

TITLE IX: GENERAL REGULATIONS

Chapter

90. ABANDONED PROPERTY

91. PARKS AND RECREATION

92. ANIMALS

93. HEALTH AND SAFETY; NUISANCES

CHAPTER 90: ABANDONED PROPERTY

Section

Disposal of Abandoned Motor Vehicles

- 90.01 Definitions
- 90.02 Custody
- 90.03 Sale; waiting periods
- 90.04 Notice
- 90.05 Right to reclaim
- 90.06 Auction or sale
- 90.07 Operator's deficiency claim
- 90.08 Disposal of vehicles
- 90.09 Contracts and disposal

Disposal of Unclaimed Property

- 90.20 Definition
- 90.21 Preliminary notice
- 90.22 Notice and sale
- 90.23 Funds and claims thereon

Disposal of Excess Property

- 90.35 Declaration of surplus and authorizing sale of property
- 90.36 Surplus property with a total estimated value of less than \$100
- 90.37 Surplus property with a total estimated value between \$100 and \$500
- 90.38 Surplus property with a total estimated value over \$500
- 90.39 Receipts from sales of surplus property

Exceptions

- 90.50 Persons who may not purchase

4Gilbert - General Regulations

DISPOSAL OF ABANDONED MOTOR VEHICLES

§ 90.01 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A motor vehicle, as defined in M.S. Ch. 169, as it may be amended from time to time, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of the property, or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the city. A classic car or pioneer car, as defined in M.S. Ch. 168, as it may be amended from time to time, shall not be considered an ***ABANDONED MOTOR VEHICLE*** within the meaning of this chapter. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with this code, shall not be considered ***ABANDONED MOTOR VEHICLES*** within the meaning of this chapter.

JUNK VEHICLE. A vehicle that is three years old or older; is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission; is apparently inoperable; does not have a valid, current registration plate; and has an approximate fair market value equal only to the approximate value of the scrap in it.

UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to state statutes, but is not a junk vehicle or abandoned vehicle.

VITAL COMPONENT PARTS. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.
(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.02 CUSTODY.

The city may take into custody and impound any abandoned or junk motor vehicle, or any unauthorized vehicle as provided by statute.
(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.03 SALE; WAITING PERIODS.

(A) An impounded vehicle is eligible for disposal or sale 15 days after notice to the owner if the vehicle is determined to be a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale; or an abandoned motor vehicle.

(B) An impounded vehicle is eligible for disposal or sale 45 days after notice to the owner if the vehicle is determined to be an unauthorized vehicle.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.04 NOTICE.

(A) When an impounded vehicle is taken into custody, the city or impound lot operator shall give notice of the taking within five days. The notice shall set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle, if the information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under § 90.05, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under statute shall be deemed a waiver by them of all rights, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to § 90.06.

(B) The notice shall be sent by mail to the registered owner, if any, of the impounded motor vehicle and to all readily identifiable lien holders of record. This information shall be made available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lien holders of record.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.05 RIGHT TO RECLAIM.

(A) The owner or any lien holder of an impounded motor vehicle shall have the right to reclaim the vehicle from the city or impound lot upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days as applicable under this chapter after the date of the notice required by this chapter.

(B) Nothing in this subchapter shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of the lien holder to foreclose. For the purposes of this section, **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles. (1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.06 AUCTION OR SALE.

(A) An abandoned or unauthorized motor vehicle and contents taken into custody by the city or any impound lot and not reclaimed under § 90.05 may be disposed of or sold at auction or sale when eligible pursuant to § 90.05.

(1) The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle.

(2) The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before the vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(B) From the proceeds of the sale of an abandoned or unauthorized motor vehicle by the city or public impound lot, the city shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this subchapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the City General Fund.

(C) The operator of a nonpublic impound lot may retain any proceeds from a sale derived from a sale conducted under the authority of this chapter. The operator may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale; except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency. (1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.07 OPERATOR'S DEFICIENCY CLAIM.

(A) The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(B) The claim for storage costs may not exceed the cost of 25-days' storage for an abandoned or junk vehicle and 55-days' storage for a vehicle determined to be an unauthorized vehicle. (1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.08 DISPOSAL OF VEHICLES.

Where no bid has been received for an abandoned or junk motor vehicle, the city may dispose of it in accordance with this subchapter.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.09 CONTRACTS AND DISPOSAL.

(A) The city may contract with any qualified person for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(B) Where the city enters into a contract with a person duly licensed by the State Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the city for the costs incurred under the contract which have not been reimbursed.

