeanor.

Section 625 - Noise control

625.01. General rule. No person shall cause to be made any loud audible noises that unreasonably or unnecessarily annoy, disturb, or cause any breach of peace. Any person who causes such noise that can be heard from the exterior of their structure or property, whether public or private, or motor vehicle is in violation of his section.

625.03. Unlawful noises. Subdivision 1. Prohibited. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive.

Subd. 2. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

Subd. 3. Noise amplifying devices and musical instruments. The using, operating, or permitting to be played any musical instrument or other machine or device that is used for the production or reproduction of sound in such manner as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

- (a) The use or operation of any musical instrument or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from such instrument, machine, or device shall be prima facie evidence of a violation of this section.
- (b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
- (c) This section shall not apply to sound produced by the following:
 - (1) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
 - (2) Church bells, chimes or carillons;
 - (3) School bells;
 - (4) Anti-theft devices; and
 - (5) Machines or devices for the production of sound on or in authorized emergency vehicles.

Subd. 4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.

Subd. 5. Animals, birds, etc. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity.

Subd. 6. Whistles or sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger (or to test such equipment), or by public emergency vehicles.

Subd. 7. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Subd. 8. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create a loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

Subd. 9. Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, or containers.

Subd. 10. Construction or repairing of buildings. No person shall engage in the erection (including excavating), demolition, alteration, or repair of any building except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday, further excepting that the building inspector may, in cases of emergency, grant permission to repair at any time when said inspector finds that such repair work will not affect the health and safety of the persons in the vicinity. When such construction is authorized by the building inspector, the inspector shall inform the city clerk of the permit.

Subd. 11. Schools, courts, churches, hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

Subd. 12. Noisy parties and gatherings. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

- (a) Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.
- (b) When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
- (c) The following are exempt from violation of this section:
 - (1) Activities which are duly organized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
 - (2) Church bells, chimes or carillons; and
 - (3) Persons who have gone to a party for the sole purpose of abating the violation.
- (d) Every owner or tenant of the premises where a party or gathering in violation of this subsection occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person who refuses to disburse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a misdemeanor.

Subd. 13. Noise standards. Any noise that exceeds the noise standards established in Minnesota Rules, chapter 7030, which is incorporated in and made part of this section.

625.05. Exemptions authorized. Upon special request made by contractors, the city council may exempt contractors performing public works operations from the requirements set forth in this section.

625.07. Penalty. Any person who violates any part of this section shall be guilty of a misdemeanor.