# TITLE 600

## PUBLIC HEALTH AND SAFETY

<table>
<thead>
<tr>
<th>Subject</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Services</td>
<td>601</td>
</tr>
<tr>
<td>Police and Fire Alarms</td>
<td>602</td>
</tr>
<tr>
<td>Garbage and Recycling</td>
<td>603</td>
</tr>
<tr>
<td>Nuisances (Rep. By Ord. 556, 3-20-95)</td>
<td>604</td>
</tr>
<tr>
<td>Shade Tree Disease and Pest Control</td>
<td>605</td>
</tr>
<tr>
<td>Weeds</td>
<td>606</td>
</tr>
<tr>
<td>Nuisances</td>
<td>607</td>
</tr>
<tr>
<td>Premises Conducive to High-Risk Sexual Conduct</td>
<td>608</td>
</tr>
<tr>
<td>Cleanup of Clandestine Drug Lab Sites</td>
<td>609</td>
</tr>
<tr>
<td>(Added, Ord. 753, 11-22-04)</td>
<td></td>
</tr>
<tr>
<td>Ultimate Fighting (Added, Ord. 807, 6-23-08)</td>
<td>610</td>
</tr>
<tr>
<td>Outdoor Special Events (Added, Ord. 808, 10-1-2008)</td>
<td>611</td>
</tr>
<tr>
<td>(Deleted, Ord. 820, 7-2-09)</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 601

EMERGENCY SERVICES

SECTION:

601.01: Findings of Fact; Purpose
601.02: Definitions
601.03: Department of Emergency Services
601.04: Director of Emergency Services
601.05: Advisory Committee
601.06: Emergency Service Workers
601.07: Emergency Services Fund
601.08: Emergency Regulations
601.09: Annual Report of Activity
601.10: Conformity and Cooperation with Federal and State Authority
601.11: Liability of Municipality
601.12: Participation in Labor Disputes or Politics
601.13: Violation of Provisions

601.01: FINDINGS OF FACT; PURPOSE:

Subd. 1. Findings of Fact: Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action or from fire, flood, earthquake or other natural causes and in order to insure that preparations of this Municipality will be adequate to deal with such disasters and, generally, to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of this Municipality, it is hereby found and declared to be necessary:

a. To establish a local emergency services agency;

b. To provide for the exercise of necessary powers during emergency services/emergencies;

c. To provide for the rendering of mutual aid between this Municipality and other political subdivisions of the State and of other states with respect to the carrying out of emergency services functions.
Subd. 2. Purpose and Policy: It is further declared to be the purpose of this Chapter and the policy of the Municipality that all emergency services functions of this Municipality be coordinated to the maximum extent practicable with the comparable functions of the Federal government, of this State and of other states and localities and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation’s manpower, resources and facilities for dealing with any disaster that may occur. (Ord. 515, 8-24-92)

601.02: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Subd. 1. EMERGENCY SERVICES: The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile enemy action or from fire, flood, earthquake or other natural causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, outdoor warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 2. EMERGENCY SERVICES/EMERGENCY: An emergency declared by the Governor under Minnesota Statutes, section 12.31.

Subd. 3. EMERGENCY SERVICES FORCES: Any personnel employed by the Municipality and any other volunteer or paid member of the local Emergency Services Agency engaged in carrying on emergency services functions in accordance with the provisions of this Chapter or any rule or order hereunder. (Ord. 515, 8-24-92)
601.03: **DEPARTMENT OF EMERGENCY SERVICES:**

Subd. 1. Department Established: There is hereby created a Department of Emergency Services which shall be under the supervision and control of a Director of Emergency Services, hereinafter called the Director.

Subd. 2. Organization: The Emergency Services Agency shall be organized into such divisions and bureaus, consistent with State and local emergency services plans, as the Director deems necessary to provide for the efficient performance of local emergency services functions during an emergency services/emergency. The Department of Emergency Services shall perform emergency services functions within the Municipality and, in addition, shall conduct such functions of the Municipality as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951, as amended\(^1\), or this Chapter. (Ord. 515, 8-24-92)

601.04: **DIRECTOR OF EMERGENCY SERVICES:**

Subd. 1. Appointment: The Director shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at any time.

Subd. 2. Salary: The Director shall be paid a salary to be set by the Municipal Council plus necessary expenses.

Subd. 3. Powers and Duties:

a. General Responsibilities: The Director shall have direct responsibility for the organization, administration and operation of the Department of Emergency Services, subject to the direction and control of the Mayor.

b. Interaction with Other Agencies: The Director, with the consent of the Mayor, shall represent the Municipality on any regional or State organization for emergency services. The Director shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for reciprocal emergency service aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Council for its action. Such arrangements shall be consistent with the State emergency services plan. It shall be the duty of the Emergency Services Agency and emergency services forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid agreement with a political subdivision of another state shall be subject to the approval of the Governor.

\(^1\) M.S.A. §12.01 et seq.

City of Mounds View
c. Studies and Surveys: The Director shall make such studies and surveys of the manpower, industries resources and facilities of the Municipality as the Director deems necessary to determine their adequacy for emergency service and to plan for their most efficient use in time of an emergency services/emergency.

d. Comprehensive Plan: The Director shall prepare a comprehensive general plan for the emergency services of the Municipality and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all Municipal agencies and all emergency services forces of the Municipality to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner, from time to time. The Director shall coordinate the emergency services activities of the Municipality to the end that they shall be consistent and fully integrated with the emergency services plan of the Federal government and the State and correlated with the emergency plans of other political subdivisions within the State.

e. Training Programs and Public Information: In accordance with the State and Municipal emergency services plan, the Director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of emergency services forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the Municipal emergency plan in time of an emergency. The Director may, from time to time, conduct such practice alerts or other emergency services exercises as may be deemed necessary.

f. Utilization of Resources: The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the Municipality to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local Emergency Services Agency and to the Governor, upon request. The head of each department and agency, in cooperation with and under the direction of the Director, shall be responsible for the planning and programming of such emergency services activities as will involve the utilization of the facilities of that department or agency.
g. Training and Use of Volunteers: The Director shall, in cooperation with existing Municipal departments and agencies affected, organize, recruit and train sky-warn volunteers, auxiliary police, auxiliary firemen, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the emergency services plans of the Municipality and the State. To the extent that such emergency personnel are recruited to augment a regular Municipal department or agency for emergency services, it shall be assigned to such department or agency for purposes of administration and command. The Director may dismiss any emergency services volunteer at any time and requires the volunteer to surrender any equipment and identification furnished by the Municipality.

h. Emergency Facilities: Consistent with the emergency services plan, the Director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of injured or homeless persons.

i. Governor’s Orders: The Director shall carry out the orders, rules and regulations issued by the Governor with reference to emergency services.

j. Coordination During Emergencies: The Director shall direct and coordinate the general operations of all local emergency services forces during an emergency in conformity with controlling regulations and instructions of State emergency services authorities.

k. Control Center: Consistent with the emergency services plan, the Director shall provide and equip at some suitable place in the Municipality a control center and, if required by the State emergency services plan, an auxiliary control center to be used during an emergency as headquarters for direction and coordination of emergency services forces. The Director shall arrange for representation at the control center by Municipal departments and agencies, public utilities and other agencies authorized by Federal or State authority to carry on emergency services activities during an emergency. The Director shall arrange for the installation at the control center necessary facilities for communication with and between heads of emergency services divisions.

l. Appropriation of Aid: During the first thirty (30) days of an emergency, if the legislature is in session or the Governor has coupled a declaration of the emergency with a call for a special session of the legislature, the Director may, when necessary to save life and property, require any person, except members of the Federal or State military forces and officers of the State or any other political subdivision, to perform services for emergency services purposes as directed, and may commandeer, for the time being, any motor vehicle, tools, appliances or any other property, subject to the owner’s rights to just compensation as provided by law. (Ord. 515, 8-24-92)
601.05: **ADVISORY COMMITTEE:**

Subd. 1. Committee Created: There is hereby created within the Department of Emergency Services an advisory committee, hereinafter called the “Committee”.

Subd. 2. Membership: Members of the Committee shall be appointed by the Mayor to represent all Municipal departments.

Subd. 3. Responsibility: The Committee shall advise the Mayor and the Council on all matters pertaining to emergency services.

Subd. 4. Chairman: The Director shall be chairman of the Committee.

Subd. 5. Compensation: Each member shall serve without compensation and shall hold office at the pleasure of the Mayor. (Ord. 515, 8-24-92)
601.06:  

**EMERGENCY SERVICE WORKERS:**

Subd. 1. Eligibility: No person shall be employed or associated in any capacity in the Emergency Services Agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this State or the overthrow of any government in the United States by force or violence or who has been convicted of or is under indictment for information charging any subversive act against the United States.

Subd. 2. Oath: Each person who is appointed to serve in the Emergency Services Agency shall, before entering upon their duties, take an oath, in writing, before a person authorized to administer oaths in this State or before any officer of the State Department of Emergency Services, the Director or ground corps supervisor. The oath shall be substantially in the form prescribed by Minnesota Statutes, section 12.43.

Subd. 3. Use of Volunteers: Emergency services volunteers shall be called into service only in case of an emergency or a natural disaster for which the regular Municipal forces are inadequate or for necessary training and preparation for such emergencies.

Subd. 4. Identification: Each emergency services volunteer shall be provided with such suitable insignia or other identification as may be required by the Director. No volunteer shall exercise any authority over the persons or property of others without proper identification. No person, except an authorized volunteer, shall use the identification of a volunteer or otherwise represent themselves to be an authorized volunteer.

Subd. 5. Firearms: No emergency services volunteer shall carry any firearm while on duty, except on written order of the Chief of the Police Department.

Subd. 6. Personnel Policies: Personnel procedures of the Municipality applicable to regular employees shall not apply to the Director or to volunteer emergency services workers.

