

CHAPTER VI

PUBLIC HEALTH

Section 600 - Public health sanitarian

600.01. Water supplies. The public health sanitarian must direct from time to time that samples of water be taken from private wells, from public wells and the public water system, from wells used by more than one family and from places to which the public is invited, frequents or is served. The sanitarian must have these samples analyzed and catalogued according to the standards established by the state board of health and make such recommendations regarding the water samples as deemed necessary to the manager.

600.03. Food, drugs and beverages. The sanitarian may inspect premises engaged in the manufacture, processing, distribution, storage or sale of food, beverages, drugs, liquors, milk, ice, or any other product or products that are intended for human consumption, as well as the utensils, dishes, containers used in the cleaning, preparation, serving or eating of any of the aforementioned products to insure the purity and cleanliness of the same or the sanitation, cleanliness of the premises, personnel and facilities, and to recommend to the owner or proprietor such changes as the sanitarian deems necessary.

600.05. Inspection powers. The sanitarian or sanitarian's designated agent may enter any building, conveyance, or place where contagion, infection, filth or other source or cause of preventable disease exists or is reasonably suspected for the purpose of inspection at any reasonable hour and during an emergency at any hour. The sanitarian may report and condemn as unfit for human habitation until corrected any building or residence which does not have an adequate supply of potable running water or where there is not in operation a flush toilet connected to the public sanitary sewer where such sewer is available. The sanitarian or sanitarian's designated agent may seek warrants to inspect property for public health and safety hazards. (Amended, Ord. No. 2001-04, Sec. 4)

600.07. Authority. The sanitarian may order the abatement of any condition or nuisance that may constitute a public health threat, cause of sickness or safety hazard to the general public, including children, or to persons working, living, playing or residing at or near the property or object in question. The sanitarian may quarantine any person or persons, building or structure when necessary. The sanitarian may order the removal or to proscribe areas containing dead or diseased animals, decayed or decaying vegetable matter, poisons, filth, explosives or dangerous substances or conditions dangerous to life or limb, or the extermination of rodents or vermin or any other disease-producing materials or the breeding of germs, harmful bacteria, or insects including flies.

600.09. Abatement of nuisances. If an owner, proprietor, occupant or agent refuses to obey an order, the sanitarian may give notice to the clerk of any dangerous, harmful, unhealthy or offensive condition setting forth:

- a) name of violator (if known),
- b) location,
- c) nature of condition, and

- d) the type of corrective action necessary.

The city manager must serve written notice by certified mail on the owner, proprietor, occupant (if available) or on the agent (if known), and post the notice on the premises. Notices must contain the following: In the event of failure to remove, abate, correct or eliminate the above condition as directed by the sanitarian within ten days from the date of the notice, the city will abate said dangerous, harmful, unhealthy or offensive condition at the expense and cost of the owner of the real property, and the violator is subject to the penal provisions of this code. The costs of abatement may be assessed against the lot or parcel of property on which the nuisance was located in the manner specified by Minnesota Statutes, section 429.101.

600.11. Power of arrest. The sanitarian has the power of arrest for violation of this code and any violation of state laws or regulations of the state board of health having the force and effect of law.

600.13. Non-interference. It is unlawful to obstruct, interfere with or impede the sanitarian in the performance of his official duties or to remove any sign posted by order of the sanitarian relating to any area or building without the prior approval of the sanitarian or the manager.

600.15. Definition. For purposes of this section, the term "public health sanitarian" means and includes the public health sanitarian and any officer or employee designated by the city manager to enforce the provisions of this section who has the authority to issue citations under section 960. (Added, Ord. No. 96-5, Sec. 1)

Section 605 - Garbage and refuse
(Repealed, Ord. 2004-09, Added, Ord. 2004-09)

605.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them.

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

"Compost" means the product of biological decomposition of organic matter accomplished by mixing and piling. "Compost" also means the physical structure in which the composting process takes place. Plant material that is neither contained nor maintained as provided in this section is not compost.

"Dumpster" means a four-sided steel container or "roll-off" for temporary storage of refuse.

"Garbage" means all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

"Health authority" means the environmental health specialist or designated official public health sanitarian.

"Manager" means the city manager.

"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.

"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.

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

"Public health nuisance" means any activity or failure to act that adversely affects the public health.

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

"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.

"Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

"Refuse" means all putrescible and non-putrescible solid waste (except body waste) including, but not limited to, garbage, rubbish, ashes, street cleanings, abandoned automobiles, automobile parts, tires, demolition and construction debris, and market and industrial solid waste.

"Rubbish" means non-putrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

"Swill" means garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable, or other matter wasted from clubs, hotels, hospitals, restaurants, and public eating places.

"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.

"Waste matter" means non-putrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.

"Refuse enclosure" means an enclosure capable of containing all refuse and garbage stored by an establishment between pickups. All refuse enclosure construction plans shall be approved by the building official.

"Refuse enclosure - food service" is an enclosure constructed for sanitary temporary storage of refuse generated by food establishments. Food service refuse enclosure construction plans shall be approved by the health authority.

605.03. Refuse storage and disposal. Subdivision 1. Containers required. The owner of any premises, and any other person having refuse as herein defined, 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 90 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 provide approved bulk or box type refuse storage containers or approved equivalent. 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 nuisance. Refuse must not be composted or buried except that composting in an approved rodent and fly-proof device or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.

Subd. 3. Frequency and manner of collection. The contents of refuse containers must be collected once every week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed hereunder. 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 nuisance. Upon each collection, the containers must be completely emptied and returned to the racks or stands where they are kept, and the covers of the containers must be replaced.

Subd. 4. Placement of containers. (Amended, Ord. No. 2005-17, Sec. 1)

- a) Refuse containers shall be stored either inside a building or outside not more than three feet from a building. (Added, Ord. No. 2005-17, Sec. 1)
- b) Containers shall not be placed closer to an abutting street than any wall of the principal building directly facing the adjacent street, with the exception of designated collection days. The city may allow an exception to this requirement if the property has topographic or other constraints that prevent it from conforming with this requirement. Requests for an exception must be made by the property owner or occupant to the city manager. The exception shall be issued in writing by the city manager and shall designate a specific location and any conditions or limitations being imposed by the city for the exception. (Added, Ord. No. 2005-17, Sec. 1)
- c) Containers stored outside of a building shall be placed and kept in a neat and orderly manner. (Added, Ord. No. 2005-17, Sec. 1)
- d) Containers may not be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property. (Amended, Ord. No. 2005-17, Sec. 1)
- e) Containers kept outside must be placed in such a manner as not to permit entry of or harborage for pests and so maintained as not to be tipped over. (Amended, Ord. No. 2005-17, Sec. 1)
- f) Containers must be maintained in a reasonably clean condition at all times. (Amended, Ord. No. 2005-17, Sec. 1)
- g) Containers shall be placed at their assigned collection location the night before, or the day of collection. Containers shall be removed no more than 12 hours after the scheduled collection day. (Added, Ord. No. 2005-17, Sec. 1)
- h) Containers must not be placed on public sidewalks or interfere with the removal of snow from roadways. (Amended, Ord. No. 2005-17, Sec. 1)

EXCEPTION: Those properties with a sidewalk immediately behind the curb may place containers on that part of the sidewalk closest to the curb. (Added, Ord. No. 2005-17, Sec. 1)

- i) Refuse containers located in a manner not in conformance with section 605.03, subdivision 4 as amended by Ordinance No. 2005-17 at the time of its effective date, and located in a manner consistent with the code in effect immediately prior to the effective date of that ordinance, may remain in said location until such time as the property changes ownership or occupancy, at which time the placement of the containers must be brought into compliance. (Added, Ord. No. 2005-17, Sec. 1)

Subd. 5. Defective containers. If, upon inspection by the health authority, 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 must notify the provider or user of the container of the deficiency and must require repair or replacement of the container and must state a compliance date in the notice. If the deficiency is not corrected by said compliance date, 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. Dumpster location and requirements. A dumpster may not be located in any public place. A dumpster may not be located on any premises for more than three consecutive months during any 12-month period. The manager is authorized to issue temporary permits for placement of a dumpster on any premises for more than three consecutive months when in the manager's judgment 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 elsewhere on the premises. All dumpsters 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. Refuse storage and disposal - commercial and industrial. Subdivision 1. Dumpsters. Exterior storage of refuse, including recyclables, and refuse containers, 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.
- b) The exterior storage area must be constructed in compliance with subsection 515.49, subdivision 4 d) and 515.53, subdivision 4 d).