(C) If the city utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided. (1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

DISPOSAL OF UNCLAIMED PROPERTY

§ 90.20 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED PROPERTY. Tangible or intangible property that has lawfully come into the possession of the city in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the city for at least 60 days and has been declared such by a resolution of the Council.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.21 PRELIMINARY NOTICE.

If the City Clerk-Treasurer knows the identity and whereabouts of the owner, he or she shall serve written notice upon him or her at least 30 days prior to a declaration of abandonment by the Council. If the city acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Clerk-Treasurer notice shall also be served upon him or her. The notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of the notice.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.22 NOTICE AND SALE.

Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk-Treasurer shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of the property. The text of the notice shall also state the time, place, and manner of sale of all the property, except cash and negotiables. The notice shall be published once in a legal newspaper at least ten days prior to the sale. Sale shall be made to the highest bidder at public auction or sale or by a nonprofit organization with a significant mission of community service in a private sale in the manner authorized by statute.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

§ 90.23 FUNDS AND CLAIMS THEREON.

Expenses shall be paid from the proceeds of the sale; the balance of the proceeds shall be paid into the General Fund of the city if the property was disposed of by a public auction or sale; or in the case of a private sale, to the nonprofit organization authorized to conduct the sale. The former owner, if he or she makes claim within six months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest.

(1985 Code, § 2.71) (Ord. 1, passed 5-11-1999)

Abandoned Property⁹

DISPOSAL OF EXCESS PROPERTY

§ 90.35 DECLARATION OF SURPLUS AND AUTHORIZING SALE OF PROPERTY.

The City Clerk-Treasurer may, from time to time, recommend to the Council that certain personal property (chattels) owned by the city is no longer needed for a municipal purpose and should be sold. By action of the Council, sale property shall be declared surplus, the value estimated and the City Clerk-Treasurer authorized to dispose of the property in the manner stated herein.
(1985 Code, § 2.71)

§ 90.36 SURPLUS PROPERTY WITH A TOTAL ESTIMATED VALUE OF LESS THAN \$100.

The City Clerk-Treasurer may sell surplus property with a total value of less than \$100 through negotiated sale.
(1985 Code, § 2.71)

§ 90.37 SURPLUS PROPERTY WITH A TOTAL ESTIMATED VALUE BETWEEN \$100 AND \$500.

The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100 to \$500. Notice of the public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the City Clerk-Treasurer's option. The sale shall be by auction.
(1985 Code, § 2.71)

§ 90.38 SURPLUS PROPERTY WITH A TOTAL ESTIMATED VALUE OVER \$500.

The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500. Notice of the public sale shall be given stating time and place of sale and generally describing property to be sold at least ten days prior to the date of sale by publication once in the official newspaper. The sale shall be to the person submitting the highest bid.
(1985 Code, § 2.71)

§ 90.39 RECEIPTS FROM SALES OF SURPLUS PROPERTY.

All receipts from sales of surplus property under this chapter shall be placed in the General Fund.
(1985 Code, § 2.71)

10Gilbert - General Regulations

EXCEPTIONS

§ 90.50 PERSONS WHO MAY NOT PURCHASE.

(A) No employee of the city who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the city in a professional capacity, may be a purchaser of property under this chapter. Other city employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.

(B) It is unlawful for any person to be a purchaser of property under this chapter if the purchase is prohibited by the terms of this chapter.
(1985 Code, § 2.71) Penalty, see § 10.99

CHAPTER 91: PARKS AND RECREATION

Section

- 91.01 Definition
- 91.02 Scope
- 91.03 Closing hours and fees
- 91.04 Additional rules, permits, and exceptions
- 91.05 Public meetings and sales
- 91.06 Personal conduct and nuisances
- 91.07 Destruction, entry, cleaning, and refuse
- 91.08 Vehicles
- 91.09 Fires; fireworks; firearms
- 91.10 Animals
- 91.11 Beaches
- 91.12 Sherwood Forest Recreation Area

§ 91.01 DEFINITION.

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

PARK, CITY PARK, and GILBERT-SPARTA BEACH AND BOAT LANDING. All lands and water heretofore and hereafter acquired by the city for park and recreational purposes or placed under the jurisdiction of the city and include, without limitation, parks, beaches, swimming pools, and privately owned lands, the use of which has been granted to the city for park, recreational, or like public purposes. The following areas are designated as city parks: Hopkins Park, Kennedy Park, boat landing, and beach.