Subd. 7. Special Police Officers: The Council may appoint any qualified person holding a position of any agency created under Federal or State authority for emergency services purposes as a special police officer of the Municipality, with such police powers and duties within the Municipality incident to the functions of their position, not exceeding those of a regular police officers of the Municipality, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the Chief of Police and such other police officers of the Municipality as the Chief may designate. (Ord. 515, 8-24-92)

---

1 See Title 300 of this Code for personnel policies.
601.07: **EMERGENCY SERVICES FUND:** There is hereby established in the Treasury a special fund to be known as the Emergency Services Fund. Into this Fund shall be placed the proceeds of taxes levied for emergency services money transferred from other funds, gifts and other revenues of the Emergency Services Agency. From it shall be made expenditures for the operation and maintenance of the Emergency Services Agency and other expenditures for emergency services. Regular accounting, disbursement, purchasing, budgeting and other financial procedures of the Municipality shall apply to the Emergency Services Fund insofar as practicable, but budgeting requirements and other financial procedures shall not apply to expenditures from the Fund during 1965 or in any case when their application will prevent compliance with terms and conditions of a Federal or State grant of money or property for emergency services purposes. (Ord. 515, 8-24-92)
601.08: **EMERGENCY REGULATIONS:**

Subd. 1. Promulgation of Regulations: Whenever necessary to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Mayor may, by proclamation, promulgate regulations consistent with applicable Federal or State laws or regulations respecting protection against air raids, the sounding of outdoor warning sirens, the repair, maintenance and safeguarding of essential public services, emergency health, fire and safety regulations, trial drills or practice periods required for preliminary training and all other matters which are required to protect public safety, health and welfare in emergencies. No regulation governing observation of enemy aircraft, air attack, alarms or illumination during air attacks shall be adopted or take effect unless approved by the State Director of Emergency Services.

Subd. 2. Proclamations: Every proclamation or emergency regulation shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator, where a copy shall be kept posted and available for inspection and shall be conspicuously posted at the front of the Municipal Hall or other headquarters of the Municipality and at such other places in the affected area as the Mayor shall designate in proclamation. Thereupon the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the Mayor may modify or rescind any such regulation. (Amended, Ord. 844, 5-20-10)

Subd. 3. Regulations Rescinded; Expiration: The Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of the emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists.

Subd. 4. Contract and Obligations: During an emergency, the Municipality is, notwithstanding any statutory or Charter provision to the contrary, empowered, through its governing body, within or without the corporate limits of the Municipality, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The Municipality may exercise such powers in the light of the exigencies of the disaster, without compliance with time-consuming procedures and formalities, prescribed by law pertaining to the performance of public work, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication for calls for bids, provision of civil service laws and rules, provisions relating to law bids and requirements for budgets. (Ord. 515, 8-24-92)
601.09: **ANNUAL REPORT OF ACTIVITY:** The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the Council for the information of the Council and the public, a comprehensive report of the activities of the Emergency Services Agency during the year. (Ord. 515, 8-24-92)

601.10: **CONFORMITY AND COOPERATION WITH FEDERAL AND STATE AUTHORITY:** Every officer and agency of the Municipality shall cooperate with Federal and State authorities and with authorized agencies engaged in emergency services to the fullest possible extent consistent with the performance of their other duties. The provisions of this Chapter and of all regulations made hereunder shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. (Ord. 515, 8-24-92)

601.11: **LIABILITY OF MUNICIPALITY:** All functions hereunder and all other activities relating to emergency services are hereby declared to be governmental functions. The Municipality and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in any emergency services activities, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951, as amended (Minnesota Statutes, sections 12.01 to 12.46) or with this Chapter or any rule, regulation or order made thereunder, shall not be liable for the death of or any injury to persons or damage to property as a result of such activity. The provisions of this Section shall not affect the right of any person to receive benefits to which that person would otherwise be entitled under this Chapter or under the workmen’s compensation law or under any pension law nor the right of any such person to receive any benefits or compensation under any act of Congress. (Ord. 515, 8-24-92)

601.12: **PARTICIPATION IN LABOR DISPUTES OR POLITICS:** The Emergency Services Agency shall not participate in any form of political activity nor shall it be employed directly or indirectly for political purposes nor shall it be employed in a legitimate labor dispute. (Ord. 515, 8-24-92)

601.13: **VIOLATION OF PROVISIONS:** Any person who violates any provision of this Chapter or of any regulation adopted hereunder relating to acts, omissions or conduct, other than official acts of Municipal officers or employees, shall be guilty of a misdemeanor. (Ord. 515, 8-24-92)
CHAPTER 602

POLICE AND FIRE ALARMS

SECTION:

602.01: Definitions
602.02: False Alarm Fees
602.03: Appeal Process
602.04: Collection of Fees

602.01: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Subd. 1. **ALARM:** The person, firm, partnership, association, corporation, company or organization of any kind upon whose premises an alarm or alarm system is installed, operated or maintained. In the case of residential alarms, “alarm user” shall mean the owner, resident, tenant or lessee of the residence.

Subd. 2. **ALARMS:** Any mechanical functioning or electronic device which, directly or indirectly, summons police or fire personnel.

Subd. 3. **CITY:** The City of Mounds View.

Subd. 4. **FALSE ALARMS:** Any alarm message or signal that summons police or fire personnel to a location where no fire, smoke, criminal activity or other emergency exists. This definition does not include alarms caused by weather or other conditions deemed to be beyond the control of the alarm manufacturer, installer or owner. (Ord. 493, 7-22-91)

---

1 See subdivision 702.0)(13)g of this Code, false alarms and tampering with the system declared a misdemeanor; see Section 1002.02, amendment 11.301 of this Code, sounding fire alarms constitutes a fire.
602.02: **FALSE ALARM FEES:**

Subd. 1. Fee Established: A fee shall be charged by the City to any alarm user for a third and any subsequent false alarm response within a twelve (12) month time period. The alarm user will be responsible for payment of the fee.

Subd. 2. Schedule of Fees: The following are established fees for false alarms:

   a. Fire Alarms:

      (1) For the third false fire alarm in a twelve (12) month period, two hundred dollars ($200.00).

      (2) For each subsequent false fire alarm over three (3) in a twelve (12) month period, two hundred fifty dollars ($250.00).

   b. Police Alarms:

      (1) For the third false police alarm in a twelve (12) month period, fifty dollars ($50.00).

      (2) For each subsequent false police alarm over three (3) in any twelve (12) month period, seventy five dollars ($75.00). (Ord. 493, 7-22-91)

602.03: **APPEAL PROCESS:**

Subd. 1. Appeal to Fire Chief or Police Chief: An alarm user required by the City to pay a fee as a result of false alarm may make a written appeal of false alarm charges to the Chief of Police or Fire Chief within ten (10) working days after mailed notice of a false alarm charge. The Chief of Police or Fire Chief has the authority to make final determination as to whether the applicant is to be charged with a false alarm.

Subd. 2. Appeal to Council: An alarm user may appeal the decision of the Chief of Police or Fire Chief to the City Council by submitting a request, in writing, to the City Administrator within ten (10) working days after the decision of the Chief of Police or Fire Chief. (Ord. 493, 7-22-91; Amended, Ord. 844, 5-20-10)
602.04: **COLLECTION OF FEES:**

Subd. 1. Names Submitted to Finance Department: The Police Department and the Fire Department shall document the names of the alarm users who violate the provisions of this Chapter. The names shall be submitted to the Finance Department with the appropriate fee to be charged.

Subd. 2. Means of Collection: The Finance Department shall be responsible for the collection of the false alarm fees. The City shall have the power to collect such fees by whatever means becomes necessary, including the institution of a civil action against the alarm user responsible for the payment of such fee and tax certification on the alarm user’s tax rolls with the County. (Ord. 493, 7-22-91)
CHAPTER 603

GARBAGE AND RECYCLING

SECTION:

603.01: Definitions
603.02: Collection Required; Exemptions
603.03: Garbage and Recycling Containers
603.04: Storage of Garbage and Recyclable Materials
603.05: Yard Waste
603.06: License to Haul Required
603.07: Violation of Provisions

603.01: DEFINITIONS: When used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Subd. 1. APPLIANCES: Shall include washers, dryers, refrigerators, freezers, air conditioners, dehumidifiers, stoves, ranges, hot water heaters, water softeners and other, similar large household items that require electricity and/or special processing under Minnesota laws, but do not include “electronic waste.”

Subd. 2. BULKY WASTE: Shall include all large, bulky household materials which do not fit within the garbage container, and include (but are not limited to) carpeting and padding, mattresses, chairs, couches, tables, appliances and car parts including wheels, rims and tires.

Subd. 3. COMMERCIAL ESTABLISHMENT: Shall include properties in the City that are classified generally as commercial, institutional, industrial or business in the City zoning code which generate garbage and recyclables and are typically serviced by a dumpster form of garbage container.

Subd. 4. COMPOSTING: Has the meaning set forth in Minnesota Statutes and rules of the Minnesota Pollution Control Agency and shall include plant materials, such as grass, leaves, straw and non-woody plant materials and residential food wastes, stored on a person’s property for the purposes of recycling organic materials as a soil conditioner.

Subd. 5. DUMPSTER: Shall have the commonly used meaning in the solid waste industry of a commercial garbage container made of metal or durable plastic with a lid that can be serviced by a front-end loading automated or rear-loading semi-automated garbage truck.
Subd. 6. ELECTRONIC WASTE (electronic items): Shall have the meaning set forth in Minnesota Statutes and shall mean items such as television and computer monitors, computers, computer peripheral devices, fax machines, DVD players, video cassette recorders, other video display devices, cell phones and other small appliances with an electric cord.

Subd. 7. FOOD WASTE: Includes meal preparation and left over food scraps from households intentionally separated at the source by residents for the purpose of backyard composting or separate collection for centralized recovery.