605.07. Refuse haulers regulations. Subdivision 1. License required. It is unlawful to engage in hauling or conveying refuse, compost and recyclable materials, from a premises other than one's own domicile, in the city without a license. Each vehicle so used must be licensed. A person licensed under this subdivision who hauls recyclable materials must report the tonnage of recyclable materials collected. The report must be made quarterly to the city recycling authority as defined in subsection 650.01, subdivision 5 of the city code.

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. Applications for license hereunder must be submitted to the health authority for review and recommendation. If the council is satisfied that the public need, convenience, and good order will be served thereby, it may grant a license to any such applicant meeting 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. License classification. Licenses are issued for the following classes of operation:

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| Class I | Residential refuse collection vehicle |
| Class II | Commercial and business refuse collection vehicle |
| Class III | Residential and commercial refuse collection vehicle |
| Class IV | Rubbish, recycling and compost collection vehicle |
| Class V | Rendering collection vehicle |

Subd. 5. 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 amount of \$500,000 for bodily injury to each person; \$1,000,000 aggregate per occurrence; and, \$250,000 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. 6. Vehicle license decals. Whenever a license or renewal has been granted hereunder, the health authority must furnish to the licensee a decalcomania for each vehicle. The decalcomania must be so worded as to signify that the vehicle is licensed by the city. The licensee must apply the decalcomania to the left forward side of the body in a clearly visible location during operation of the appropriate licensed vehicle or in another location as required by the health authority. Old, expired, or otherwise invalid decalcomania must be removed from the vehicle. Licenses are not transferable to another vehicle.

Subd. 7. Vehicle specifications. Every vehicle used to collect refuse must have the name and phone number of the owner or operator painted on the body or placed on a durable metal or wood plaque attached to the body. The lettering must be at least three inches in height and the color of the lettering and of the background must be contrasting.

Subd. 8. Vehicle construction. The body of a vehicle licensed hereunder must be constructed entirely of metal or the space in the vehicle in which refuse must be kept must be completely lined with metal. All joints must be effectively closed so that no dripping or leaking or drain off of water, liquids or any substance can occur. The loading space must be provided with a tight metal hood having an opening fitted with metal doors, or must be provided with a heavy tarpaulin or equivalent cover fitted with eyes, grommets, tie ropes, or hooks so that the cover can be held securely over the loaded refuse. A vehicle used for collection of garbage or swill must have a permanent metal cover. A vehicle must be equipped with the necessary hand tools for cleaning up spills as required by the health authority. All vehicles must be equipped with an audible electronic back-up alarm.

Subd. 9. Vehicle maintenance. A vehicle licensed hereunder will be kept well painted, clean and in good repair. Every such vehicle used for collecting garbage, recycling, compost or swill must be cleaned every week or as often as necessary to prevent persistent odors and must be cleaned before being used for any other purpose. All vehicles shall display a current annual inspection decal as provided by the state department of public safety.

Subd. 10. Vehicle loading. Garbage, refuse, rubbish, or other waste matter must be so loaded that none of such materials can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials must be so secured that they cannot be displaced by the wind or fall out of the vehicle. Containers used to carry refuse in or on any vehicle must comply with the requirements of subsection 605.03.

Subd. 11. 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. 12. Vehicle storage and parking. It is unlawful to park or store a refuse collection vehicle on a premises zoned for use as a single or multiple residence dwelling, within 100 feet of the premises, or within 200 feet of any food establishment, for purposes other than, or for periods inconsistent with, providing refuse collection at the premises. It is unlawful to park or store any loaded or partially loaded refuse collection vehicle on any premises within the city, except for the purpose of and for periods consistent with providing refuse collection at that parcel of property.

605.09. Refuse littering prohibited. It is unlawful to throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited, any refuse, handbills, or other littering materials upon or in public or private lands, bodies of water, vehicles or structures within the city. A property owner must maintain the owner's premises and abutting sidewalks and boulevard areas free of refuse litter.

605.11. Public health nuisance abatement. Unless stored in containers in compliance with this section, any accumulation of refuse at any time and on any premises creates a public health nuisance. Such accumulation of refuse may be abated by order of the health authority and the cost of abatement may be assessed against the property from which such accumulation was removed, as authorized in section 429.101 of the Minnesota Statutes.

605.13. Composting. Subdivision 1. General rule. A compost must be maintained or contained in a manner to prevent it from becoming a habitat for pests and create objectionable odors.

Subd. 2. Permitted contents. A compost may contain only plant material consisting of grass clippings, weeds, leaves, small twigs, evergreen cones and needles, wood chips, sawdust, and herbaceous garden debris.

Subd. 3. Prohibited contents. The following materials may not be placed in a compost:

- a) garbage;
- b) refuse, except as provided in subsection 605.03, subdivision 2;
- c) rubbish;
- d) waste matter;
- e) fecal material;
- f) any matter of animal origin.

Subd. 4. Compost; construction. A compost may be 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.

Subd. 5. Compost; maintenance. The compost must periodically be mixed to incorporate air, properly mix wet and dry material, and promote rapid biological degradation. The compost must provide for adequate air circulation to prevent objectionable odors. The contents of the compost must be completely removed at least once a year.

Subd. 6. Compost; location. A compost may not be placed closer than five feet from a property line. The compost may be located only in the rear yard of a residential lot and in the rear of commercial and industrial properties.

Subd. 7. Technical assistance. The manager is directed to prepare informational materials to assist persons operating a compost in the efficient and odor free operation of a compost and to offer technical assistance to those persons on the proper operation and maintenance of a compost.

Subd. 8. Nuisance. The operation of a compost in a manner that results in objectionable odors and the placing of prohibited materials in a compost is a public nuisance and may be abated as such under section 2010 of this code.

605.15. 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.

Subd. 2. Number of stacks. There may be four separate stacks of wood on one residential lot.

Subd. 3. Dimensions. Stacks of wood may not exceed five feet in height, four feet in width and ten feet in length. A stack must (i) provide for at least a four-inch space between the ground and the first layer of wood by using decay-resistant material, or (ii) be placed on a decay-resistant surface.

Subd. 4. Location. Stacks of wood governed by this subsection may be located only in rear yards as defined in the zoning ordinance and may not be located on a property line.

Subd. 5. Screening. A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

Section 610 - Food handling and vending
(Deleted, Ord. No. 2010-07, Sec. 1)

Section 615 - Regulation of lodging establishments
(Deleted, Ord. No. 2010-07, Sec. 2)

Section 620 - Steam baths; public restrooms

620.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subdivision have the meanings given them.

Subd. 2. "Approved" means acceptable to the environmental health division following the determination as to conformance with established public health practices and standards. (Amended, Ord. No. 96-15, Sec. 1)

Subd. 3. "Fitness center or exercise facility" means a business that provides physical training and exercise services to the public; the term does not include a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings licensed under the provisions of Minnesota Statutes, sections 144.50 through 144.69. (Added, Ord. No. 96-15, Sec. 1)

Subd. 4. "Public bathing and shower facilities" means facilities open to the public for the purpose of cleansing the human body. (Added, Ord. No. 96-15, Sec. 1)

Subd. 5. "Public rest room" means a facility open to the public equipped with a minimum of a flush water closet. (Added, Ord. No. 96-15, Sec. 1)

Subd. 6. "Relaxation center" means a business that provides to the public relaxation services; the term does not include a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings duly licensed under the provisions of Minnesota Statutes, sections 144.50 through 144.69 or those activities described in section 1195 of this code. Relaxation services means any combination of fitness, exercise, public bathing, steam bath and tanning services. (Added, Ord. No. 96-15, Sec. 1)

Subd. 7. "Steam bath" or "heat bathing room" means a room used by the public for the purpose of bathing, reducing, or relaxation utilizing steam or hot air as a cleaning, reducing or relaxing agent.

