

## CHAPTER 92: HEALTH AND SAFETY; NUISANCES

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### ***GENERAL PROVISIONS***

#### **§ 92.01 ASSESSABLE CURRENT SERVICES.**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

***CURRENT SERVICE.*** Shall mean 1 or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26, as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt, and rubbish.*

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Clerk or other person designated by the City Council may direct the removal from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Clerk or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Clerk.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under this code, the City Clerk shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the City Clerk.

(2) *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Clerk shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Clerk shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the City Clerk, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Clerk.

(G) *Damage to public property.* Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment, or object or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance, but is operating, driving, or

moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any the damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(H) *Assessment.* On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges against property benefited as a special assessment under the authority of M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

Penalty, see § 10.99

## § 92.02 TREE DISEASES.

(A) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found within the city:

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

(2) Any dead elm tree or part thereof, including branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

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

(5) Any other shade tree with an epidemic disease.

(B) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than 1 week prior to the meeting. The notice shall state the time and place of the meeting, the street affected,

action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record of costs.* The City Clerk shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(D) *Unpaid charges.* On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

Penalty, see § 10.99

**§ 92.03 TREE REMOVAL CHARGE.**

(A) *Declaration of intent.* The rates and charges hereby imposed are intended to help recover city costs for the removal of diseased trees on private property.

(B) *Removal charge.* (See Appendix A)

(1) A tree removal and hauling charge, in an amount set by the Council from time to time, is hereby imposed on all diseased trees removed by the city on private property as follows:

- (a) Tree removal charge per tree; and
- (b) Hauling tree debris away, per truck load or partial load.

(2) The Council may waive or change these fees from time to time by resolution.

(C) *Right of refusal.* The city shall have the right at all times to refuse to remove a tree on private property. The determination shall be made by the city. It shall be the obligation of the property owner to have the tree removed at the owner's expense, should the city elect not to remove it.

(D) *Liability.* Each property owner shall sign a statement prior to removal of a tree to hold the City of Olivia harmless for any and all damage done to property in the removal of any tree.  
(Ord. 183, passed 5-3-1982)

**§ 92.04 TREE TRIMMING AND REMOVAL.**

**Olivia - General Regulations**

(A) The intent of this section is to set public policy regarding the removal and/or trimming of trees on public property (i.e. boulevards, alleys, parks, and other public facilities/buildings, and grounds.) Trees located on private property are addressed in § 92.03.

(B) It is the responsibility of the city to maintain trees located on public property.

(C) Maintenance includes trimming and/or removal because of disease, dying (aging), or damage from storms.

(D) The city is also responsible for the safety and well-being of its citizens, such as maintaining visible traffic signs, providing adequate street lighting, and limiting liability in the parks.

(E) The city also desires to protect the investment of equipment during such operations as snow removal, street sweeping, etc.

(F) The city owns and maintains an electrical distribution system and desires to keep distribution equipment (i.e. lines, transformers, etc.) clear of branches.

(G) The city recognizes that an employee of the city receives specialized training and education in the area of trees.

(H) From time to time, trees may need to be moved or trimmed.

(I) The City Tree Inspector is responsible for deciding which trees are in need of trimming and/or removal.

(J) The City Council desires to maintain a healthy tree inventory and provided that adequate funds are available will re-plant a new tree in place of one removed.  
(Res. 2004-58, passed 10-7-2004)

*NUISANCES*

**§ 92.15 PUBLIC NUISANCE.**

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

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public;

(B) Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or

(C) Is guilty of any other act or omission declared by law or § 92.16, 92.17, or 92.18, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see § 10.99

**§ 92.16 PUBLIC NUISANCES AFFECTING HEALTH.**

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse, or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(J) All public exposure of people having a contagious disease; and

(K) Any offensive trade or business as defined by statute not operating under local license.  
Penalty, see § 10.99

### **§ 92.17 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.**

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All gambling devices, slot machines, and punch boards, except as otherwise authorized by federal, state, or local law;

(B) Betting, bookmaking, and all apparatus used in those occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.  
Penalty, see § 10.99

### **§ 92.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.**

The following are declared to be nuisances affecting public peace and safety:

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

(B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as it may be amended from time to time, which are hereby incorporated by reference into this code;



(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of violation of this section;

(G) The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet, or repose of the occupants of adjoining or other property;