Subd. 8. GARBAGE: Shall have the meaning as set forth in Minnesota Statutes, mixed municipal solid waste, and means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste.

Subd. 9. HAULER: Shall include a collector or transporter of garbage, recyclable materials, bulky waste, electronic waste, source-separated compostable material or yard waste.

Subd. 10. HOUSEHOLD HAZARDOUS WASTE: Shall have the meaning as set forth in Minnesota Statutes and/or Minnesota Pollution Control Agency regulations and means waste generated from household activities that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household and includes items such as paint, fluorescent light bulbs, mercury thermometers, cleaning fluids, herbicides, pesticides, fertilizers and other such defined wastes.

Subd. 11. LEGAL HOLIDAYS: For the purposes of this Chapter Legal Holidays shall be New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day.

Subd. 12. MOBILE HOME PARK: Shall include any park, trailer court, trailer camp, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodation for any mobile home.

Subd. 13. MULTIPLE-UNIT DWELLING: Shall include any building used for residential purposes consisting of four (4) or more residential units with kitchen facilities for each. (Ord. 486, 4-23-90)

Subd. 14. RECYCLABLE MATERIALS: Shall include those materials designated as recyclable in the City of Mounds View Solid Waste Management Standards. (Ord. 512, 6-22-92)
Subd. 15. RESIDENCE: Shall include any single building of one (1) to three (3) dwelling units with individual kitchen facilities for each.

Subd. 16. SELF—HAUL: Is the City-approved method for a resident to contain and transport garbage from their own household to a licensed/permittted mixed municipal solid waste facility. Self-haul requires the specific approval of the City.

Subd. 17. SOLID WASTE: Shall have the meaning as set forth in Minnesota Statutes, but is further defined for purposes of this Chapter to include garbage, recyclables, appliances, electronic waste, bulky waste, yard waste, and household hazardous waste.

Subd. 18. SOURCE-SEPARATED ORGANIC WASTE: Shall have the meaning as set forth in Minnesota Pollution Control Agency rules and means organic materials that are (a) separated at the source by waste generators for the purpose of preparing them for recovery; (b) collected separately from mixed municiplal solid waste; and (c) comprised of food waste, fish and animal waste, plant materials, and paper that is not recyclable.

Subd. 19. VECTORS OF DISEASE: Are animals including, but not limited, to insects, mice, rats, squirrels, crows, flies and other vermin that are capable of carrying, transmitting and/or infecting humans with disease.

Subd. 20. YARD WASTE: Shall have the meaning as set forth in Minnesota Pollution Control Agency rules and shall include leaves, grass clippings, organic garden waste or shrub and small tree branches similar non-woody plant materials less than two inches (2”) in diameter. (Ord. 486, 4-23-90)

603.02: COLLECTION REQUIRED; EXEMPTIONS:

Subd. 1. Collection Required:

a. All garbage, recyclables, yard waste, source-separated organic waste and other waste material accumulated in the city shall be collected and conveyed under the supervision of the city administrator. The city administrator or their designee shall have the authority to develop Solid Waste Management Standards concerning days of collection, type and location of waste containers and other matters as they deem necessary to provide for the safe, orderly and cost-efficient preparation, storage, collection and disposal of all waste materials covered in this ordinance. These standards shall not be contrary to this Chapter.

b. Unless otherwise exempt pursuant to subdivision 2 hereof, each residence, multiple-unit dwelling, commercial establishment and mobile home park in the City shall contract with a hauler licensed by the City for the collection of garbage and/or recyclables.
603.02

All residents and commercial property shall separate all designated recyclables, and other items designated by City of Mounds View Solid Waste Management Standards, from garbage. These source separated items shall be collected for separate recycling, processing or treatment.

d. All garbage shall be disposed of in compliance with state law and county policies regarding required processing of solid waste.

Subd. 2. Exemptions: A household or business may be exempted from the requirements of subdivision 1 hereof upon demonstrating to the satisfaction of the City that an environmentally sound alternative method of solid waste disposal that complies with state laws and regulations and county policies and is in conformance with the City of Mounds View Solid Waste Management Standards will be used. Application for an exemption will be made on a form provided by the City. The application shall be reviewed by the City Administrator who shall approve or deny that application and shall notify the applicant, in writing, of the decision. Any applicant aggrieved by the decision of the City Administrator may appeal that decision to the City Council within ten (10) days of the date of the written notice. The City Council shall hear the appeal at its next regularly scheduled meeting. (Amended, Ord. 844, 5-20-10)

Subd. 3. Penalties: Every day that a person fails to engage a hauler, as required herein, shall constitute a new violation of this Code and shall be subject to the penalties imposed in Section 603.07 of this Chapter. However, no person can be charged with a violation pending a final decision on an application for exemption. (Ord. 516, 9-14-92)

603.03: GARBAGE AND RECYCLING CONTAINERS:

Subd. 1. Container Required: Every residence, multiple-unit dwelling and commercial establishment contracting with a hauler shall be provided one (1) or more separate sanitary containers sufficient to receive all garbage and recyclables, which may accumulate between the times of collection.

Subd. 2. Capacity: Each container shall have a capacity not to exceed ninety-six (96) gallons, except where dumpsters are used in conjunction with multiple-unit dwellings and commercial establishments.

Subd. 3. Lids: Each container shall be waterproof and be equipped with a tight-fitting cover and shall be maintained, cleaned and kept in a state of repair which will prevent leakage and noxious odors. (1988 Code §104.03)
603.04:  **STORAGE OF GARBAGE AND RECYCLABLE MATERIALS:**

Subd. 1. Preparation for Placement in Containers: All garbage shall be securely wrapped or placed in a plastic bag to prevent leakage and littering before it is placed in garbage containers. (1988 Code §104.03)

Subd. 2. Location of Garbage and Recycling Containers: Except on scheduled collection days, garbage, yard waste, bulky waste, and recyclable materials shall be stored behind the front line of the building for the width of the property. Garbage, yard waste, bulky waste, and recyclable materials may be placed at the curbside or on the boulevard for collection by a licensed hauler no earlier than 6:00 pm on the day prior to the day of collection. Any containers or materials left over from collection shall be removed from the curbside or boulevard within twelve (12) hours after said collection. (Ord. 486, 4-23-90)

Subd. 3. Location of Dumpsters:

a. Dumpsters for garbage, yard waste and recyclable materials used in conjunction with multiple-unit dwellings and commercial establishments for the convenience of the property owner, renters or lessees, shall be stored within an enclosure. Enclosures shall be of sufficient capacity to contain garbage and recycling containers, with sufficient additional capacity to store bulky waste generated by the dwellings or establishments. The design and location of the enclosure shall be in conformance with City-approved standards. All new establishments with dumpsters shall construct enclosures prior to receiving a certificate of occupancy. (Ord. 492, 7-8-91)

b. Dumpsters intended for collecting recyclable materials from the public for charitable purposes may be located on a paved surface not designated for parking and must be clearly marked to indicate the type of recyclables accepted and the name of the charity to receive the resulting revenues. (Ord. 486, 4-23-90)

603.05:  **YARD WASTE AND COMPOSTING:**

Subd. 1. Composting: Any person may provide for the handling of certain food wastes and yard wastes by means of composting. Composting shall be accomplished above ground in a controlled area allowing for the decomposition of the material through an aerobic process providing adequate oxygen and moisture. At no time shall composting attract vectors of disease or create a health hazard or a nuisance to adjoining properties. Backyard and small compost sites shall comply with Minnesota Pollution Control Agency rules.

Subd. 2. Disposal: Except for purposes of composting under subdivision 1 above, it shall be unlawful for any person to dispose of yard waste on private or public lands located in the City. All yard waste must be disposed of in the manner prescribed by law.
603.06: LICENSE TO HAUL REQUIRED:

Subd. 1. Licensing Requirements:

a. License Required:

(1) It is unlawful for any person to haul garbage, recyclables, bulky waste or yard waste without the appropriate license issued by the City under this Chapter unless the person is hauling from their own residence or commercial establishment in accordance with the provisions of Section 603.02, Subd. 2.

(2) Haulers collecting garbage, recyclables, bulky waste, yard waste, electronic waste or any combination thereof from residential areas, commercial establishments, multiple-unit dwellings and/or mobile home parks must be licensed by the City.

b. Conditions of License: Each license shall be applied for, issued and renewed and may be suspended or revoked, as provided by this Chapter, and each licensee shall comply with all applicable requirements of this Chapter and with the City of Mounds View Solid Waste Management Standards.

c. Application for License: Any person desiring a license to collect garbage, recyclables, bulky waste, yard waste, electronic waste, or any combination thereof, shall make application for the same to the City Administrator upon a form prescribed by the City. The applicant shall set forth the following: (Amended, Ord. 844, 5-20-10)

(1) The name and address of the applicant.

(2) A list of the equipment which the applicant proposes to use in such collection.

(3) The place or places to which the garbage, yard waste and/or recyclable materials will be hauled.

(4) The name of the processing or disposal facility and the manner in which said garbage, yard waste and/or recyclable materials is to be processed or disposed of.

d. Liability Insurance: Before a license is issued, the applicant shall file with the City Administrator evidence that the applicant has in effect public liability insurance for the hauler’s business and for all vehicles in the City of Mounds View Solid Waste Management Standards.

e. RESERVED. (Ord. 897, 2-9-15)
f. License Fee: Before a license is issued, the applicant shall pay to the City a license fee to be established by resolution of the City Council, which shall accompany the application.

g. Expiration of License: No license issued shall be for a longer period than one (1) year, and all licenses shall expire on June 30 of each year.

h. Suspension or Revocation: Licenses may be suspended or revoked by the Council, after the licensee has been given a reasonable notice and an opportunity to be heard, for the violation of any provisions of this Chapter or for the violation of any conditions or restrictions in the motion granting the license or any motion passed by the Council or upon failure of the licensee to comply with any conditions, order or direction issued by the City. Continued willful or egregious violations of this ordinance by any licensed or unlicensed hauler of solid waste shall result in fines and/or liquidated damages as deemed reasonable by the City Council.