Subd. 8. "Tanning facility" means a room or a booth that houses ultraviolet lamps or products containing such lamps intended for the irradiation of any part of the human body for cosmetic or nonmedical purposes. (Added, Ord. No. 96-15, Sec. 1)

Subd. 9. "Tanning equipment" means sun lamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the human body. (Added, Ord. No. 96-15, Sec. 1)

620.03. Restrooms required. Public buildings must be provided with adequate and conveniently located public restroom facilities for each sex. Public restrooms must be identified as such on or above the entrance door. Doors to public restrooms must be self-closing. A hand washing sink equipped with hot and cold running water under pressure and a sanitary towel dispense or hand-drying device must be provided in a public restroom. (Amended, Ord. No. 95-15, Sec. 1)

620.05. Construction requirements. Subdivision 1. Construction. Public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities must be constructed of materials including ceramic tile, quarry tile, or other similar materials that are durable and impervious of moisture, bacteria, mold or fungal growth. The floor to wall and wall to wall joints must be constructed to provide a sanitary cover. Other equipment and appurtenances must be of sanitary design and construction permitting easy and thorough cleaning. Each public steam bath, heat bathing room, reducing relaxation or fitness establishment must be provided with adequate and conveniently located showers and toilet facilities for each sex. Shower rooms and fixtures must be of sanitary design and easy to clean as set forth in this subsection. (Amended, Ord. No. 96-15, Sec. 1)

Subd. 2. Ventilation and lighting. Mechanical ventilation and lighting that meet the requirements of the state building code of this code must be provided in public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities. (Amended, Ord. No. 96-15, Sec. 1)

Subd. 3. Sanitation. Other equipment or appurtenances used in connection with the public steam baths, heating rooms, reducing, relaxation, fitness or tanning establishments, restrooms and bathrooms must be of sanitary design and construction that permits frequent and thorough cleansing and sanitizing. (Amended, Ord. No. 96-15, Sec. 1)

620.07. Plumbing, gas and electrical installation. A steam bath or heat bathing room, rest room, or bathroom must be equipped with at least one floor drain installed in accordance with the Minnesota plumbing code of this code. Plumbing, gas and electrical installations and equipment must conform with the state building code of this code. Gas heating equipment producing hot air or steam for the steam bath or heat bathing room must be so designed as to have the combustion chamber completely sealed and vented to the outside or else located outside of the steam bath or heat bathing room. (Amended, Ord. No. 96-15, Sec. 1)

620.09. Maintenance of facilities. Subdivision 1. In public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities, the floors, walls, ceilings, water closets, hand washing sinks, urinals and other equipment and appurtenances must be maintained in a clean condition and good repair. (Added, Ord. No. 96-15, Sec. 1)

Subd. 2. Public restrooms must contain hand-cleaning agents, sanitary towels or an operable hand-drying device and toilet tissue. Refuse receptacles, easily cleanable, must be provided and emptied and cleaned as necessary. (Added, Ord. No. 96-15, Sec. 1)

Subd. 3. Public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities must comply with the provisions of the Minnesota Clean Indoor Air Act. (Added, Ord. No. 96-15, Sec. 1)

Subd. 4. Public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities must be equipped with a janitor's sink and closet that provides for the storage of cleaning supplies. (Added, Ord. No. 96-15, Sec. 1)

620.11. Health and disease control. Subdivision 1. Disease. A person affected with a disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, or an acute respiratory infection, may not work in or use the services of any public steam bathing rooms, heat bathing room, bathroom, reducing or relaxation establishment in any capacity in which there is a likelihood of such person contaminating surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition must be employed or permitted in such an area or capacity.

Subd. 2. Personal cleanliness. Employees must wear clean outer garments, maintain a high degree of personal cleanliness, and conform to approved hygienic practices while on duty. They must wash their hands and arms thoroughly in an approved hand washing facility before starting work and as often as may be necessary to remove soil and contamination. (Amended, Ord. No. 96-15, Sec. 1)

Subd. 3. Linens. Linens must be clean and laundered, handled and stored in an approved manner.

620.13. Submission of plans and specifications. Persons who construct, extensively remodel, or convert buildings or facilities for use as a public steam bath, heat bathing room, reducing, relaxation, fitness or tanning establishment, bathroom or restroom must conform and comply in their construction, erection, or alterations with the requirements of this section. It is unlawful to construct, enlarge, repair, move, convert or alter any public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities without first obtaining appropriate permits from the building and environmental health divisions. (Amended, Ord. No. 96-15, Sec. 1)

620.15. Inspections. The environmental health division must inspect public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities at least annually, but as often as deemed necessary, to enforce the provisions of this section. (Added, Ord. No. 96-15, Sec. 1)

620.17. Temporary closing of public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities. The environmental health division may temporarily close any public steam baths, heat bathing rooms, restrooms, bathrooms, fitness, relaxation, exercise and tanning centers and facilities if a serious health hazard exists. A sign must be posted on such a facility that is temporarily closed indicating its closure. It is unlawful to remove the sign.

620.19. Operating requirements - tanning facilities. Subdivision 1. A tanning facility must have on duty an operator adequately trained in the correct operation of the equipment so as to be able to inform and assist the public in its proper use. (Added, Ord. No. 96-15, Sec. 1)

Subd. 2. An operator must perform the following functions as a precondition to access by the public to the tanning facility:

- a) The operator must require each person desiring to use the facility to complete a form specifying all prescription medicines and over the counter medications that they are presently taking. The form must be kept as permanent record of the person's attendance and progress.
- b) The operator must require each person desiring to use the tanning facility to use the manufacturer's specified protective eyewear.
- c) The operator must instruct the user as to the proper position to maintain in relation to the tanning lamps within the facility, positioning of the safety railing, the manual switching device to terminate the radiation in case of emergency, and a recommended time of exposure.
- d) The operator must monitor the use of the equipment to ensure that the interior temperature does not exceed 100 degrees Fahrenheit.
- e) The operator must inspect the facility to ensure that the floors are dry. The floors must be made dry prior to each person's use.
- f) The operator must post signs and supply handouts warning consumers of the potential effects of radiation on persons taking medication, the possible relationship of radiation to skin cancer, and potential for eye damage.
- g) The operator is responsible for meeting and complying with sanitizing procedures for all sun lamp equipment (to include protective eyewear) after each consumer use.

- h) Equipment must meet the provisions of 21 CFR, Part 1040 and all subsequent amendments.
- i) Equipment must be operated and maintained according to the manufacturer's specifications for that equipment. (Added, Ord. No. 96-15, Sec. 1)

Subd. 3. Convenient toilet facilities and dressing rooms must be provided in tanning facilities. Toilet facilities must include a water closet and handwashing sinks. Toilet facilities and dressing rooms must be clean and in working order at all times. (Added, Ord. No. 96-15, Sec. 1)

Subd. 4. The tanning facility must be maintained in a clean and sanitary manner and each tanning facility must be cleaned and sanitized after each consumer use with a sanitizer of a type and strength approved by the environmental health division. (Added, Ord. No. 96-15, Sec. 1)

Subd. 5. Timing devices or other safety devices are required in tanning facilities. (Added, Ord. No. 96-15, Sec. 1)

Subd. 6. The operator of a tanning facility must adopt, and instruct employees in, procedures to insure the reasonable privacy of users of the facilities. (Added, Ord. No. 96-15, Sec. 1)

620.21. License required. It is unlawful to operate a public steam bath, heat bathing room, reducing, relaxation, fitness, tanning, or bathing facility, or engage in the business of operating any of these types of enterprises unless a license for the current year has been obtained therefor pursuant to this section from the city clerk. License fees are set by appendix IV. The license must be conspicuously displayed at all times in the licensed establishment. (Amended, Ord. No. 96-15, Sec. 1)