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under conditions as are permitted by this code or other applicable law;

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

(K) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(L) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(M) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way;

(N) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(O) Waste water cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from accumulation;

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

(R) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash of other materials;

(S) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

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

(U) All other conditions or things which are likely to cause injury to the person or property of anyone. Penalty, see § 10.99

**§ 92.19 DUTIES OF CITY OFFICERS.**

The Police Department or Sheriff, if the city has at the time no Police Department, shall enforce the provisions relating to nuisances. Any peace officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**§ 92.20 ABATEMENT.**

(A) Any nuisance defined under sections 92.16, and 92.18, excluding any structure included under the provisions of Minn. Stats. §§ 463.15 through 463.26, may be removed, corrected, or eliminated from private property through summary abatement as set forth in the following subsections:

(1) Whenever the City Administrator or a City peace officer determines that a public nuisance is being maintained or exists on private property in the City, the City Administrator or peace officer shall notify in writing, the record owner and occupant, if any, of the real property of such fact and order the nuisance to be terminated and abated.

(2) The notice shall be served in person or by certified mail. If the property is unoccupied and the owner is unknown, the notice may be served by posting it on the property. The notice shall specify the steps necessary to abate the nuisance. The notice must also provide a reasonable deadline, not exceeding 20 days, for the nuisance to be abated.

(3) If the notice is not complied with, a report shall be submitted to the City Administrator, and a hearing by the City Council shall be set. The owner or occupant shall be provided with at least ten days notice of the hearing. The hearing notice shall be served on the owner or occupant in the same manner, as provided in subsection (A)(2) of this section. For posted notice of the hearing, 30 days must elapse between the day of posting and the hearing.

(4) At the hearing, the City Council shall provide the owner or occupant an opportunity to be heard. After hearing the evidence, the Council may issue Findings of Fact and an Order providing for the City to abate the nuisance. The abatement order shall be executed as soon as practicable thereafter under the supervision of a peace officer.

(5) Any abatement order issued by the council may be appealed to the Renville County District Court if the appeal is filed within ten days of the Order. Any properly filed appeal shall be limited to the issue of cost recovery by the City.

(6) Any motor vehicle removed from private property shall be impounded and disposed of in accordance with Minnesota Statutes Chapter 168B, as amended. Any other personal property removed from private property, which in the opinion of the supervising peace officer, has more than nominal fair market value, shall be photographed and inventoried, and written notice of the property removed shall be posted on the property. The property may be reclaimed by the record owner of the real property, within 30 days of removal, only after payment of the City's cost of removal and storage fees, which shall be the same as the vehicle impound fee per day. If any property remains unclaimed after 30 days, it may be sold or disposed of by the City without further notice.

(B) Any charges incurred by the City in abating, removing, correcting or eliminating from private property a nuisance as described in Code sections 92.16 and 92.18, may be collected as provided in Minn. Stat. section 429.101 and City Code section 92.21. Such charges may include any actual costs incurred by the City, including, but not limited to, administrative, legal, engineering, and inspection and monitoring expenses, in connection with the abatement of the nuisance.

(C) Emergency Procedure; Summary Enforcement.

(1) In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance.

(2) To proceed with summary enforcement, a peace officer shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The officer shall attempt to notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement.

(3) The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

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

Penalty, see § 10.99

(Ord. 2015-3, passed 7-6-2015)

### § 92.21 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

(B) *Assessment.* If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other the charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

Penalty, see § 10.99

## **WEEDS**

### § 92.35 SHORT TITLE.

This subchapter shall be cited as the Weed Ordinance.

### § 92.36 JURISDICTION.

This subchapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended, or repealed.

### § 92.37 DEFINITIONS; EXCLUSIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***DESTRUCTION ORDER.*** The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

**PROPERTY OWNER.** The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

**WEEDS, GRASSES, and RANK VEGETATION.** Includes but is not limited to the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for 2 consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches;

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants, or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

#### **§ 92.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.**

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice is in excess of 12 inches in height.

Penalty, see § 10.99

#### **§ 92.39 FILING COMPLAINT.**

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated, and filed with the City Clerk. If the city makes the complaint, an employee, officer, or Council member of the city shall file the complaint in all respects as set out above.

**§ 92.40 NOTICE OF VIOLATIONS.**

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a Destruction Order to the property owner or the person occupying the property as that information is contained within the records of the City Clerk or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within 7 regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the City Clerk.