Subd. 2. Operating Requirements and Restrictions:

a. All Licensees: All licensees shall comply with all of the following requirements and restrictions:

(1) Hours and Days of Operation: No hauler shall operate in a residential district after six o’clock (6:00) P.M. or before seven o’clock (7:00) A.M. of any day, and no hauler shall operate in a residential district on Sundays or legal holidays. Collection of solid waste for single family residences shall occur only on Thursdays, except when Thursday is a legal holiday. In the case of a legal holiday, the collection will occur the following business day. Slight schedule changes may be made, with sufficient advance notice by the hauler for adverse weather conditions or other.

(2) Vehicle Weight Restrictions: All haulers operating on a route in a residential district shall operate vehicles on City streets within the weight allowed by Minnesota State statute1.

(3) Vehicle Equipment and Maintenance: Licensees shall have covered watertight, packer-type vehicles or, in the case of recycling, appropriate container vehicles in good condition and which prevent loss in transit of liquid or solid cargo. All vehicles shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street longer than reasonably necessary to collect garbage, rubbish, recyclable materials or yard waste.

---

1 M.S.A. §169.825, subd. 10; see also Section 801.03 of this Code.

City of Mounds View
(4) Curbside recycling collection must be made available to all residential customers. Such service shall include weekly collection of all recyclable materials on the same day as garbage collection for residences. A bi-weekly collection period for recyclable material is permissible, provided the hauler provides single-sort service and a collection container equal to or larger than the provided garbage container.

(5) Each licensee shall separately collect and dispose of yard waste on a regular basis for a yard waste season as determined in the Solid Waste Management Standards.

(6) Garbage collection service shall be priced on the basis of volume consistent with Minnesota law. All billings shall be itemized so as to show all individual charges and the garbage service level unit basis (e.g., $ per size of cart).

(7) Special Service Collection: Arrangements shall be made for customers to accommodate documented physical health concerns, including “back door” collection if needed.

(8) Exhibition of License: Each vehicle for which a hauler’s license is issued shall exhibit such license in a prominent position on the vehicle.

(9) Education and Information to customers: All licensees shall provide information to all customers that may be required by county, state, or federal governments, including requirements to recycle, methods by which to recycle, disposal and processing locations, tax and fee schedules, or information required in the Standards.

b. Dumping Facilities: All garbage, bulky waste, electronic waste, recyclables, source separated organic waste, and yard waste shall be dumped or unloaded only at facilities that comply with state laws and regulations and county policies and are in conformance with the City of Mounds View Solid Waste Management Standards.

c. Disposal Processing/Marketing of Recyclable Materials: Designated Recyclable materials shall be taken to a recyclable material processing center, an end market for sale or reuse, or to an intermediate collection center for later delivery to a processing center or end market. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in a mixed municipal solid waste disposal facility.

d. Additional Restrictions for Multiple-Unit Dwelling, commercial establishment and Mobile Home Park Haulers: In addition to the other requirements of this Chapter, haulers servicing Commercial Establishments, mobile home parks and multiple-unit dwellings shall comply with the following:
(1) Collection of Garbage and convenient collection of recyclables shall occur on a weekly basis, or more frequent, for all multiple-unit dwelling, commercial establishment and manufactured home park customers. A bi-weekly collection period for recyclable material is permissible, provided the hauler provides single-sort service and a collection container equal to or larger than the provided garbage container. (Amended, Ord. 713, 5-19-03; Ord. 737, 6-24-04)

(2) Collection of bulky wastes will be provided as needed, however all bulky waste must be contained in the garbage and recycling enclosure and may not remain in the enclosure longer than one (1) week.

Subd. 3. Reporting of Garbage, Recyclables and Yard Waste: All licensees shall report to the City the amount of recyclable materials and yard waste collected. This shall be done monthly on a form provided by the City. Such quantities shall be reported by tonnage. All Licensees that haul recyclables shall report on a monthly basis to the City those residential customers that do not participate in the recycling program. Failure to certify accurate reports within the time specified by the City may be cause for suspension or revocation of a hauling license. (Ord. 486, 4-23-90; 1993 Code)

603.07: VIOLATION OF PROVISIONS: Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. (Ord. 486, 4-23-90)

(Ord. 891, 10-27-14)
CHAPTER 605

SHADE TREE DISEASE AND PEST CONTROL

SECTION:

605.01: Shade Tree Disease and Pest Control Program
605.02: Inspection and Investigation
605.03: Nuisances Declared; Abatement
605.04: Abatement Procedures; Assessment of Costs
605.05: Disruption of Root Grafts
605.06: Treating of Trees
605.07: Permit Requirements for Transporting Wood
605.08: Storage of Elm Wood
605.09: Licensing Requirements for Tree Contractors
605.10: Violation of Provisions

605.01: SHADE TREE DISEASE AND PEST CONTROL PROGRAM:

Subd. 1. Authority: The City Administrator and those agents appointed by the City Administrator (herein referred to as “tree inspector”) are hereby empowered to conduct a program of shade tree disease and pest control pursuant to authority granted by Minnesota Statutes, §§ 18G, 89.001, 89.01 and 89.51-.64, including the elimination of Dutch elm disease fungus, elm bark beetles, oak wilt fungus, emerald ash borer, and other potentially non-native invasive pests and epidemic diseases of trees. (1988 Code §92.01)

Subd. 2. Interference Prohibited: It shall be unlawful for any person to interfere, prevent or delay the authorized parties from discharging their duties pursuant to this Chapter. (1988 Code §92.11)
605.02: **INSPECTION AND INVESTIGATION:**  (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

Subd. 1. Inspection: The tree inspector shall inspect all premises and places within the City as often as practicable but not less than that required by the State\(^1\), to determine whether any condition described in subdivision 605.03(1) of this Chapter exists thereon. The tree inspector may investigate all incidents of infestations by Dutch elm fungus, elm bark beetles, oak wilt fungus, emerald ash borer, or any other non-native invasive pests, epidemic diseases, or other factors which are potentially contributory to the spread of tree disease and pests. (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

Subd. 2. Right of Entry: The tree inspector may enter upon private premises at any reasonable time for the purposes of carrying out any of the duties assigned to the tree inspector under this Chapter. (1988 Code §92.02; 1993 Code) (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

---

\(^1\) M.S.A. §18.022, subdivision 9.
NUISANCES DECLARED; ABATEMENT:

Subd. 1. Nuisances Declared: The following are hereby declared public nuisances whenever they may be found within the City:

a. Any living or standing elm tree, or part thereof, infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (buisman) *moreau* or which harbors any of the elm bark beetles *Scolytus multistriatus* (eichh.) or *Hylurgopinus rufipes* (marsh).

b. Any dead or dying elm tree, or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or buried.

c. Any living or standing red oak tree, or part thereof, infected to any degree with the oak wilt fungus *Ceratocystis fagacearum*.

d. Any diseased wood from the red oak group which, by April 1 in any given year, has not been either debarked, burned, buried or split into quarter sections and completely enclosed with a covering (at least 4-mil, if plastic) adequately thick and whole so as to isolate the wood until July 15 of the year immediately following the wilting of the tree from which said wood originated.

e. Any living or standing ash tree, or part thereof, infested to any degree with the emerald ash borer *Agrilus planipennis* by presence of: 1) larval galleries and emerald ash borer larva or larvae; or 2) emerald ash borer adult beetles and “D”-shaped exit holes. (Added, Ord. 871, 5-3-12)

f. Any dead or dying ash tree, or part thereof, including logs, branches, stumps, firewood, or other ash material, to which the bark is still attached that may serve as a breeding place for emerald ash borer. (Added, Ord. 871, 5-3-12)

g. Other trees with non-native invasive pests, epidemic disease, or other factors which are potentially contributory to the spread of such pests and disease. (Amended, Ord. 871, 5-3-12)

Subd. 2. Nuisance Declared Unlawful: It is unlawful for any person to permit public nuisances, as herein defined, to remain on any premises owned or controlled by that person within the City. (1988 Code §92.03)
ABATEMENT PROCEDURES; ASSESSMENT OF COSTS:

Subd. 1. Notice to Abate: Whenever the tree inspector finds that nuisances, as defined in Section 605.03 of this Chapter, exist on any public or private property in the City, they shall notify the property owner on which such nuisances are located, by personal service or by mail, that the nuisances must be abated within the specified time below.