(1985 Code, § 10.08)

§ 91.02 SCOPE.

Except when the context provides otherwise, the provisions of this chapter shall apply to all lands, structures, and property owned, leased, or administered by the city, and under the management, supervision, and control of the City Park and Recreation Department.

(1985 Code, § 10.08)

§ 91.03 CLOSING HOURS AND FEES.

(A) It is unlawful for any person to enter or be in any city park between the hours of 9:00 p.m. and the following day at 7:00 a.m., except when a park lodge has been rented for a special event, on which occasion the closing hour shall be 1:00 a.m. Everyone must be out at 1:00 a.m.

(B) The fee schedule will be set by the Council and by the Park and Recreation Department, at every annual budget, or from time to time.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.04 ADDITIONAL RULES, PERMITS, AND EXCEPTIONS.

(A) *Additional rules.* Rules and regulations may be made from time to time, governing the further use and enjoyment of parks, parkways, playgrounds, beaches, boat landing, and the facilities thereof. Any person who shall violate the rules or regulations, or who refuses to subject himself or herself thereto, may be excluded from the use of the facility.

(B) *Permits.* Any person to whom a permit shall have been issued by the Park and Recreation Department or agent thereof shall be bound by this code and rules of parks of the city as fully as though the same were inserted in each permit.

(C) *Exceptions.* Nothing in this chapter shall prohibit or hinder the Council, supervisors, park managers, or other duly authorized agents, or any peace officer, from performing their official duties.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.05 PUBLIC MEETINGS AND SALES.

(A) Permits will be granted for the purpose of holding any lawful public assembly in accordance with published regulations governing the reasonable use of parks.

(B) It is unlawful to use in any manner the dock, boat landing, or the waters in or immediately adjacent to any city park for the purpose of soliciting rides of any kind unless authorized by the Council.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.06 PERSONAL CONDUCT AND NUISANCES.

(A) *Personal conduct.* It is unlawful for any person to indulge in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which conduct tends to cause or provoke a disturbance, or to be so intoxicated that he or she is unable to care for his or her own safety, in any city park.

(B) *Unnecessary noises.* It is unlawful for any person to operate sound trucks, loud speakers, motors, motorboats, motor vehicles, or any other mechanical devices that produce undue or unnecessary noises without first obtaining a written permit from the Council or its duly authorized agent. (1985 Code, § 10.08) Penalty, see § 10.99

§ 91.07 DESTRUCTION, ENTRY, CLEANING, AND REFUSE.

(A) *Destruction, defacement, or removal.* It is unlawful for any person to disturb, molest, deface, remove, or destroy any trees, shrubs, plants, or other natural growth; to carve on any rocks, archaeological features, signs, walls, or structures; to drive nails in trees, or to move, injure, or deface in any manner any structures including buildings, signs, fences, tables, or other city property.

(B) *Entry and manipulation.* It is unlawful for any person to enter in any way any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notices, in any park.

(C) *Refuse.* It is unlawful for any person to dispose of any garbage, sewage, bottles, tin cans, paper, or other waste material in any manner except by placing in receptacles provided for those purposes, or to dump any such refuse in any park. Throwing bottles, tin cans, garbage, sewage, or other refuse in the water or on the ice of any river or stream or along roads in any city park is prohibited.

(D) *Charcoal residue.* Charcoal residue must be left in a grate or fireplace until cool or placed in receptacles provided for those purposes. (1985 Code, § 10.08) Penalty, see § 10.99

§ 91.08 VEHICLES.

(A) It is unlawful for any person to operate any vehicle at a speed in excess of 15 mph or contrary to official traffic signs in any city park.

(B) It is unlawful for any person to operate any vehicle in any park in a reckless manner contrary to the provision of M.S. § 169.13, as it may be amended from time to time.

(C) It is unlawful for any person to operate or park any motor vehicle, except as provided for herein, upon any baseball field, bridle path, hiking trail, beach area, playground, picnic area, or any other area other than established roads, parking areas, boat ramps, and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

(D) It is unlawful for any person to park, stop, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in any manner as to block, obstruct, or limit the use of any road, trail, parking lot, boat landing, waterway, or winter sport facility; or outside of any area provided for those purposes when it is practical to use those areas; or contrary to posted notice; or between the hours of 9:00 p.m. and the following day at 7:00 a.m.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.09 FIRES; FIREWORKS; FIREARMS.