620.23. Applications, procedure. A person desiring a license must apply to the city council upon forms supplied therefor by the city clerk. The application must contain the name and address of the person making application, the location of the premises to be used and the name of the manager if other than the applicant. The license expires annually on December 31. The fee for a license for a portion of a year will be prorated based on the number of full or partial months remaining in the license year. The license is renewed annually on the anniversary date of such approval. The council may refuse to issue or renew the license of any owner or operator who is in violation of the provisions of this section or other local, state or federal rules, regulations or laws relating to the licensed premises or the person applying for the license. The license is valid only for the location stated in the license. In the event of a change of ownership of the facility, the new owner must apply for a license under this section. (Added, Ord. No. 96-15, Sec. 1)

Section 625 - Public swimming pools
(Deleted, Ord. No. 2010-07, Sec. 3)

Section 630 - Trailer camps; mobile home parks
(Deleted, Ord. No. 2010-07, Sec. 4)

Section 635 - Litter

635.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. The term "litter" means:

- a) Garbage, refuse and rubbish as those terms are defined in subsections 515.07 and 605.01 of this code; (Amended, Ord. No. 96-6, Sec. 1)
- b) The meaning given by Minnesota Statutes, section 609.68;
- 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; and (Amended, Ord. No. 96-6, Sec. 2)
- d) Abandoned vehicles, junk vehicles, and unauthorized vehicles as those terms are defined in Minnesota Statutes, section 168B.011 and subsection 1315.05. (Amended, Ord. No. 96-6, Sec. 3; Ord. No. 97-11, Sec. 1)

635.03. Prohibition; storage. It is unlawful to throw or deposit litter on private or public property in the city. Abandoned property may be stored on public or private property only in a garage or a storage building.

635.05. Duties of owners and occupants. The owner, lessee or occupant of private property, whether occupied or vacant, must maintain the property free of litter.

635.07. Authorized storage. Nothing in this section prohibits the storage of litter on private property in receptacles or containers which meet the requirements of section 610 of this code.

635.09. Removal of litter; procedure; collection of costs. Subdivision 1. Notice; service. When there exists litter on private property, a notice to remove the litter may be served upon the owner, lessee or occupant thereof by the health authority. The notice must be served by registered mail, or by personal delivery. When the property is occupied, service upon the occupant is deemed service upon the owner; where the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property.

Subd. 2. Notice; contents. The notice required by subdivision 1 must state:

- a) the nature and location of the litter;
- b) that the litter must be removed or properly stored within ten days of service of the notice; and
- c) that if the litter is not so removed or stored, it will be removed by the city and the cost of such removal assessed against the property.

Subd. 3. Costs. The public health sanitarian must keep a record of all costs incurred by the city in the removal and disposition of litter pursuant to this section, including all administrative costs involved in the service of the notice required by this subsection, and must report such costs to the city clerk annually not later than August 1.

Subd. 4. Assessment. On or before September 1 of each year the clerk must list the total costs incurred by the city under this section against each separate lot or parcel to which they are attributable. The city council will then spread the costs against each property as a special assessment for collection as other special assessments in the following year, all as authorized by Minnesota Statutes, section 429.101 and section 8.02 of the city charter.

Subd. 5. Notice; violation. Failure to comply with a notice to remove litter given pursuant to this subsection is a misdemeanor. (Added, Ord. No. 97-11, Sec. 2)

635.11. Not exclusive. The authority granted by this subsection is in addition and independent of the authority granted and the procedure established by section 1315. (Added, Ord. No. 97-11, Sec. 3)

Numbering of sections is correct – nothing is missing – see Ord. 2006-06

Crystal City Code

640.01 (Rev. 2006)

Section 640 - Vegetation
(Repealed, Ord. 2006-06, Sec. 1)
(Added, Ord. 2006-06, Sec. 2)

Section 640-VEGETATION

640.01. Purpose. The purpose of this section is to establish minimum standards for lawn maintenance while recognizing that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant feature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape.

640.03. Definitions. Subdivision 1. The following terms have its meaning given them in their subsections.

Subd. 2. “Maintenance plan” – 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. 3. “Native vegetation” – 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. 4. “Native vegetation permit” – 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. A native vegetation permit exempts an owner or occupant from subsection 640.13, subdivision 3 of this section.

Subd. 5. “Natural habitat” – 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. 6. “Noxious weeds” – An annual, biennial, or perennial plant designated by the Minnesota Commissioner of Agriculture or the council as injurious to public health, the environment, public roads, crops, livestock, or other property.

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

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

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

640.13. General Rules. Subdivision 1. 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. No owner or occupant of any lot shall allow to grow any noxious weeds on any part or portion of said lot as designated by Minnesota Statutes, section 18.78.

Subd. 3. No owner or occupant shall allow any turf grass, weeds, or rank vegetation to grow to a height greater than eight inches on a majority of any lot or parcel of land. The height of native vegetation shall be as stated in the permit authorized by subsection 640.15 of the city code. (Amended, Ord. 2007-04, Sec. 1)

Subd. 4. The provisions contained city code section 800.20, boulevard plantings, shall apply to this section.

640.15. Exemption. Subdivision 1. 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 subsection 640.13, provided that weeds, turf grass, native vegetation, and rank vegetation thereon are cut twice annually. The first cutting shall not be later than June 1, and the second cutting shall be made between July 15 and September 15.

Subd. 3. Natural habitat.

- a) All private lands designated by the council as natural habitat shall be exempt from conflicting portions of this section 640.
- b) All public lands designated in the city's comprehensive plan as natural habitat shall be exempt from conflicting portions of section 640.

Subd. 4. Native Vegetation. a) Permit. Upon satisfaction and completion of all the requirements of this section, the city manager or designee shall approve all applications for a native vegetation permit and issue such permit. A native vegetation permit shall grant any property owner or occupant (with written permission of the owner) the ability to cultivate native vegetation on their property. A native vegetation permit shall be valid for five years from the date of approval. The city manager or designee shall approve no native vegetation permit for any applicant having unresolved city code violations or administrative citations. (Amended, Ord. 2007-04, Sec. 2)

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

- a) Statement of intent and purpose in cultivating native vegetation.
- b) Site plan showing lot lines, buildings, location of proposed native vegetation, the property's legal description, corner visibility requirements as defined by subsection 515.07 of city code, and right-of-way requirements as defined by subsections 800.03 and 800.21 of city code.

- c) Latin and common names of the species the property owner or occupant plans to cultivate.
- d) Maintenance requirements for said species.
- e) Name and address of a professional landscaping company which has been hired to perform maintenance on the native vegetation; or the name, address, and qualifications of the person(s) who will be responsible for maintenance of the native vegetation.
- f) A maintenance plan, which shall contain the following:
 - 1) 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
 - 3) Details of any long-term maintenance required for the native vegetation.

640.19. Assessment. Subdivision 1. The city manager or designee may regularly inspect any property holding a native vegetation permit for compliance with the maintenance plan on file with the city for the property. For any property out of compliance with the maintenance plan, the city manager or designee shall give notice to the holder of the native vegetation permit by US mail stating that the property must be in compliance with the maintenance plan within 30 days. Should that period pass without action by the holder of the native vegetation permit, the city manager or 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 inspection of the property and any removal of improperly maintained native vegetation in accordance with Minnesota Statutes, section 429.101 and subsection 8.02 of the city charter, as each may be amended.

640.21. 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 herein, or who violates the provisions of this section, or who resists or obstructs the weed inspector in the cutting, removal, or eradication of weeds or grass, is guilty of a misdemeanor. Each day on which the violation continues is a separate offense.

640.23. Weed Inspector. The mayor is the weed inspector as provided by law. The mayor may assign the duty to the city manager.

Section 645 - Noise control

645.01. Definitions. Subdivision 1. General. For purposes of this section, terms defined in this subsection have the meanings given them. Any other word or phrase used in this section and defined in regulations of the Minnesota pollution control agency air quality and noise pollution control, Minnesota Rules, chapter 7030, as amended, have the meaning given in those regulations. (Amended, Ord. 2007-03, Sec. 4)

Subd. 2. "Air circulation device" means a mechanism designed and used for the controlled flow of air used in ventilation, cooling, or conditioning, including but not limited to, central and window air conditioning units.