If mailed notice or personal service cannot be achieved, then notice may be obtained by publishing same in the legal newspaper not less than five (5) days prior to the date that the nuisance must be abated pursuant to the notice. (Amended, Ord. 844, 5-20-10, 871, 5-3-12)

a. Not less than ten (10) days from the date of service or from the date of mailing of such notice for dead or diseased elms. (Added, Ord. 871, 5-3-12)

b. Before the date indicated in the notice for red oaks infected with oak wilt disease. (Added, Ord. 871, 5-3-12)

c. Before the date indicated in the notice, but no later than April 15 of the following year, for dead or infested ash trees. The tree inspector may order the immediate removal of dead or infested ash trees if said removal will eliminate the likelihood of an imminent threat of spread to other ash trees from late May to early August. (Added, Ord. 871, 5-3-12)

Subd. 2. Failure to Abate; Cost Billed to Owner: If the owner shall fail to remove the nuisance(s) from the property described in the notice, the tree inspector may order the work to be done, and the cost of said work shall be billed against the owner. (1988 Code §92.05; 1993 Code) (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)
Subd. 3. Responsibility for Costs:

a. Trees which are diseased pursuant to this Chapter located on City boulevards in public rights-of-way will be removed at a cost of fifty percent (50%) to the owner of the abutting property with the City assuming the remaining costs. (Amended, Ord. 871, 5-3-12)

b. All other materials pursuant to this Chapter are the responsibility of the owner of the abutting property. (1988 Code §92.10)

Subd. 4. Special Assessment: If the owner shall fail to pay the bill, as provided for in subdivisions 1 and 2b hereof, within ninety (90) days, the Council may then assess the amount due, plus interest, plus costs against the property as a special assessment pursuant to Minnesota Statutes. (1988 Code §92.06)

605.05: DISRUPTION OF ROOT GRAFTS: Whenever a tree is found, which is actually or potentially diseased with any disease covered in this Chapter, the tree inspector may take whatever steps are necessary as recommended by the Commissioner of Agriculture to disrupt all potential root grafts. This disruption shall be performed as soon as possible. The property owner or the person in possession, if different from the owner, on which the trees stand and adjacent property owners or the persons in possession, if different from the owner, if the disruption procedure extends onto that property, shall be notified by personal service or first class mail that said disruption will be done. (1988 Code §92.05) (Amended, Ord. 844, 5-20-10; Ord. 871, 5-3-12)

---

1 M.S.A. §429.101.
605.06: TREATING OF TREES:

Subd. 1. Whenever the tree inspector determines that any tree or wood within the City is infected with shade tree pests or disease-causing organisms pursuant to this Chapter, they may treat all nearby high value trees with the appropriate chemical treatment. Treating activities authorized by this Chapter shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture or other State officials. The provisions of subdivision 605.04(1) of this Chapter apply to treating operations conducted under this provision. Treatment authorized pursuant to this provision shall be considered an emergency activity by the City and an attempt to abate a public nuisance, and the City, the City Administrator and tree inspector, shall not be liable for any damages resulting hereunder. (1988 Code §92.07) (Amended, Ord. 844, 5-20-10, 871, 5-3-12)

Subd. 2. Adjacent property owners may treat non-diseased and non-infested boulevard trees located in public rights-of-way only after obtaining a permit from the City. All treatment of boulevard trees by adjacent property owner must be performed by a licensed tree contractor with possession of a current pesticide applicator license issued by the State of Minnesota and performed in accordance with methods approved by the Department of Agriculture. (Added, Ord. 871, 5-3-12)

605.07: PERMIT REQUIREMENTS FOR TRANSPORTING WOOD: It is unlawful for any person to transport within the City any bark-bearing wood, pursuant to this Chapter, which is known by the tree inspector, without first having obtained a permit from the City. The tree inspector may grant such permit only when the purposes of this Chapter will be served thereby. (1988 Code §92.08) (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

605.08: STORAGE OF ELM WOOD: The storage or keeping of any elm wood with intact bark is only permitted during the season of dormancy from October 1 to March 15. (1988 Code §92.09)
605.09: LICENSING REQUIREMENTS FOR TREE CONTRACTORS: Tree services by private tree contractors shall be performed under the direction of an arborist certified by the International Society of Arboriculture (ISA) or forester certified by the Society of American Foresters (SAF) and employed by the contractor. Licensing of tree contractors shall be required for any routine or non-routine tree services performed on public or private property, including but not limited to tree trimming, tree removal, tree treatment by injection or trench methods, and stump grinding. (Added, Ord. 871-5-3-12)

605.10: VIOLATION OF PROVISIONS: Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §92.12) (Amended, Ord. 871, 5-3-12)
CHAPTER 606

WEEDS

SECTION:

606.01: Permitting Excessive Growth of Grass and Weeds Unlawful
606.02: Destruction of Weeds by Owner
606.03: Destruction by City Authority
606.04: Lien Procedure
606.05: Penalty

606.01: **PERMITTING EXCESSIVE GROWTH OF GRASS AND WEEDS UNLAWFUL:** All uncultivated grass and noxious weeds, including (without, however, in any way limiting the term “noxious weeds” by the enumeration that follows) burdock, ragweed (giant), ragweed (common), thistle, cocklebur jimson, blue vervain, common milk weed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock, wild hemp and weeds which, due to pollination, are a menace to health and weeds otherwise injurious to public health or welfare, are hereby declared to be a public nuisance.

Subd. 1. It shall be unlawful for any person owning or controlling any plot of ground to permit the growth of such weeds thereon.

Subd. 2. To prevent the growth of such weeds under decks, any person owning or controlling any deck less than four feet (4’) above grade shall install a visqueen or weed screen under said deck with not less than two inches (2”) of gravel placed on top of screening for securing same. (1993 Code)
606.02: **DESTRUCTION OF WEEDS BY OWNER:** All such grass and weeds shall be cut, pulled or destroyed whenever they shall exceed a height of eight inches (8”). The following areas and types of vegetation are exempted from this provision if managed in a manner so as not to become infested with noxious weeds or to create a stagnant, foul smelling condition: (1993 Code) (Ord. 594, 4-14-97)

Subd. 1. Native wetland vegetation found in wetlands designated as part of the City’s wetland zoning district, or in floodplains, drainage ponds or ditches which store and convey stormwater. (Ord. 594, 4-14-97)

Subd. 2. Native vegetation found in natural areas which are part of public open space, parks and nature centers. (Ord. 594, 4-14-97)

Subd. 3. Areas on any occupied lot or parcel of land having wetland-type vegetation because of neighborhood drainage patterns, where the drainage pattern is evident on contour maps and from field observation, and the vegetation is confined to a single lot, separated from adjacent lots, and managed so as not to be a nuisance. (Ord. 594, 4-14-97)

Subd. 4. An area where the land and vegetation appear not to have been graded, landscaped, mowed or otherwise disturbed by human or mechanical means at any time. The Director of Community Development shall use reasonable judgement in determining what constitutes this type of area based on the present appearance of the area and research as to the history of the area if such information is available. (Ord. 594, 4-14-97)

Subd. 5. An area of at least five (5) acres used by an educational institution or public agency for prairie land restoration, if the prior vegetation is eliminated and the prairie vegetation is planted through transplanting or seed. The area shall be cut at least once per year to a height of no more than eight (8) inches if weeds cover more than 25 percent (25%) of the area. If such mowing is necessary and the area is likely to be seen by the public, a sign shall be posted advising that a meadow or prairie is being established. The size of the sign shall be one (1) square foot and it shall be no higher than three feet (3’). (Ord. 594, 4-14-97)

606.03: **DESTRUCTION BY CITY AUTHORITY:** When the owner or person in control of any plot of ground fails to destroy grasses or weeds growing thereon as provided herein, the Superintendent of Public Works of the City shall destroy or cause to be cut such grasses or weeds and any expense incurred by the City under the authority of the Superintendent of Public Works in so doing shall be a charge against the owner or other person so failing, which may be recovered on behalf of the City by recording a lien against the property for the cost of said cutting or by instituting an appropriate action at law. Said cost shall be an amount as determined by the City. (1993 Code)
606.04: **LIEN PROCEDURE:**

Subd. 1. Notice of Lien: If weeds are cut by the City or by someone directed to cut them on behalf of the City, a notice of lien of the cost and expense thereof incurred by said City shall be recorded in the following manner: the City or the person performing the service by authority of the City, in its or a person’s own name, may file notice of lien in the office of the County Recorder of Deeds. The notice of lien shall consist of a sworn statement setting out:

a. A description of the real estate sufficient for identification thereof,

b. The amount of money representing the cost and expense incurred or payable for the service, and

c. The date or dates when said cost and expense was incurred by the City.

Such statement shall be filed within sixty (60) days after the cost and expense is incurred.

Subd. 2. Release of Lien: Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the said lien. (1993 Code)

606.05: **PENALTY:** In addition to liability for the cost of destruction of such weeds by the City, the owner or person in control of any such plot of ground in the City failing to destroy the weeds thereon within the designated periods of time as hereinabove provided shall, upon conviction, be subject to a fine as determined by the City. Each day on which the owner or person in control of any such plot of ground shall fail or refuse to comply with the requirements of this Chapter shall constitute a separate offense. (1993 Code)
CHAPTER 607

NUISANCES

SECTION:

607.01: Rules and Definitions
607.02: Nuisances Defined
607.03: Nuisances Enumerated
607.04: Special Provisions; Building Maintenance and Appearance
607.05: Cesspools or Septic Tanks
607.06: Outside Parking and Storage
607.07: Vehicles Constituting a Public Nuisance
607.08: Noise Control Regulations
607.09: Enforcement

607.01: **RULES AND DEFINITIONS:** When used in this Chapter, the following words and phrases shall have the meanings ascribed to them: (Ord. 694, 3-11-02)

Subd. 1. **Person:** as used herein, includes any person, firm or corporation and the singular shall include the plural.

Subd. 2. **City:** as used herein, means the City of Mounds View, in Ramsey County, State of Minnesota.

Subd. 3. Where references are made herein to particular officers, boards, agencies, or the City Council, those are to that of the City of Mounds View, Minnesota unless otherwise defined.

Subd. 4. **Beverages with an alcoholic content not exceeding three and two-tenths percent (3.2%)** shall be included in the term “intoxicating liquors”, as used herein.