(A) *Fires.* It is unlawful for any person to start, tend, or maintain any fire, or to burn any refuse, except at designated fireplaces, fire rings, or grills within any city park, except that fires for cooking or heating may be made in portable stoves, heaters, or grills at designated-picnic areas.

(B) *Fireworks.* It is unlawful for any person to possess, fire, discharge, explode, or set off any squib, crackers, or other explosive or pyrotechnic device containing powder, or other combustible or explosive material within the limits of any city park, excepting the exhibitions of fireworks given under the direction or by the permission of the Council or its duly authorized agent are permitted.

(C) *Firearms.* It is unlawful for any person to have in his or her possession or under his or her control any firearm or airgun as defined in the state statues, unless the same is unloaded and enclosed in a carrying case, or any bow unless the same is unstrung or enclosed in a carrying case in any city park.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.10 ANIMALS.

(A) *Pets.* It is unlawful for any person to allow pets to enter any public building, bathing beach, picnic grounds, or playgrounds, within any city park, or to run at large at any time on city park grounds. In those areas where pets are permitted dogs shall at all times be kept on a leash not more than eight feet long. All pets shall be effectively restrained or under the owner's control at all times. No person shall allow his or her pet to deprive or disrupt the enjoyment or use of any area by others.

(B) *Hunting and trapping.* It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds in any city park.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.11 BEACHES.

(A) It is unlawful to swim beyond or disturb or molest a bathing beach boundary buoy or marker in any swimming beach in any city park.

(B) It is unlawful for any person to swim or bathe in the water fronting any bathing beach during electrical storms or in dangerous weather or more than 50 yards from the shore line of any bathing beach, or beyond the limits of beach marker buoys where the buoys are provided.

(C) It is unlawful to have any boat, watercraft or person to fish inside the buoy or markers of the bathing beach while that beach is open.

(D) It is unlawful to have any boat or watercraft inside the buoy or markers within any bathing beach.

(E) It is unlawful for any person to carry on unnecessary conversation with lifeguards or falsely call for help or assistance; or stand or sit upon or cling to any lifeguard perches or, except in emergency, to climb into or cling to any lifeguard boats.

(F) Any person having, or apparently having, any infectious disease shall be prohibited from entering onto any bathing beach or into any bathing house or waters adjacent thereto.
(1985 Code, § 10.08) Penalty, see § 10.99

§ 91.12 SHERWOOD FOREST RECREATION AREA.

(A) There is hereby established camp sites, recreation areas, and picnic grounds owned by the city and known as Sherwood Forest Recreation Area.

(B) All persons using the camp sites, picnic grounds, or recreation areas of Sherwood Forest, or otherwise present on Sherwood Park area, shall comply with the following rules and regulations, and violations of this section:

(1) Maintain the camp sites, picnic grounds, and recreation areas in a clean, orderly, and sanitary condition at all times, and shall deposit all garbage, refuse, and debris in the containers locked in the area as provided for by the city;

(2) No animals, except household pets, shall be permitted in any of the areas and dogs, cats, or other animals or pets shall not be permitted to run loose, and no animals shall be allowed on the swimming beach area;

(3) No fires of any kind shall be permitted in any area except in the grills provided for in the camping and picnic areas;

(4) It shall be unlawful to destroy, mutilate, or deface any property within Sherwood Forest Recreation Area. It shall be unlawful to remove any object or property from any area, or to cut any tree or peel the bark of any tree in any area, or to make any excavations, without the prior consent of the City Council, or its designee or caretaker;

Gilbert - General Regulations

(5) No fishing shall be permitted from the boat docks and no fish shall be cleaned in any of the areas of the park, except in the fish cleaning house;

(6) No person shall create any disturbances; engage in brawling or fighting; disturb any meeting or person using the premises; engage in offensive, obscene, or abusive language or conduct himself or herself in a boisterous or noisy manner tending reasonably to arouse alarm, anger, or resentment in others;

(7) No group or organization of ten or more people shall use any of the facilities of Sherwood Forest as a group or organization without first having received the permission of the City Council or its designee or caretaker;

(8) No vehicle shall be driven on any roadway or path in Sherwood Forest Park in excess of the posted speed limits for which the roadway or path is posted. It shall be unlawful to obstruct, and all automobiles and vehicles shall be parked only in designated parking areas;

(9) No person shall camp in a tent, or park a trailer, or park a boat trailer or motor vehicle in a camp site for overnight purposes without first having registered and paid the required fees; however, late arrivals shall register no later than 9:00 a.m. the following morning;