Subd. 3. "L10" means the sound level, expressed in decibels (dBA) which is exceeded 10% of the time for a one-hour period, as measured by a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute and using test procedures approved by the noise control officer.

Subd. 4. "L50" means the sound level similarly expressed and measured which is exceeded 50% of the time for a one-hour period.

645.03. Noises prohibited. Subdivision 1. General prohibition. It is unlawful to make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of others or precludes their enjoyment of property or adversely affects the value of the property. This general prohibition is not limited by the specific restrictions of the following subdivisions.

Subd. 2. Motor vehicles. It is unlawful to operate a motor vehicle in the city in violation of the motor vehicle noise limits of the Minnesota pollution control agency or in violation of the provisions of this section.

Subd. 3. Horns, signaling devices, etc. It is unlawful to sound any signaling device on any vehicle except as a warning of danger.

Subd. 4. Exhaust, except motor vehicles. It is unlawful to discharge or permit the discharge 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 applicable state laws and regulations.

Subd. 5. Exhaust, motor vehicles. Every motor vehicle must at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person may use a muffler cutout, bypass, or similar device upon a motor vehicle or a street or highway. The exhaust system must not emit or produce a sharp popping or crackling sound.

Subd. 6. Defective vehicles or excessive loads. It is unlawful to operate any vehicle in such a state of disrepair or overloaded so as to create loud and unnecessary grating, grinding, rattling, or other noise.

Subd. 7. Loading, unloading, unpacking. It is unlawful to create loud and excessive noise in loading, unloading, or unpacking any vehicle.

Subd. 8. Radios, phonographs, etc. It is unlawful to operate a radio receiving set, musical instrument, phonograph, stereo system, or other device for the production or reproduction of sound in such manner as to disturb the peace, quiet, and comfort of neighbors or others nearby. Operation of any such set, instrument, phonograph, machine or other device in such a manner as to be plainly audible at a property line or at 50 feet from a vehicle, structure or building in which it is located is prima facie evidence of a violation of this section. (Amended, Ord. No. 1997-8, Sec. 1)

Subd. 9. Loud speakers, amplifiers for advertising, etc. It is unlawful to use or operate or permit the use or operation of any loud speaker, sound amplifier, or other device for the production or reproduction of sound when the sound is cast upon 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.

Subd. 10. Schools, churches, hospitals, etc. It is unlawful 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.

645.05. Hourly restriction on certain operations. Subdivision 1. Recreational vehicles. It is unlawful to, between the hours of 10 o'clock p.m. and 7 o'clock a.m., drive or operate any minibike, snowmobile or other recreational vehicle not licensed for travel on public highways.

Subd. 2. Outdoor power equipment. It is unlawful to operate a power lawn mower, power hedge clippers, chain saw, or other outdoor property maintenance equipment except between the hours of 7 o'clock a.m. and 10 o'clock p.m. on any weekday or between the hours of 9 o'clock a.m. and 9 o'clock p.m. on Saturday, Sunday or holiday. This subdivision does not apply to snow removal activities or to municipal or commercial outdoor property maintenance activities except that commercial activities must not unreasonably disturb the peace, quiet, and comfort of nearby residents. In the case of emergencies resulting from unforeseen causes such as snow or wind storms this section does not apply to reasonable and necessary remedial actions.

Subd. 3. Refuse hauling. Garbage and refuse may not be collected or removed between the hours of 10 p.m. and 6 a.m. on a weekday or between the hours of 9 p.m. and 6 a.m. on Saturday, Sunday or a legal holiday.

Subd. 4. Construction activities. It is unlawful to engage in or permit construction activities involving the use of any kind of electric, diesel, or gas powered machine or other power equipment except between the hours of 7 o'clock a.m. and 10 o'clock p.m. on any weekday and 9 o'clock a.m. and 9 o'clock p.m. on Saturday, Sunday or holiday.

645.07. Receiving land use standards. Subdivision 1. Maximum noise levels by receiving land use. It is unlawful to operate or cause to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in table I for the receiving land use category specified when measured at or within the property line of the receiving land use.

Table I. Sound levels
by receiving land use

<u>Zoning district</u>	Day (7:00 a.m. - 10:00 p.m.)		Night (10:00 p.m. - 7:00 a.m.)	
	<u>L50</u>	<u>L10</u>	<u>L50</u>	<u>L10</u>
	Residential	60	65	50
Commercial	65	70	65	70
Industrial	75	80	75	80

In the event that the property on which an industrial or commercial noise source is located abuts residential property, the noise source in question must not exceed an L10 noise level of 60 dBA in the daytime (7:00 a.m. to 10:00 p.m.) and an L50 noise level of 50 dBA in the nighttime (10:00 p.m. to 7:00 a.m.) as measured on the property line abutting the source.

Subd. 2. Exemptions. The levels prescribed in subdivision 1 do not apply to streets owned, operated and maintained by the city.

645.09. Motor vehicle sound level requirements. Subdivision 1. A motor vehicle operated or driven on any highway within the city must comply with the noise limits of the state of Minnesota.

Subd. 2. Mufflers; noise limits. Minnesota Rules 7010.1000 to 7010.1600 are adopted and incorporated by reference.

Subd. 3. A motor vehicle with a manufacturer's gross vehicle weight rating of 9,000 pounds or less operated or driven within the city, on any highway, public property, or private property within a city, must also comply with the following standards when a stationary testing procedure is used:

Automobiles, vans, light trucks (GVWR - 10,000 pounds or less)	95 dBA
Motorcycles	99 dBA

645.11. Air circulation devices. It is unlawful to install or place any air circulation device except a window air conditioning unit in any location until the noise control officer determines that the device in that location will comply with the noise level standards prescribed in section 4 and issues a permit for the installation. The noise produced by any window unit and by any existing air circulation device must be attenuated by means deemed appropriate by the noise control officer, including, but not limited to, relocation of such device, if the noise results in or contributes to a violation of subsection 645.07.

645.13. Exception for emergency work. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare or in the performance of emergency work necessary to restore a public service or eliminate a public hazard is exempt from the provisions of this ordinance for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work must inform the noise control officer of the need to initiate such work, if the work is commenced during non-business hours of the city, then at the beginning of business hours of the first business day thereafter. A person responsible for such emergency work must take all reasonable actions to minimize the amount of noise.

645.15. Powers and duties of noise control officer. Subdivision 1. Administering officer. The noise control program established by this section is administered by the noise control officer, who is appointed by the city manager.

Subd. 2. Testing procedures. The noise control officer must adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of section 4. A copy of such guidelines must be kept on file in the clerk's office and must be available to the public for reference during office hours.

Subd. 3. Studies, etc. The noise control officer must conduct such research, monitoring, and other studies related to sound as are necessary or useful in enforcing this section and reducing noise in the city. The officer may make such investigations and inspections in accordance with law as required in applying ordinance requirements.

Subd. 4. Noise impact statements. The noise control officer may require any person applying to the city for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the officer. The officer must evaluate each such statement and make appropriate recommendations to the council or other agency or officer authorized to take the action or approve the license or permit.

Subd. 5. Other powers and duties. The noise control officer may exercise such other powers and perform such other duties as are reasonable and necessary to enforce this section.

645.17. Variances. Subdivision 1. Authority. The city council may grant variances from the requirements of subsection 645.07.

Subd. 2. Application. A person seeking a variance must file an application therefore with the noise control officer on a form prescribed by the officer. The application must state the dates during which the variance is proposed, the location of the noise source and times of operation, the nature of the noise source, reasons why the variance is sought, steps taken to minimize the noise level, and such other information as is required by the noise control officer. If the application is for a variance for more than three days, the noise control officer must give mailed notice of the requested variance to all property owners within at least 500 feet of the noise source. Any person claiming to be adversely affected by the variance applied for may, within ten days of mailing of the notice, file a statement with the noise control officer in support of the claim.