Subd. 5. **Junk:** means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Ord. 556, 3-20-95)

---

1 For offense provisions regarding similar subject matter, see Chapter 702 of this Code.
Subd. 6. Front Yard Area: All that area between the front property line and a line drawn along the front face or faces of the principle structure on the property extended to the side property lines. The front side of the property shall be determined as specified in Title 1100 of this Code. (Ord. 694, 3-11-02)

Subd. 7. Occupant: Any person living in or in control of any dwelling unit upon property wherein a public nuisance has been identified. (Ord. 694, 3-11-02)

Subd. 8. Improved Surface: A driveway or parking area constructed of asphalt, concrete, brick or a parking area of gravel construction (according to Section 1121.09, subdivision 7 of this Code). (Ord. 620, 7-27-98; Ord. 694, 3-11-02)

Subd. 9. Improved Surface, Permanent: Permanent improved surfaces are those constructed of asphalt, concrete or brick. (Ord. 620, 7-27-98; Ord. 694, 3-11-02)

Subd. 10. Motor Vehicle or Vehicle: Any self-propelled device in, upon, or by which any person is or may be transported or drawn upon a highway, public street, or body of water. Includes any device drawn by a self propelled vehicle and vehicles which are propelled by electric power, including vehicles which obtain power from overhead trolley wires but are not operated upon rails. However, the following are specifically excluded: (Ord. 694, 3-11-02)

a. Trailers with weight classifications of A and B (0 – 1,500 pounds and 1,501 – 3,000 pounds, respectively) as provided in Minnesota Statutes. (Ord. 620, 7-27-98; Ord. 694, 3-11-02)

b. Manufactured, mobile, and trailer homes placed on a permanent pad located within a properly zoned manufactured home district that are used for continuous living quarters. (Ord. 694, 3-11-02)

c. Any vehicle moved solely by human power. (Ord. 694, 3-11-02)

Subd. 11. Vital Component Parts: Those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including but not limited to the motor, drive train, and wheels. (Ord. 620, 7-27-98; Ord. 694, 3-11-02)
Subd. 12. “Abandoned Vehicle”: A motor vehicle that has remained outdoors on property within the City for a period of more than forty eight (48) hours on public property or has remained for a period of more than forty eight (48) hours on private property without consent of the person in control of such property or in an inoperable condition, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or to a moving contractor hired by the City for its removal. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10 shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles held under police authority or pursuant to a writ or court order are not abandoned vehicles. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes, Section 161.242 are not considered abandoned vehicles. (Ord. 694, 3-11-02)

Subd. 13. Inoperable Condition: The vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that: a) has a missing or defective part that is necessary for the normal operation of the vehicle, or b) is stored on blocks or jacks or other supports. (Ord. 694-3-11-02)

Subd. 14. Junk Vehicle: A vehicle that is located outdoors on property in the City that meets any of the following: (Ord. 694, 3-11-02)

a. Any motor vehicle that is in inoperable condition. (Ord. 694, 3-11-02)

b. Any motor vehicle that is partially dismantled. (Ord. 694, 3-11-02)

c. Any motor vehicle that lacks vital component parts. (Ord. 694, 3-11-02)

d. Any motor vehicle that is not currently registered and properly licensed for operation with and by the State of Minnesota. (Ord. 694, 3-11-02)

Subd. 15. Unsafe Motor Vehicle: Any vehicle located outdoors on any property or public street within the City in which any systems including braking, steering, suspension, electrical, lighting, motor, and drive train are not functioning or a vehicle that cannot legally be operated or is in violation of any state, federal or local vehicle equipment or safety regulation including, but not limited to Minnesota Statutes, Section 169.468 to 169.75. (Ord. 694, 3-11-02)

Subd. 16. MPCA or Agency: The Minnesota Pollution Control Agency. (Ord. 694, 3-11-02)

Subd. 17. Department: The Minnesota Department of Public Safety. (Ord. 694, 3-11-02)
Subd. 18. Registered Owner: Any person, firm, association, or corporation, other than a secured party, having title to a motor vehicle. If a vehicle is under lease for a term of one hundred eighty (180) days or more, the lessee is the registered owner if the application for renewal of the registration is sent to the lessee. (Ord. 694, 3-11-02)

Subd. 19. Garagekeeper: 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. (Ord. 694, 3-11-02)

Subd. 20. Unauthorized Vehicle: A vehicle that is subject to removal and impoundment pursuant to Section 607.07, subdivision 3 or Minnesota Statutes, Section 169.041 but is not a junk vehicle or an abandoned vehicle. (Ord. 694, 3-11-02)

Subd. 21. Legal Resident: A person who is in control of any dwelling or dwelling unit and said dwelling or dwelling unit is used for continuous living quarters. A person or occupant who receives U.S. mail at said dwelling or dwelling unit shall also be a legal resident of said dwelling or dwelling unit. (Ord. 694, 3-11-02)

Subd. 22. Commercial Vehicle: A Commercial Vehicle is any vehicle with a gross weight classification of “E” (6,001-10,000 pounds) or higher, as identified on the license plate and specified in Minnesota Statutes. Ordinary pick-up trucks and passenger vans customary in residential districts with such a weight classification shall not be considered a Commercial Vehicle for purposes of this Chapter.

Subd. 23. Drop Axle Fish House: A drop axle or drop down ice fish house is one that is built on a frame that would be considered ground level loading. It would be made with a solid metal frame utilizing U shaped axles where the wheel hubs attach to the upward tips of the U and the leaf springs attach to the lower horizontal portion. This will allow the platform to be movable between a lower position and a raised position. Each Drop down style fish house must meet state statute for a trailer and be licensed appropriately.

(Ord. 886, 4-28-14; Ord. 898, 3-23-15)
607.02:  **NUISANCES DEFINED:** A nuisance shall mean any act, substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the City or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right of way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the City. Nuisances shall include, but not be limited to, those enumerated below:

Subd. 1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public; or

Subd. 2. Interferes with, obstructs or renders dangerous for passage, any public road or right-of-way, street, alley or highway or waters used by the public; or

Subd. 3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided; or

Subd. 4. Anything left or displayed for sale on public or private property without written permission by the owner or person in control of the property conspicuously displayed on the item left for sale may be tagged and/or towed at the owner’s expense or its owner tagged; or

Subd. 5. In any way renders the public insecure in life or in use of property.

(Ord. 556, 3-20-95)
607.03: **NUISANCES ENUMERATED:**

Subd. 1. Public Nuisances Affecting Health, Safety, Comfort Or Repose: The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

a. All ponds or pools of stagnant water.

b. All decayed or unwholesome food offered for sale to the public.

c. Carcasses of animals not buried or destroyed within twenty four (24) hours after death, excluding game animals.

d. Accumulations of manure or rubbish.

e. Privy vaults, garbage cans and garbage receptacles which are not fly-tight.

f. The effluence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground.

g. All noxious weeds, “tall grasses” defined as anything over eight inches (8") in height, and other rank growths, except as exempted in Section 606.02 of this Code. (Ord. 594, 4-14-97)

h. Any accumulation of cans, bottles or trash or debris of any nature or description, and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, cans, glass, food containers or other material of any kind on private property.

i. Trades and businesses, as defined by statute or ordinance, not licensed as provided by law.

j. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

k. Dense smoke, noxious fumes, gas and soot, or cinders in quantities as to render the occupancy of property uncomfortable to a person.

---

1 See also Section 607.07 of this Chapter for noise control regulations.

2 See also subdivision 1005.05.03 of this Code.

3 M.S.A. §145A.01 et seq.; see Title 500 of this Code for business and license regulations.

City of Mounds View
l. The distribution of samples of medicines or drugs unless such samples are placed in
the hands of an adult person by someone properly licensed.

m. The keeping, maintaining or harboring of live wild animals, whether native to
Minnesota or not, which in their wild state pose a threat to humans or domestic animals.

n. The keeping, maintaining or harboring of any combination of animals and/or fowl
kept in such numbers or under such conditions that unreasonably annoy, injure or
endanger the health, safety, comfort, repose or welfare of the public.

o. The failure to maintain basic repairs and upkeep on a vacant residence or building,
including, but not limited to, snow removal, lawn maintenance and exterior maintenance.

p. All other acts, omissions of acts, occupations and uses of property which are
deemed by the Minnesota State Board of Health to be a menace to the health of the
inhabitants of the Municipality or a considerable number thereof.

Subd. 2. Public Nuisances Affecting Morals And Decency: The following are hereby
declared to be public nuisances affecting public morals and decency:

a. All gambling devices, slot machines, and punch boards, not lawfully allowed by
Minnesota State Statutes.

b. Betting, bookmaking and all apparatus used in such operations.

c. All places where intoxicating liquors are manufactured, sold, bartered or given
away in violation of the law or where persons are permitted to resort for the purpose of
drinking intoxicating liquors as a beverage contrary to law or where intoxicating liquors
are kept for sale, barter or distribution in violations of the law and all liquors, bottles,
kegs, pumps, bars, and other property kept at and used for maintaining such a place.

Subd. 3. Public Nuisances Affecting Peace And Safety: The following are declared to be
nuisances affecting public peace and safety:

d. Any vehicle used for the illegal transportation of intoxicating liquor.

e. The looking into or peeping through doors, windows, or openings of private homes
by methods of stealth and without proper authority and by surreptitious methods or what
is commonly known as “window peeping”.

1 M.S.A. §340A.101 et seq.; see Chapters 501, 502 and 503 of this Code for liquor regulations.
a. All trees and hedges, billboards or other obstructions\(^1\) which prevent persons from having a clear view of street signs and/or a clear view of all traffic approaching an intersection.

b. All limbs of trees which are less than eight feet (8’) above the surface of any public street or alley.

c. The outside piling, storing or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property.

d. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over the same.

e. The depositing of, maintaining, permitting or failing to remove, garbage, trash, rubbish, bottles, cans and other refuse on any property within the City, including large quantities of organic debris and materials, which accumulated by other than natural means, except properly maintained compost piles.

f. Property in a residential district not seeded, sodded or otherwise planted with a ground cover more than two hundred forty (240) days after any disturbance to the property caused by construction, grading, or other activity; or any time prior to the two hundred forty (240) days if the property is causing erosion or drainage problems on the same or nearby properties, including the public streets.