(10) It is unlawful to anchor any boat, canoe, or vessel on the shorelines of Sherwood Forest, unless the person owning the boat, canoe, or vessel, or having control thereof, is actually camping or fishing or using the area and has anchored the boat, canoe, or vessel for temporary purposes;

(11) No person, family, organization, group of persons, or camping unit shall use the same camp site or trailer site for a period of more than 14 consecutive days; longer stays must move to a different camp site, with the different camp site designation being subject to reasonable guidelines and restrictions by the City Council, its designee or caretaker;

(12) Fees for the use of the camp sites, trailer sites, or recreation areas shall be the fees as may be determined by resolution of the City Council;

(13) No motor vehicle travel into or around the camping area is allowed after 10:30 p.m. unless a registered camper is returning to his or her camp site, or an emergency exists;

(14) No one under the age of 18 years will be allowed to camp overnight unless accompanied by his or her parent or legal guardian, or adult supervised groups (scouts and the like);

(15) No one shall loiter in the park area after 10:30 p.m.;

(16) Only one camping unit is allowed per camp site, without the prior consent of the caretaker; if more than one unit is allowed, each unit shall pay the required daily fee;

(17) Camping in the field will be restricted to marked camp sites, unless prior approval is given by the City Council, its designee or the caretaker; and

(18) All persons shall comply with the reasonable requests or directives made by the City Council, its designee, the caretaker or the police.

(C) Any person violating any provisions of this section shall be guilty of a petty misdemeanor.

(D) This section shall take effect upon its passage and publication.
(Ord. 10.08, passed 7-15-1986) Penalty, see § 10.99

CHAPTER 92: ANIMALS

Section

- 92.01 Definitions
- 92.02 Running at large prohibited
- 92.03 Feces
- 92.04 Rabies vaccine
- 92.05 Number per dwelling
- 92.06 Barnyard animals
- 92.07 License fee
- 92.08 Impoundment
- 92.09 Interference
- 92.10 Molestation and intimidation prohibited
- 92.11 Counterfeit tags
- 92.12 Barking and the like
- 92.13 Ferocious or vicious animals; attacks or bites; quarantine
- 92.14 Females in heat
- 92.15 Violations

§ 92.01 DEFINITIONS.

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

ACO. Animal Control Officer.

ANIMAL. A domestic dog or cat or dog kind.

CAT. Both male and female and includes any animal of the domestic feline kind.

DANGEROUS ANIMAL. An animal which has caused damage to property or injury to a person or other animals, or which animal, by its actions, exhibits a propensity for imminent danger to persons or other animals.

DOG. Both male and female and includes any animal of the dog kind.

OWN. To have property interest in, or to harbor, feed, board, keep, or possess.

OWNER. A person who owns an animal hereby regulated.
(Ord. 10.03, passed - -)

§ 92.02 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."
Penalty, see § 10.99

§ 92.03 FECES.

It is required that an owner who walks his or her animal within city limits, on property other than his or her own, will be responsible for all feces pickup.
(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.04 RABIES VACCINE.

No license or tag shall be issued by the City Clerk-Treasurer for a dog or cat which has reached the age of six months unless the applicant shall present a current certificate from a veterinarian certifying that the dog or cat to be licensed has been inoculated with a permanent-type chick embryo rabies vaccine.
(Ord. 10.03, passed - -)

§ 92.05 NUMBER PER DWELLING.

No person shall exceed the number of three animals per dwelling unit. This section shall not apply to a licensed kennel.
(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.06 BARNYARD ANIMALS.

(A) Except as provided in division (B) below, it shall be unlawful for any person, persons, firm, or corporation to keep, maintain, stable, yard, or fence any cow, bull, steer, calf, ox, goat, sheep, horse, stallion, mare, mule, swine, chicken, or other non-domestic or barnyard animal within the geographic boundaries of the City of Gilbert.

(B) Any person who legally owned, possessed, or kept barnyard animals on or before the effective date of this section shall be permitted to continue to own, possess, or keep those animals. Any person who falls within this division (B) shall be permitted to own, hold, keep, and maintain the number of barnyard animals that person was legally permitted to hold, keep, or maintain as of the date of adoption of this section.

(Ord. 10.03, passed - -; Ord. 2018-01, passed 3-13-2018) Penalty, see § 10.99

§ 92.07 LICENSE FEE.