Subd. 3. Action on application. The council may grant a variance only if it finds that full compliance with the sound level requirements of this section would constitute an unreasonable hardship on the applicant, on other persons, or on the general public. In determining whether to grant or deny the application, the council is to balance the hardship to the applicant against the adverse impact on the health, safety, and welfare of the persons affected, the adverse impact on property affected, and any other adverse effects of granting the variance. The variance may be granted subject to conditions, including a time limit.

645.19. Enforcement. Subdivision 1. Notice of certain violations. When the noise control officer determines that a noise exceeds the maximum sound level permitted under subsection 645.07, the officer must give written notice of the violation to the owner or occupant of the premises where the noise originates and order such person to correct or remove each specified violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed is a violation of this section. Before issuing citations for violations of sections 2, 3, 5, or 6, the noise control officer must provide the violator with notice and an opportunity to comply, unless the officer determines that the violation is not of a continuing or ongoing nature such that compliance can be readily confirmed at the end of a reasonable period.

Subd. 2. Penalty. Violation of this section is a petty misdemeanor and, upon conviction, the violator may be punished by a fine not to exceed \$100, plus the costs of prosecution. Each act of violation and each day a violation occurs or continues constitutes a separate offense. The imposition of one penalty for any violation of this section does not excuse the violation, or permit it to continue.

Subd. 3. Civil remedies. This section may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Section 646 – Train whistles
(Added, Ord. No. 2001-08)

646.01. Limitation on use of whistles. It shall be unlawful for any railroad company, train engineer, fireman, or other person employed by any railroad company, to sound or blow the whistle, horn or other audible warning of a locomotive between the hours of 10 p.m. and 7 a.m. within the city of Crystal, except at times when there is a clear and present endangerment of life or property.

646.02. Penalties. Violation of the provisions of this section is a misdemeanor.

646.03. Civil enforcement. This section may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Section 650 - Recycling

650.01. Definitions. Subdivision 1. For purposes of this section, the following terms defined in this subsection have the meanings given them.

Subd. 2. "Carryout collection service" means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit other than the location designated by the recycling authority for regular collection.

Subd. 3. "Dwelling unit" means a residential structure in the city that is designated by the recycling authority to receive recycling collection services.

Subd. 4. "Generator," "mixed municipal solid waste," "recyclable materials," and "recycling" have the meanings given those terms in Minnesota Statutes, section 115A.03, subdivisions 12, 21, 25a and 25b, respectively.

Subd. 5. "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" 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" 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" means recycling collection services, carryout collection services, and any other services provided to a dwelling unit in accordance with this section.

650.03. Recycling authority; powers. The recycling authority is responsible for supervising and controlling the collection, removal, and disposal of recyclable materials from all dwelling units in the city. The recycling authority may contract with one or more collectors or haulers for the collection, removal and disposal 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, removal, and disposal 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 council.

650.05. Recycling rates; billings. Subdivision 1. Rates. The council may establish rates for recycling services from time to time by resolution. By resolution the 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 rates for carryout collection services are payable by the owner or occupant of a dwelling unit who requests to receive the service according to the procedure established by the recycling authority. 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.

650.07. 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 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.

650.09. 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.

650.11. 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 collectors or haulers to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection.

Subd. 3. Penalty. A violation of this subsection is a misdemeanor and may be punished as provided in chapter 115 of this code. The public health sanitarian is authorized to enforce the provisions of this subsection.

650.13. 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.

650.15. Collection districts. Subdivision 1. Establishing districts. At the direction of the council by resolution, the city manager may establish geographic districts in part or all of the city for refuse or recycling collection and may designate specific days on which refuse or recycling collection may occur in each district. The city manager may establish different days of collection for residential, commercial, and industrial premises located in the same district. The authorizing resolution must set forth standards for the city manager to use in establishing collection district boundaries. By second resolution the council may approve the collection districts and days of collection as established by the city manager.

Subd. 2. Collection within districts. Where an approved collection district has been established, licensed refuse haulers must establish their regular collection routes and days of collection in a manner consistent with the approved collection district and specified days of collection. Violation of this subsection 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 for a missed pick up or is in a week in which a legal holiday occurs.

650.17. Yard waste. Subdivision 1. A licensed refuse collector providing residential refuse collection service must separately collect and dispose of yard waste.

Subd. 2. Definitions. For the purposes of this subsection "yard waste" means compostible material such as grass clippings, leaves, weeds, and other similar forms of organic material, but does not include trees, brush, branches, or similar woody material.

Subd. 3. Information. Within 15 days after notification from the city, a licensed refuse collector providing residential refuse collection service must give the city manager a detailed description of:

- a) the manner by which the collector intends to separately collect and dispose of yard waste;
- b) the manner by which the collector intends to account for the amount of yard waste collected; and
- c) the method by which the collector will inform its customers of the yard waste collection program.

Subd. 4. Disposal site. The collector must take the yard waste to a disposal site or transfer site, approved by the city manager for subsequent composting, landspreading, or both.

Subd. 5. Records. The licensed collector must keep an accurate accounting of the amount of yard waste collected and must, within 30 days of the end of each calendar year, submit a written report to the city manager detailing the amount of yard waste collected and disposed of for composting or landspreading during the year.

Subd. 6. If no yard waste disposal site or yard waste transfer site is available to haulers and provisions of this subsection do not apply, but haulers must comply with applicable state law including Minnesota Statutes, section 115A.931. Haulers must also meet the requirements of transfer or disposal sites.

650.19. 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. Definitions. The term "multifamily dwelling" means a multiple dwelling, as that term is defined by Crystal city code, appendix I (zoning) subsection 515.03. The term "recyclable materials" has the meaning given by Minnesota Statutes, section 115A.03, subdivision 25a.

Subd. 3. 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. 4. Recycling: preparation. Owners of multifamily dwellings must provide information to all new tenants related to the proper preparation of recyclable materials for collection.

Subd. 5. Recycling containers. Owners of multifamily dwellings must insure that stolen or broken containers for recyclable materials are replaced within a reasonable time.

Subd. 6. 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. 7. Penalties. Violation of subdivisions 1, 3, 4 or 5 of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation of subdivisions 1, 3, 4 or 5 by the same owner, the violation is punishable as a misdemeanor. Violation of subdivision 6 of this subsection is punishable as a misdemeanor.

Section 655 - Premises Conducive to High-Risk Sexual Conduct
(Added, Ord. No. 1996-2, Sec. 2)

655.01 Findings and Purpose. The city council of the City of Crystal makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health:

- a) The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.
- b) The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings, and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.

- c) Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high risk sexual conduct.
- d) Certain commercial premises, buildings, and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct and hence the spread of communicable disease, and that the risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings, and structures.
- e) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing commercial premises, buildings, and structures conducive to high-risk sexual conduct.
- f) The purpose of this section is to prescribe regulations governing commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings, and structures.

655.03. Definitions. The following terms have the meanings given them below:

- a) "Booths, stalls, or partitioned portions of a room or individual room" means (i) enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or (ii) enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee, but does not include enclosures that are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.
- b) "Doors, curtains or portal partitions" means full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.
- c) "Hazardous site" means any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.

- d) "High-risk sexual conduct" means (i) fellatio; (ii) anal intercourse; or (iii) vaginal intercourse with persons who engage in sexual acts in exchange for money.
- e) "Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" means either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
- f) "Public health official" means an agent or employee of the city, county or state charged with the enforcement of the state or local health laws.

655.05. Public Health Regulations. Subdivision 1. A commercial building, structure, premises or part thereof, or facilities therein may not be constructed, used, designed or operated in the city for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

Subd. 2. It is unlawful to own, operate, manage, rent, lease, or exercise control of a commercial building, structure, premises, or portion or part thereof in the City, that contains:

- a) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.
- b) "Booths, stalls, or partitioned portions of a room or individual room" as defined herein which have "doors, curtains or portal partitions" as defined herein unless the booths, stalls or partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls or partitioned portions of a room or individual room that are so open to an adjacent public room must be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

655.07. Exceptions. The regulations set forth in this section do not apply to premises, buildings, or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes, or boarding houses which are subject to other general health and sanitation requirements under state and local law.