\(^1\) See Chapter 1008 of this Code for signs and billboards; see also subdivision 607.03.3s of this Chapter and subdivision 1103.08.2 of this Code.
g. The outside storage of cut wood, unless all of the following requirements are satisfied: (Ord. 694, 3-11-02)

(1) Shall be stored in the side or rear yard. (Ord. 694, 3-11-02)

(2) Shall be stacked or secured in a stable manner so as to avoid collapse. (Ord. 694, 3-11-02)

(3) Shall not exceed five feet (5’) in height. (Ord. 694, 3-11-02)

(4) Combined stacks shall not exceed a volume of five feet (5’) high by ten feet (10’) wide, by twenty five feet (25’) long. (Ord. 694, 3-11-02)

(5) Shall not be closer than five feet (5’) from side or rear property line unless screened by a solid fence or wall. (Ord. 694, 3-11-02)

h. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their fair market value or which are so situated as to endanger the safety of the public.

i. Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City building permit was issued, whichever occurred first.

j. Any construction materials, including piles of dirt, sand, and sod, left on the property more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.

k. All buildings and all alterations to buildings made or erected in violation of fire codes concerning manner, materials or construction.

l. Any vehicle that deposits mud, dirt, sticky substances, litter or other material on any street or highway.

m. Any discarded construction material or other litter at a construction site which is not placed in an adequate waste container or which is allowed to blow around or off the site.
n. All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than provided by law or ordinance.

o. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such a manner as to attract people.

p. All use or display of fireworks, except as provided by law or ordinance.

q. Radio aerials strung or erected in any manner except that provided by law or ordinance.

r. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds or people to gather, obstructing traffic and the free use of public streets or sidewalks.

s. All hanging signs, awnings, and other similar structures over public streets or sidewalks or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance or without proper permit.

t. The allowing of rain, water, ice or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk.

u. All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract the public.

v. The distribution of handbills, except as provided by law or ordinance.

w. Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such manner as to cause such material to fall or land in the City.

---

1 See Chapter 1002 of this Code for Fire Code.

2 See Chapter 902 of this Code.

3 See Title 1100 of this Code for zoning regulations.

4 See Chapter 1008 of this Code for sign regulations.

5 See subdivision 909.07.16a of this Code.
x. Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks, without proper permit.

y. Making repairs to motor vehicles or tires in public streets or alleys, except for emergency repairs when it will not unduly impede or interfere with traffic.

z. The placement of mailboxes and other delivery receptacles on public rights of way except those which are in compliance with United States Postal Service requirements for location and type.

   (1) The post shall be installed as far back from the street pavement as reasonably practical to avoid snow plowing damage.

aa. The placement, erecting or painting of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks. (Ord. 556, 3-20-95)

---

1 See Chapter 907 of this Code for sewer use and service and Chapter 1302 of this Code for storm water drainage management regulations.
607.04: SPECIAL PROVISIONS; BUILDING MAINTENANCE AND APPEARANCE:

Subd. 1. Declaration Of Nuisance: Buildings, fences, and other structures which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they: a) are unsightly, b) decrease adjoining landowners’ and occupants’ enjoyment of their property and neighborhood, and c) adversely affect property values and neighborhood pattern.

Subd. 2. Standards: Any building, fence, or other structure is a public nuisance if it does not comply with the following requirements:

a. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotted boards or timbers.

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

   (1) Any one (1) wall or other flat surface, or

   (2) All door and window moldings, eaves, gutters, and similar projections on any one (1) side or surface.

c. All wires which are strung less than fifteen feet (15’) above the surface of any public street or alley.

d. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

e. All cornices, moldings, lintels, bay or dormer windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

f. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

g. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

h. All foundations shall be structurally sound and in good repair. (Ord. 556, 3-20-95)
607.05: **CESSPOOLS OR SEPTIC TANKS:** It shall be unlawful for any person to allow the contents of any septic tank or cesspool to be pumped or to overflow onto the ground. (Ord. 56, 3-3-20-95)

607.06: **OUTSIDE PARKING AND STORAGE:**

Subd. 1. Declaration Of Nuisance: The outside parking and storage on residentially-zoned property of 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: a) obstructs views on streets and private property, b) creates cluttered and otherwise unsightly areas, c) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, d) decreases adjoining landowners and occupants’ enjoyment of their property and neighborhood, and e) otherwise adversely affects property values and neighborhood patterns.

Subd. 2. Unlawful Parking And Storage:

a. No person may place, store, or allow the placement or storage of non-drop axle ice fish houses, skateboard ramps, play houses, or other similar nonpermanent structures outside continuously for longer than twenty four (24) hours in the front-yard area of residentially-zoned property. (Ord. 898, 3-23-15)

b. No person may place, store or allow the placement or storage of pipe, lumber, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residentially-zoned property.

c. No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on any property within the City unless it complies with the following requirements:

(1) Vehicles which are parked or stored outside shall be parked upon an “improved surface” as defined in this Code.

(2) All vehicles, watercraft and other articles stored outside on residential property must be owned by a person who is a legal resident of that property.
d. No person owning, driving or in charge of any vehicle with a gross weight classification higher than “G” (12,001 – 15,000 pounds) as identified on the license plate and specified in Minnesota Statutes, may cause or permit that vehicle to be parked outside or stand continuously for more than two (2) hours on residential property or public street within a residential zone in the City.

e. No person owning, driving or in charge of any vehicle with more than one (1) rear axle chassis design or more than six (6) wheels total may cause or permit that vehicle to be parked outside or stand continuously for more than two (2) hours on residential property or public street within a residential zone in the City.

f. There shall be no more than one (1) Commercial Vehicle parked upon a single-family residential property or per dwelling unit in the case of multiple unit dwellings.

Subd. 3. Any person who abandons a vehicle on any public or private property, without the consent of the person in control of the property, is guilty of a misdemeanor.

Subd. 4. Exceptions: The prohibitions of this Section shall not apply to the following:

a. Any motor truck, pickup truck, or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

b. Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such a pickup or delivery and in excess of the two (2) hour limit shall be unlawful.

c. Any recreational vehicle owned by a person who is a legal resident of the property where said vehicle is parked or stored shall be specifically excluded from the requirements set forth in Subdivision 2d and 2e of this Section.

(Ord. 620, 7-27-98; Ord. 694, 3-11-02; Ord. 886, 4-28-14)
607.07:  VEHICLES CONSTITUTING A PUBLIC NUISANCE: (Ord. 694, 3-11-02)

Subd. 1. Findings and Purpose: (Ord. 694, 3-11-02)

a. Abandoned, junk, and unsafe vehicles constitute a hazard to the health and welfare of the citizens of the City of Mounds View in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, invite plundering, and create fire hazards. Motor vehicles contain fluids that if released into the environment can and do cause significant health risks to the citizens of Mounds View. The condition of vehicles that are abandoned, junk, or unsafe significantly increase the likelihood that these dangerous fluids might be so released. Abandoned, junk, or unsafe vehicles and other scrap metals also constitute a blight on the landscape of the City and therefore a detriment to the environment. The abandonment and retirement of vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned and junk vehicles and other scrap metals be eliminated, that future abandonment of vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned and junk vehicles and other forms of scrap metal be developed. (Ord. 694, 3-11-02)

Subd. 2. Abandoned, Junk, and Unsafe Vehicles:

a. Abandoned, junk, and unsafe vehicles are declared to be a public nuisance creating a hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well-being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter, and unsightly debris and is a blight on the landscape and detriment to the environment. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise shall store or keep abandoned, junk, and unsafe motor vehicles on private or public property. (Ord. 694, 3-11-02)

b. Vehicles Stopped or Standing: Any vehicle, whether occupied or not, that is found stopped, standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is found impeding firefighting, show removal or plowing or the orderly flow of traffic, is declared to be a public nuisance. (Ord. 694, 3-11-02)

c. Vehicles Blocking Access: Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least twelve (12) hours in advance, is declared to be a public nuisance. (Ord. 694, 3-11-02)
Subd. 3. Authority to Impound Vehicles: (Ord. 694, 3-11-02)

a. Vehicles Constituting a Public Nuisance: The City Administrator, or City Administrator’s designee or any peace officer employed or whose services are contracted for by the City may take into custody and impound any vehicle constituting a public nuisance under Section 607.07, subdivision 2 of the City Municipal Code. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)

b. Unauthorized Vehicles: The City Administrator, or City Administrator’s designee or any peace officer employed or whose services are contracted for by the City may take into custody and impound any unauthorized vehicle under Minnesota Statutes, Section 169.041. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)
Subd. 4. When a vehicle may be impounded without prior notice: (Ord. 694, 3-11-02)

a. A motor vehicle may be impounded with or without citation without giving notice to its owner only under the following circumstances: (Ord. 694, 3-11-02)

(1) In a public location not governed by Minnesota Statutes, Section 169.041: (Ord. 694, 3-11-02)

   (a) When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or (Ord. 694, 3-11-02)

   (b) When the vehicle poses an immediate danger to the public safety; or (Ord. 694, 3-11-02)

   (c) When the vehicle is parked in violation of snow emergency removal routes; or (Ord. 694, 3-11-02)

   (d) When a peace officer or other agent authorized by the City of Mounds View has probable cause to believe that the vehicle constitutes evidence of a crime, or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve evidence; or (Ord. 694, 3-11-02)

   (e) When the person driving, operating or in physical control of the vehicle is taken into custody and the vehicle is impounded for safe keeping; or (Ord. 694, 3-11-02)

   (f) When the vehicle is parked in a handicap transfer zone when said vehicle does not properly display a handicapped parking permit; or (Ord. 694, 3-11-02)

   (g) When the vehicle is obstructing firefighting, or firefighting equipment; or (Ord. 694, 3-11-02)

   (h) Nothing in this Section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required. (Ord. 694, 3-11-02)
Subd. 5. When a vehicle may be impounded after notice: (Ord. 694, 3-11-02)

a. A vehicle not impounded under Section 607.07, subdivision 4 may be impounded after a notice of violation described in Section 607.09, subdivision 3 has been served upon the owner of the property where the vehicle is located and an additional notice similar to that in Section 607.09, subdivision 4(b) is securely posted on the vehicle. Said vehicle shall not be impounded until a period of seventy two (72) hours has elapsed after the initial posting of the notice on the vehicle, excluding Saturdays, Sundays, and legal holidays for the following reasons: (Ord. 694, 3-11-02)