The annual license fee shall be \$5 for each altered (spayed or neutered) animal and \$10 for each unaltered animal. All licenses shall expire on December 31 of each year.

(Ord. 10.03, passed - -)

§ 92.08 IMPOUNDMENT.

(A) The ACO or his or her assistant shall impound any dog or cat found unlicensed, without a large metal tag attached to his or her collar, or running at large, and they are empowered and instructed to enter upon any private premises where they have reasonable cause to believe there is an unlicensed or untagged dog or cat or while in pursuit of a dog or a cat running at large.

(B) Any animal impounded by the ACO will be taken to the holding facility and shall be housed and fed in a humane manner and the holding facility shall be kept clean.

(1) Every animal placed in the holding facility shall be held for redemption by the owner for at least five regular business days. A **REGULAR BUSINESS DAY** is one during which the holding facility is open for business to the public for at least eight hours between 8:00 a.m. and 4:00 p.m., Monday through Friday.

(2) Impoundment records shall be preserved for at least six months and shall show: the description of the animal by species, breed, sex, approximate age, and any other distinguishing detail; the location at which the animal was seized; the date of the seizure; the name and address of the owner of the animal; and the name and address of the person the animal is transferred to, if not the owner. The releasing fee for impounded animals is \$35. If animal is unclaimed, the animal shall be humanely destroyed and the carcass disposed of. After the five-day holding period the impounded animal may be released to the Mesabi Humane Society for adoption. Adopting individuals must apply for and obtain a city license.

(C) Upon impounding of any animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Hall and at the pound describing the animal and place and time of taking.

(Ord. 10.03, passed - -)

§ 92.09 INTERFERENCE.

It shall be unlawful for any unauthorized person to break open the holding facility or attempt to do so, or take or let out any dogs or cats therefrom, or to take or attempt to take from any officer any dog or cat taken up by him or her in compliance with this chapter, or in any manner to interfere or hinder the officer in the discharge of his or her duties under this chapter.

(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.10 MOLESTATION AND INTIMIDATION PROHIBITED.

It shall be unlawful and a violation of this chapter for any person to molest or intimidate a dog or a cat.

(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.11 COUNTERFEIT TAGS.

It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this chapter for licensing or take from any dog or cat a tag legally placed upon it with intent to place it upon another dog or cat. Tags shall not be transferable and no refunds shall be made for any reason.

(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.12 BARKING AND THE LIKE.

(A) It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises. The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in this chapter, to search for and seize the animal.

(B) No owner shall permit his or her dog or cat to damage or destroy any lawn, garden, shrubbery, foliage, or any other property within the city. Any person found guilty of violating the terms and provisions of this division (B) shall be guilty of a misdemeanor.

(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.13 FEROCIOUS OR VICIOUS ANIMALS; ATTACKS OR BITES; QUARANTINE.

(A) No person shall keep or suffer to be kept on his premises occupied by him or her within the city nor permit to run at large, any dog of a ferocious or vicious disposition or habit. Whenever it shall reasonably appear that any dog has bitten one or more persons or animals, the dog shall be deemed a vicious dog and it shall be lawful for any police officer or ACO to forthwith kill or destroy any such animal.

(B) For the purpose of enforcement of this chapter any peace officer, or Animal Control Officer (ACO), may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal. The tranquilizer gun will be used only in extreme circumstances.

(C) If a dog or cat without provocation, attacks or injures the person or property of any person who is peaceably conducting himself or herself in any place where he or she may lawfully be in any part of the city, the owner of the animal shall be liable for damages to the person so attacked or injured to the full amount of the injury or damage sustained to his or her person or property.

(D) Any animal impounded for biting persons shall be impounded for observation for a minimum of ten days. Animals impounded for biting may be quarantined on the premises of the owner for the ten-day observation period upon certification by a licensed veterinarian that the dog has been inoculated against rabies within the past three years and is otherwise healthy. In instances of home quarantine, the owner shall be responsible for keeping the dog contained within the house, or, if outside, on a chain at all times. The city and/or the ACO shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the event that the animal is a stray or when the owner of the animal is not known, the quarantine shall be at the holding facility or a veterinary hospital.

(E) All expenses of the quarantine period shall be the responsibility of the animal's owner. The animal may be reclaimed by the owner if free of rabies and upon payment of fees as set forth in this chapter upon compliance with all applicable provisions.

(F) When an animal is under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the ACO shall immediately send the head of the animal and rabies data to the State Health Department for pathological examination and shall notify all persons concerned of the results of such an examination.