655.09. Health Enforcement Powers. Subdivision 1. In exercising powers conferred by this or any other section of this code relating to communicable diseases, the Public Health Official is to be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious diseases.

Subd. 2. In order to ascertain the source of infection and reduce its spread, the Public Health Official, and persons under the Public Health Official's direction and control, may inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site as defined herein exists, the Public Health Official will declare it to be a public health hazard and public health nuisance and will:

- a) notify the manager, owner, or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein;
- b) issue two written warnings at least ten days apart to the manager, owner, or tenant of the premises stating the specific reasons for the Public Health Official's opinion that the premises, building, or structure is a hazardous site as defined herein;
- c) once such notices and warnings have been issued, the Public Health Official must proceed as follows:
 - 1) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the Public Health Official's determination, the manager, owner or tenant will have ten days from the date of the last warning to request a hearing before the Public Health Official or the Public Health Official's appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within ten days of the date of the last warning notice, the Public Health Official will then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official will cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

- 2) If the manager, owner, or tenant of the premises requests a hearing, the hearing will be held before the Public Health Official or the Public Health Official's appointee at a date not more than 30 days after demand for a hearing. After considering all evidence, the Public Health Official or the Public Health Official's appointee will make a determination as to whether the premises constitute a hazardous site, as defined herein and issue a decision based upon all hearing evidence presented. If the Public Health Official or the Public Health Official's appointee makes a determination that the premises constitute a hazardous site, the Public Health Official will then issue orders to the manager, owner, or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.

- 3) If, within 30 days after issuance of the orders to the manager, owner, or tenant of the hazardous site, the Public Health Official determines that such corrective measures have not been undertaken, the Public Health Official (i) may order the abatement of the hazardous site as a public nuisance, which may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction, or (ii) may secure a court order for the closure of the premises constituting the hazardous site until the premises, building, or structure is in compliance with all provisions of this code.

655.11. Criminal Penalties. A person violating any provision of this section or any person who removes, destroys or defaces warnings posted on premises by the Public Health Official pursuant to this chapter shall be guilty of a misdemeanor.

Section 660 – Tattoo, body piercing, body branding
and body painting establishments
(Added, Ord. 99-13, Sec. 1)
(Deleted, Ord. No. 2010-07, Sec. 5)

Section 665 - Lawn fertilizer application control
(Added, Ord. No. 2001-03)

665.01. Purpose. The city has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes as a result of storm water runoff or other causes. The purpose of this section is to define regulations which will aid the city in managing and protecting its water resources which are enjoyed by its residents and other users.

665.03. Definitions. For the purpose of this section, certain terms and words are defined as follows:

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

“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.

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

“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.

665.05. Regulations for commercial lawn fertilizer applicators. Subdivision 1. License required. No person, firm, corporation or franchise shall engage in the business of commercial lawn fertilizer application within the city unless a license has been obtained from the city clerk or a designee as provided herein.

Subd. 2. License application procedure. Applicants for a commercial lawn fertilizer applicator license shall be submitted to the city clerk or a designee. The application shall consist of the following:

- a) Application form. Application forms shall be provided by the city and shall include the following instructions:
 - 1) Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
 - 2) Description of lawn fertilizer formula proposed to be applied on lawns within the city.
 - 3) A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.

- b) Product material safety data sheet. A copy of material safety data sheet, including product chemical analysis of the intended lawn fertilizer, shall be submitted to the city along with the initial application for a license and, thereafter, at least seven days before fertilizer composition changes are implemented.
- c) Minnesota state licenses. A copy of all licenses required of the applicant by the state of Minnesota regarding the application of pesticides and fertilizers.
- d) License fee. The license fee shall be established from time to time by resolution of the city council. The license shall expire on the 31st day of December. The license fee shall not be prorated.

Subd. 3. Conditions of license. Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:

- a) Random sampling. Commercial lawn fertilizer applicators shall permit the city to sample any commercial lawn fertilizer applications to be applied within the city at any time after issuance of the initial license.
- b) Possession of license. The commercial lawn fertilizer license, or a copy thereof, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
- c) Possession of product material safety data sheet. A copy of product material data safety sheet of the lawn fertilizer used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
- d) State regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer, Soil Amendment and Plant Amendment Law, as contained in Minnesota Statutes, chapter 18C and amendments thereto. The licensee shall also comply with the provisions of the Pesticide Control as contained in Minnesota Statutes, chapter 18B.

665.07. General regulations. Subdivision 1. Time of application. Neither commercial applicators or noncommercial applicators may apply lawn fertilizer when the ground is frozen or when conditions exist which will promote or create runoffs.

Subd. 2. Sample analysis cost. The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis indicates that phosphorous content exceeds the levels authorized herein.

Subd. 3. Fertilizer content. No person, firm, corporation, franchise, or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the city of Crystal which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

- a) the naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost;
- b) or as otherwise provided in 665.09.

Subd. 4. Impervious surfaces and drainage ways. No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

Subd. 5. Buffer zone. Fertilizers and pesticides shall not be applied:

- a) below the ordinary high water lines as established by the Minnesota Department of Natural Resources; or
- b) within ten feet of any wetland or water resource.

Subd. 6. Warning signs for pesticide application. All commercial or noncommercial lawn fertilizer applicators who 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 following criteria and contain the following information:

- a) The warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain resistant for at least a 48 hour period and must remain in place up to 48 hours from the time of initial application.
- b) The following information must be printed on the warning signs in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the Minnesota Commissioner of Agriculture. The signs must provide the following information:
 - 1) The name of the business, entity, or person applying the pesticide; and
 - 2) The following language: "This area chemically treated. Keep children and pets off until (date of safe entry)" or a universally accepted symbol and text approved by the Minnesota Commissioner of Agriculture as recognized as having the same meaning or intent as specified in this subparagraph. The warning signs may include the name of the pesticide used.
 - 3) The warning sign must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrance to the property.

665.09. Exemption and notice requirement. The prohibition against use of fertilizer containing any quantity of phosphorous under 665.07 shall not apply to:

Subdivision 1. Newly established or developed turf and lawn areas during first growing season;
or

Subd. 2. Turf and lawn areas which soil tests confirm are below phosphorous levels established by the University of Minnesota Extension Services. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation.

Phosphorous applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff.

Any person, firm, corporation, franchise, or commercial or noncommercial applicator, including a homeowner or renter, shall notify the city at least 24 hours prior to applying lawn fertilizer containing phosphorous of the reason for using fertilizer containing phosphorous and the amount of phosphorous contained in the lawn fertilizer to be applied.

665.11. Penalty. Any person violating this section shall be guilty of a petty misdemeanor. The city may revoke a commercial applicator's license for repeat violations of this section.

Section 670 – Clandestine lab site
(Added, Ord. 2005-21, Sec. 1)

670.01. Purpose. The city council finds that the existence of clandestine lab sites and chemical dump sites which may be found in the city pose a serious health and safety threat to the public through the exposure to hazardous chemicals and chemical residue resulting from the manufacture of controlled substances. The city council therefore determines that the regulation and abatement of clandestine lab sites and chemical dump sites is necessary for the protection of the public health, safety and welfare.

670.03. Definitions. "Chemical dumpsite" means any place or area where chemicals, chemical reagents or precursors, or other substances defined as a controlled substance, hazardous waste or other waste materials are or have been located.

"Clandestine lab site" means any place or area where a clandestine lab site, as defined by Minnesota Statutes, section 152.0275 as amended, exists. A clandestine lab site includes any dwellings, accessory structures, a chemical dump site, a vehicle, boat, trailer or other motorized or non-motorized vehicles or any other area or location where there is or has been the unlawful manufacture or attempt to manufacture controlled substances.