(2) Certified mailing to the City Clerk or others is deemed filed on the date of posting to the United States Postal Service.

**§ 92.41 APPEALS.**

(A) (1) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council.

(2) It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants, or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council members in attendance and being at a regularly scheduled or special meeting of the City Council.

**§ 92.42 ABATEMENT BY CITY.**

In the event that the property owner shall fail to comply with the Destruction Order within 7 regular business days and has not filed a notice within 48 hours to the City Clerk of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

**§ 92.43 LIABILITY.**

(A) The property owner is liable for all costs of removal, cutting, or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees, and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies, and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the City Clerk and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

***EXCESSIVE NOISE***

**§ 92.55 GENERAL PROHIBITION.**

No person shall make, or cause to be made, any distinct and loud audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare or any person, or precludes their enjoyment or diminishes their property values. This general prohibition is not limited by the specific restrictions of §§ 92.55 *et seq.*

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.56 HORNS, AUDIBLE SIGNALING DEVICES, AND THE LIKE.**

No person shall sound any audible signaling device except as a warning of danger as required by M.S. § 169.68, as it may be amended from time to time.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.57 MUFFLERS.**

Every motor vehicle shall 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 shall use a dynamic engine or transmission brake, muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.58 RADIOS, TAPE AND DISC PLAYERS, AND THE LIKE.**

(A) No person shall use, operate, or play any radio receiving set, tape or disc player, musical instrument, phonograph, loudspeaker, sound amplifier, or other device in such a manner as to disturb the peace, quiet, and repose of a person or persons of ordinary sensibilities, except as allowed by city license or permit for civic and/or charitable activities and events.

(B) The play, use, or operation of any radio, tape or disc players, musical instrument, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of one city block from the machine or device, or for the purpose of commercial advertising or attracting the attention of the public to any building structure, shall be prima facie evidence of a violation of this section.

(C) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner(s) is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.59 BUILDINGS.**

(A) No person shall engage in construction (including excavation), demolition, alteration, or repair of any building between the hours of 9:00 p.m. and 6:00 a.m. weekdays and all day Sunday, except where single individuals or families work on single-family residences for their own occupancy.

(B) City officials may, in case of emergency, grant permission to repair at any time when they find repair work will not affect the health and safety of the persons in the vicinity.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99



**§ 92.60 PILE DRIVERS, HAMMERS, AND THE LIKE.**

No person shall use or operate, between the hours of 9:00 p.m. and 6:00 a.m., any pile driver, power shovel, pneumatic hammer, derrick power, electrical hoist, or other appliance the use of which is accompanied by loud or unusual noise.

(Ord. 266, passed 6-5-2000)

**§ 92.61 NOISY PARTIES AND GATHERINGS.**

(A) *Prohibition.* No person shall congregate at, or participate in, any party or gathering from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at that noisy party or gathering.

(B) *Evidence.* The following is prima facie evidence of violation of this section:

(1) Noise of the volume as to be clearly heard at a distance of a one city block from the structure or building in which the party or gathering is occurring, or in the case of an apartment building, in the adjacent hallway or apartment; and/or

(2) Any complaint from a person that is verified by an officer.

(C) *Duty to disperse.* When an officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at that party or gathering.

(D) *Exemption.* The following are exempt from violation of this section:

(1) Activities which are duly authorized, sponsored, or licensed by the city so long as the activity is conducted pursuant to the conditions of the license, permit, or contract;

(2) Person(s) who have gone to a party for the sole purpose of abating the violation;

(3) Church bells, chimes, or carillons;

(4) School bells;

(5) Anti-theft devices; and

(6) Machines or devices for the production of sound on or in authorized emergency vehicles.  
(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.62 ANIMALS, BIRDS, AND THE LIKE.**

No person shall keep, or allow to be kept, any animal which is causing long continued noise which disturbs the comfort or repose of any persons in the vicinity.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99

**§ 92.63 EFFECTIVE DATE.**

The effective date of §§ 92.55 *et seq.* shall be effective when passed, adopted, and published.

(Ord. 266, passed 6-5-2000)

**§ 92.98 VIOLATIONS.**

A violation of §§ 92.55 *et seq.* is a misdemeanor.

(Ord. 266, passed 6-5-2000) Penalty, see § 10.99