(G) It is the duty of every physician and medical practitioner to report to the Chief Law Enforcement Official the names and addresses of persons treated for bites inflicted by animals, together with the other information as will be helpful to rabies control.

(H) It is the duty of every licensed veterinarian to report to the Chief Law Enforcement Official his or her diagnosis of an animal observed by him or her as a rabies suspect.

(Ord. 10.03, passed - -)

§ 92.14 FEMALES IN HEAT.

Except for controlled breeding purposes, every female animal in heat shall be kept confined in a house of secure enclosure, provided by the owner, or in a veterinary hospital or boarding kennel, in the manner that the female animal cannot come in contact with other animals.

(Ord. 10.03, passed - -) Penalty, see § 10.99

§ 92.15 VIOLATIONS.

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor.

(Ord. 10.03, passed - -) Penalty, see § 10.99

CHAPTER 93: HEALTH AND SAFETY; NUISANCES

Section

General Provisions

- 93.01 Assessable current services
- 93.02 Tree diseases
- 93.03 Violations

Nuisances

- 93.15 Public nuisance
- 93.16 Public nuisances affecting health
- 93.17 Public nuisances affecting morals and decency
- 93.18 Public nuisances affecting peace and safety
- 93.19 Nuisance parking and storage
- 93.20 Inoperable motor vehicles
- 93.21 Building maintenance and appearance
- 93.22 Duties of city officers
- 93.23 Abatement
- 93.24 Recovery of cost

Weeds

- 93.35 Short title
- 93.36 Jurisdiction
- 93.37 Definitions; exclusions
- 93.38 Owners responsible for trimming, removal, and the like
- 93.39 Filing complaint
- 93.40 Notice of violations
- 93.41 Appeals
- 93.42 Abatement by city
- 93.43 Liability

26Gilbert - General Regulations

Open Burning

- 93.55 Definitions
- 93.56 Prohibited materials
- 93.57 Permit required for open burning
- 93.58 Purposes allowed for open burning
- 93.59 Permit application for open burning; permit fees
- 93.60 Permit process for open burning
- 93.61 Permit holder responsibility
- 93.62 Revocation of open burning permit
- 93.63 Denial of open burning permit
- 93.64 Burning ban or air quality alert
- 93.65 Rules and laws adopted by reference

GENERAL PROVISIONS

§ 93.01 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. One 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-Treasurer or other person designated by the City Council may cause 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-Treasurer 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-Treasurer.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Title V of this code, the City Clerk-Treasurer 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-Treasurer.

(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-Treasurer 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. No person shall enter private property to repair a sidewalk, except with the permission of the owner or after obtaining an administrative warrant. The City Clerk-Treasurer 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-Treasurer, 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-Treasurer.

(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 such 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 October 31 of each year, the City Clerk-Treasurer 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 benefitted 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 ten, as the City Council may determine in each case.

Penalty, see § 10.99

§ 93.02 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

(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) above to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in §§ 93.22 and 93.23.

(C) *Record of costs.* The City Clerk-Treasurer 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-Treasurer 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

§ 93.03 VIOLATIONS.

Violation of any provision of this chapter, including maintaining a nuisance after being notified in writing by first-class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in § 10.99.

NUISANCES

§ 93.15 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 §§ 93.16, 93.17, 93.18, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.
Penalty, see § 10.99

§ 93.16 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

§ 93.17 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

§ 93.18 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) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than

the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped;

(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 six feet above the ground and within three 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;

(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 or 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;

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

(V) (1) *Noises prohibited.*

(a) *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of this section.

(b) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(c) *Loading, unloading, unpacking.* No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

(d) *Radios, phonographs, paging systems, and the like.* No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(e) *Schools, churches, hospitals, and the like.* No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of the institution.

(2) *Hourly restriction of certain operations.*

(a) *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(b) *Refuse hauling.* No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(c) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *Noise impact statements.* The Council may require any person applying 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 Council. It shall evaluate each statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) Reflected glare or light from private exterior lighting exceeding one-half footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel; and

(X) Reflected glare or light from private exterior lighting exceeding one-half footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one footcandle when abutting any commercial or industrial parcel.

Penalty, see § 10.99

§ 93.19 NUISANCE PARKING AND STORAGE.

(A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it:

- (1) Obstructs views on streets and private property;
- (2) Creates cluttered and otherwise unsightly areas;
- (3) Prevents the full use of residential streets for residential parking;
- (4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;
- (5) Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and
- (6) Otherwise adversely affects property values and neighborhood patterns.