"Controlled substance" means any drug, substance or immediate precursor in schedules I through V of Minnesota Statutes, section 152.02, or as defined in Minnesota Statutes, section 152.021 and section 152.0972, as amended. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

“Emergency response” means any action related to the investigation and remediation of a clandestine lab site or as otherwise defined by Minnesota Statutes, section 152.0275 as amended.

“Environmental health specialist” means the environmental health specialist or designee who is the official primarily responsible for the enforcement of this section and coordinating the response of other city officials and departments under this section.

“Hazardous waste” means any chemicals or other substances used in the manufacture of controlled substances in a clandestine lab site, and the resulting by products from such manufacture, or found in a chemical dumpsite, which pose a risk to the health, safety and welfare of occupants, visitors or neighbors of the site.

“Health official” means the city’s environmental health specialist or designee.

“Manufacture” means the production or attempted production and any related process, of a controlled substance by any means, and the packing, packaging or any similar process related to such substance, on a location other than in a pharmacy authorized to manufacture controlled substances.

“Minor” means any person less than 18 years of age.

“Owner” means any person, firm, corporation, or other entity who owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a clandestine lab site or chemical dump site.

“Remediation” means the cleanup of a clandestine lab site or chemical dump site, and as defined in Minnesota Statutes, section 152.0275, as amended.

“Removal” means the removal of hazardous waste, chemicals or controlled substances from a clandestine lab site or chemical dump site, and as defined in Minnesota Statutes, section 152.0275, as amended.

670.05. Law enforcement notice to other authorities. Upon identification of a clandestine lab site or chemical dump site deemed to place neighbors, visiting public, or present and future occupants of the affected property at risk for exposure to harmful contaminants and other associated conditions, law enforcement officials will notify the environmental health specialist, the West Metro Fire-Rescue District, and other appropriate municipal, child protection, and public health authorities of the property location, property owner if know, and conditions found.

670.07. Seizure of property.

- a) a clandestine lab site or chemical dump site is located inside a vehicle, boat, trailer, or other form of moveable personal property, law enforcement authorities may immediately seize such property, and after evaluation of the potential risk of transport, transport such seized property to a more secure location.
- b) personal property may not be removed from a clandestine drug lab site or a chemical dump site without prior consent from a law enforcement official or the environmental health specialist.

670.09. Action by environmental health specialist.

- a) Upon notification by law enforcement authorities of the existence of a chemical dump site or clandestine lab site, the environmental health specialist or other appropriate municipal or public health authority will issue a declaration of public health nuisance for the affected property and post a copy of the declaration at all probable entrances to the dwelling or property.
- b) Removal of the posted declaration of public health nuisance by anyone other than the environmental health specialist, public health official, law enforcement authorities, or their designees, is prohibited.
- c) The environmental health specialist will also attempt to notify the following parties of the declaration of public health nuisance:
 - 1) Owner of the property;
 - 2) Occupants of the property;
 - 3) Neighbors at probable risk;
 - 4) The city of Crystal Police Department;
 - 5) The West Metro Fire-Rescue District;
 - 6) Other state and local authorities, such as the Minnesota Pollution Control Agency and the Minnesota Department of Public Health, which are known to have public and environmental protection responsibilities applicable to the situation.
- d) Any license issued by the city for the property is immediately suspended upon issuance of the declaration of public health nuisance. Such license will be reinstated only after full compliance with an abatement order.
- e) After issuance of the declaration of public health nuisance, the environmental health specialist shall issue an abatement order by certified mail, or at the option of the environmental health specialist, by personal service on the property owner to abate the public health nuisance as required by this section and section 670.13. The notice shall comply with the requirements of Minnesota Statutes, section 152.0275, subdivision 1, as amended. The abatement order will include the following:
 - 1) A copy of the declaration of public health nuisance;
 - 2) A description of the site and all portions thereof that are determined to be contaminated. The description may be in any form that readily identifies the contaminated portion of the site.

- 3) That all portions of the site that are determined to be contaminated and a risk to occupants or visitors are immediately vacated.
- 4) Notification of suspension of the rental license or any other license issued by the city, if applicable.
- 5) That the owner commence and complete all testing and clean-up procedures and other required remedial actions on the site by dates specified in the Order or such other dates agreed to by the city, under guidelines established by and at the direction of the environmental health specialist.
- 6) That the site may not be re-occupied or used in any manner until it has been remediated in accordance with the guidelines established by the Minnesota Department of Health.
- 7) That if the owner does not commence testing and complete the clean-up procedures by the dates established in the Order, the City, its officials, employees, or agents will enter the property and provide for the testing and clean-up services at the owner's expense.
- 8) That the owner is responsible for all costs associated with the clean-up of the site including all costs incurred by the city and other public agencies, including the West Metro Fire-Rescue District, and that if the owner does not promptly pay those costs they will be assessed against the property and collected in the manner of a special tax.
- 9) A summary of the owner's and occupant's responsibilities.

670.11. Declaration of property as a public nuisance.

- a) Upon the issuance of a declaration of public health nuisance, any property containing a clandestine lab site or chemical dump site is declared a public nuisance.
- b) No person may occupy, enter, or allow occupancy or entrance to property declared a public health nuisance under this section until such declaration is vacated or modified to allow occupancy.

670.13. Responsibilities of owner. Within ten days after the abatement order is mailed to the owner, the property owner must, at the owner's expense:

- a) Properly secure and post the perimeter of any contaminated areas on the property in an effort to avoid exposure to unsuspecting parties;
- b) Promptly contract with appropriate environmental testing and cleaning firms to conduct on-site assessment, complete cleanup and remediation testing, including periodic follow-up testing to assure that the health risks are sufficiently reduced to allow safe human occupancy of the property and structures located on the property;

- c) Regularly notify the environmental health specialist of actions taken and reach agreement with the environmental health specialist on the cleanup schedule; and
- d) Provide written documentation to the environmental health specialist of the cleanup process, including a signed, written statement that the property is safe for human occupancy and that the cleanup was conducted in accordance with the requirements of Minnesota Statutes, section 152.0275, subdivision 2, as amended, and Minnesota Department of Health guidelines.

The property may not be re-occupied or used in any manner until the environmental health specialist has obtained the written statement in paragraph d) above, and has confirmed that the property has been cleaned and remediated in accordance with the guidelines established by the Minnesota Department of Health.

670.15. Owner's responsibility for costs. The owner is responsible for all costs associated with nuisance abatement and cleanup of the clandestine lab site or chemical dump site ("public costs"), including, but not limited to, costs for:

- a) Emergency response;
- b) Posting and physical security of the site;
- c) Notification to affected parties;
- d) Expenses related to the recovery of costs, including the assessment process;
- e) Laboratory fees;
- f) Cleanup and disposal services;
- g) Administrative fees;
- h) Legal fees; and
- i) Other associated costs.

670.17. City authority to initiate cleanup and recovery of costs.

- a) If, after issuance of the declaration of public health nuisance and the abatement order, the city is unable to locate the property owner or the property owner fails to arrange appropriate assessment and cleanup, the environmental health specialist is authorized to initiate the on-site assessment and cleanup.
- b) The city may initiate on-site assessment and cleanup before the expiration of the ten day period in section 670.13 if the environmental health specialist deems the situation to be an immediate public health hazard.

- c) The city may abate the nuisance by removing any hazardous structure, building, or otherwise, in accordance with Minnesota Statutes, chapter 463.
- d) If the city abates the public health nuisance or public nuisance, it may recover all public costs associated with such abatement. In addition to any other legal remedy, the city may recover public costs by a civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes, section 429.101, as amended.
- e) Nothing in this section is intended to limit the owner's, occupants' or the city's right to pursue an action authorized by law to recover costs incurred from the persons contributing to or operating a clandestine lab site or chemical dump site, or from any other lawful source.

670.19. Penalty and enforcement.

- a) The city may enforce this section by means of any legal or equitable remedy available to the city for the abatement of nuisances found in state statute or city code.
- b) Any person violating any of the provisions of this section 670 shall, upon conviction, be guilty of a misdemeanor. Each day that a violation exists after notice to the person of a violation of section 670 shall constitute a separate offense.