(B) *Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements.

(a) No more than four vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking or driveway area.

(c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Penalty, see § 10.99

§ 93.20 INOPERABLE MOTOR VEHICLES.

(A) It shall be unlawful to keep, park, store, or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168B.011, Subd. 3, as it may be amended from time to time.

(B) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley, and which does not foster complaint from a resident of the city. A privacy fence is permissible.

(C) Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that the vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

Penalty, see § 10.99

§ 93.21 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they:

(1) Are unsightly;

(2) Decrease adjoining landowners and occupants' enjoyment of their property and neighborhood; and

(3) Adversely affect property values and neighborhood patterns.

(B) *Standards.* A building, fence or other structure is a public nuisance if it does not comply with the following requirements.

(1) No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any one wall or other flat surface; or

(b) All door and window moldings, eaves, gutters, and similar projections on any one side or surface.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

(4) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.

(5) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.

(6) Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.

(7) Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.

(8) Foundations must be structurally sound and in good repair.

Penalty, see § 10.99

§ 93.22 DUTIES OF CITY OFFICERS.

(A) For purposes of §§ 93.22 and 93.23, the Police Department, or Sheriff or person designated by the City Council under this code, if the city has at the time no Police Department, may enforce the provisions relating to nuisances.

(B) Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(C) Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in this code.

§ 93.23 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer or designated person on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17, as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17, as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated shall notify in writing the owner of record or occupant of the premises of the fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) above will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated person 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 or designated person shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) above, 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

§ 93.24 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-Treasurer 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-Treasurer.

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the 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-Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other 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 ten, as the City Council may determine in each case.

Penalty, see § 10.99

WEEDS**§ 93.35 SHORT TITLE.**

This subchapter shall be cited as the “Weed Ordinance.”

§ 93.36 JURISDICTION.

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

§ 93.37 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 two 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.

§ 93.38 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

§ 93.39 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-Treasurer. If the city makes the complaint, an employee, officer or Councilmember of the city shall file the complaint in all respects as set out above.

§ 93.40 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-Treasurer or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven 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) All notices are to be in writing and all filings are to be with the City Clerk-Treasurer. Certified mailing to the City Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

§ 93.41 APPEALS.

(A) 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. 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.

§ 93.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the “Destruction Order” within seven regular business days and has not filed a notice within 48 hours to the City Clerk-Treasurer 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. No person shall enter the property to abate the nuisance, except with the permission of the owner, resident or other person in control of the property.

§ 93.43 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-Treasurer 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.

OPEN BURNING**§ 93.55 DEFINITIONS.**

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

FIRE CHIEF, FIRE MARSHAL, and ASSISTANT FIRE MARSHALS. The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a ***RECREATIONAL FIRE*** as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as ***OPEN BURNING***.

RECREATIONAL FIRE. A fire set with approved starter fuel no more than three feet in height, contained within the border of a ***RECREATIONAL FIRE SITE*** using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one ***RECREATIONAL FIRE*** is allowed on any property at one time.

RECREATIONAL FIRE SITE. An area of no more than a three-foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a **RECREATIONAL FIRE SITE** as defined herein. **RECREATIONAL FIRE SITES** shall not be located closer than 25 feet to any structure.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three foot lengths.

§ 93.56 PROHIBITED MATERIALS.

(A) No person shall conduct, cause, or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.
Penalty, see § 10.99

§ 93.57 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in § 93.60.

Penalty, see § 10.99

§ 93.58 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means;

(2) Ground thawing for utility repair and construction;

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, landspreading or other alternative methods are not practical;

(4) Disposal of diseased trees generated on-site, diseased or infected nursery stock, diseased bee hives; and

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

(B) Fire training permits can only issued by the State Department of Natural Resources.

Penalty, see § 10.99

§ 93.59 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making application on a form prescribed the Department of Natural Resources (DNR) and adopted by the Fire Department. The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for reviewing and processing those applications.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established in the ordinance establishing fees and charges, authorized by this code, as it may be amended from time to time.

Penalty, see § 10.99

§ 93.60 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

§ 93.61 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see § 10.99

§ 93.62 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

Penalty, see § 10.99

§ 93.63 DENIAL OF OPEN BURNING PERMIT.

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

§ 93.64 BURNING BAN OR AIR QUALITY ALERT.

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

Penalty, see § 10.99

§ 93.65 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. §§ 88.16 through 88.22, as they may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.