(1) When such vehicle, whether occupied or not, is found stopped, standing or parked in violation of any City ordinance. (Ord. 694, 3-11-02)

(2) When such vehicle is determined to constitute a public nuisance, as defined in Section 607.07, subdivision 2. (Ord. 694, 3-11-02)

Subd. 6. Sale; Waiting Periods: (Ord. 694, 3-11-02)

a. Sale After Fifteen (15) Days: An impounded vehicle is eligible for disposal or sale under Section 607.07, subdivision 10, fifteen (15) days after notice to the owner, if the vehicle is deemed to be: (Ord. 694, 3-11-02)

(1) A junk vehicle, except that it may have a valid current registration plate and still be eligible for disposal or sale under this subdivision; or (Ord. 694, 3-11-02)

(2) An abandoned or unsafe vehicle. (Ord. 694, 3-11-02)

b. Sale After Forty Five (45) Days: An impounded vehicle is eligible for disposal or sale under Section 607.07, subdivision 10, forty five (45) days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle. (Ord. 694, 3-11-02)
Subd. 7. Notice of Taking and Sale: (Ord. 694, 3-11-02)

a. Contents; Notice Given Within Five (5) Days: When an impounded vehicle is taken into custody, the City or impound lot operator taking it into custody shall give notice of the taking within five (5) days. The notice shall: (Ord. 694, 3-11-02)

(1) Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if the information can be reasonably obtained; and the place where the vehicle is being held; (Ord. 694, 3-11-02)

(2) Inform the owner and any lienholders of their right to reclaim the vehicle under Section 607.07, subdivision 8; and (Ord. 694, 3-11-02)

(3) State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under Section 607.07, subdivision 6 shall be deemed a waiver by them of all right, title and interest in the vehicle and contents pursuant to Section 607.07, subdivision 10. (Ord. 694, 3-11-02)

b. Notice by Mail or Publication: The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy. (Ord. 694, 3-11-02)

c. Unauthorized Vehicles; Notice: If an unauthorized vehicle remains unclaimed thirty (30) days from the date the notice was sent under subdivision 7a. of this Section, 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 lienholders of record. (Ord. 694, 3-11-02)
Subd. 8. Right to Reclaim: (Ord. 694, 3-11-02)

a. Payment of Charges: The owner or any lienholder of an impounded vehicle shall have a right to reclaim the vehicle from the City or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) or forty-five (45) days as applicable under Section 607.07, subdivision 6, after the date of the notice required by Section 607.07, subdivision 7. To reclaim a motor vehicle impounded pursuant to this Section, the owner or lienholder must pay any costs and administrative fees incurred by the City and must agree to relocate the vehicle in accordance with local, state, and federal regulations. The owner or lienholder reclaiming such vehicle shall sign a “Release of Property” and shall agree to immediate impoundment without notice if such vehicle again violates this Section. In addition, the City may require a bond to be posted if said vehicle has been subject to a prior impoundment. (Ord. 694, 3-11-02)

b. Lienholders: Nothing in this Chapter shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. (Ord. 694, 3-11-02)

Subd. 9. Operators Deficiency Claim; Consent to Sale: (Ord. 694, 3-11-02)

a. Deficiency Claim: The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of: (Ord. 694, 3-11-02)

   (1) Twenty five (25) days storage for a vehicle described in Section 607.07, subdivision 6a.; and (Ord. 694, 3-11-02)

   (2) Fifty five (55) days storage for a vehicle described in Section 607.07, subdivision 6b. (Ord. 694, 3-11-02)

b. Implied Consent to Sale: A registered owner who fails to claim the impounded vehicle within the applicable period allowed under Section 607.07, subdivision 8 is deemed to waive any rights to reclaim the vehicle and contents to the disposal or sale of the vehicle and its contents and transfer of title. (Ord. 694, 3-11-02)
Subd. 10. Disposition by Impound Lot: (Ord. 694, 3-11-02)

a. Auction or Sale: (Ord. 694, 3-11-02)

(1) If a vehicle and contents taken into custody by the City or any impound lot is not reclaimed under Section 607.07, subdivision 8, it may be disposed of or sold at auction or sale when eligible pursuant to Section 607.07, subdivision 9 and 607.07, subdivision 10. (Ord. 694, 3-11-02)

(2) 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. 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 a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check. (Ord. 694, 3-11-02)

b. Unsold Vehicles: Vehicles not sold by the City or impound lot pursuant to subdivision a. of this Section shall be disposed of in accordance with Section 607.07, subdivision 11. (Ord. 694, 3-11-02)

c. Sale Proceeds, Public Entities: From the proceeds of the sale under this Section of vehicles constituting a public nuisance, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this Chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in the treasury of the City. (Ord. 694, 3-11-02)

d. Sale Proceeds, Nonpublic Impound Lots: The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under authority of subdivision 10a. The operator may retain all proceeds from the sale of 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. (Ord. 694, 3-11-02)
Subd. 11. Disposal Authority: (Ord. 694, 3-11-02)

a. The City may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and scrap metal and may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and scrap metal. The City may utilize its own equipment and personnel only for the collection and storage of not more than five (5) abandoned, junk, unsafe or unauthorized vehicles without advertising or receiving bids in any one hundred twenty (120) day period. (Ord. 694, 3-11-02)

Subd. 12. Contracts; Reimbursement by MPCA: (Ord. 694, 3-11-02)

a. MPCA Review and Approval: If the City proposes to enter into a contract with a person licensed by the MPCA pursuant to this Section or a contract pursuant to Section 607.07, subdivision 11, the MPCA may review the proposed contract before it is entered into by the City, to determine whether it conforms to the MPCA’s plan for solid waste management and is in compliance with MPCA rules. A contract that does so conform may be approved by the MPCA and entered into by the City. Where a contract has been approved, the MPCA may reimburse the City for costs incurred under the contract that have not been reimbursed under Section 607.07, subdivision 10. Except as otherwise provided in Section 607.07, subdivision 11, the MPCA shall not approve any contract that has been entered into without prior notice to and request for bids from all persons duly licensed by the MPCA to be a party to a disposal contract pursuant to Minnesota Statutes, Section 116.07, as it may be amended from time to time; does not provide for a full performance bond; or does not provide for total collection or transportation of abandoned, junk, and unsafe motor vehicles, except that the MPCA may approve a contract covering solely collection or transportation of abandoned, junk, and unsafe motor vehicles where the MPCA determines total collection and transportation to be impractical and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned, junk, and unsafe motor vehicles. (Ord. 694, 3-11-02)

b. If the City utilizes its own equipment and personnel pursuant to its authority under Section 607.07, subdivision 11, and the use of the equipment and personnel conforms to the MPCA’s plan for solid waste management and is in compliance with MPCA rules, the City may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under Section 607.06, subdivision 10. (Ord. 694, 3-11-02)

c. If the MPCA demands that the City contract for the disposal of impounded vehicles and other scrap metal pursuant to the MPCA’s plan for solid waste disposal and the City fails to contract within one hundred eighty (180) days of the demand, the MPCA, through the Department of Administration and on behalf of the City, may contract with any person duly licensed by the MPCA for the disposal. (Ord. 694, 3-11-02)

City of Mounds View
NOISE CONTROL REGULATIONS: (Ord. 694, 3-11-02)

Subd. 1. Loud Or Unnecessary Noises Prohibited: It shall be unlawful for any person to make or cause to be made any loud, unnecessary or unusual noise which either annoys, disturbs or affects the comfort, repose, health or peace of others.

Subd. 2. Loud Or Disturbing Noises Enumerated; Restrictions: The following acts set forth in the following paragraphs are declared to be loud, disturbing and unnecessary noises in violation of this Section, but said enumeration shall not be deemed to be exclusive:

a. Construction or Repairing of Buildings: The erection, including excavating, demolition, alteration or repair of any building between the hours of ten o’clock (10:00) P.M. and seven o’clock (7:00) A.M., Monday through Sunday. The City Administrator may grant authority for work to occur at anytime in the event of an emergency or when it is found that such activity would not affect the health, safety, comfort and repose of persons in the vicinity. (Amended, Ord. 789, 5-29-07; Amended, Ord. 844, 5-20-10)

b. Nighttime Noise In Residential Areas; Parties:

(1) No person shall, between the hours of ten o’clock (10:00) P.M. and seven o’clock (7:00) A.M., participate in any loud party or gathering of people from which noise emanates of a sufficient volume as to disturb the peace, quiet or repose of persons residing in any residential area.

(2) Loud noises between the hours of ten o’clock (10:00) P.M. and seven o’clock (7:00) A.M. of such volume as to be plainly audible at a distance of one hundred feet (100’) from the residential premises wherein such loud party or gathering is located shall be prima facie evidence of a violation of this Section.

(3) No persons shall visit or remain within any residential dwelling unit wherein such loud party gathering is taking place, except the owner, persons residing in that unit or persons who are there for the sole purpose of abating the disturbance. (Ord. 556, 3-20-95)

c. Stereos, Radios, Tape Players, Disc Players, Etc.: Operation of a stereo, radio, tape player, disc player, or any such device at anytime in a motor vehicle in such a manner as to be plainly audible at a distance of fifty feet (50’) from the vehicle shall be prima facie evidence of a violation of this Section. (Ord. 612-, 4-13-98)
607.09: **ENFORCEMENT:** (Ord. 694, 3-11-02)

Subd. 1. It shall be the duty of the City Council to enforce the provisions of this Chapter and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this Section, including the power to inspect private premises, and the officers charged with the enforcement of this Chapter shall take all reasonable precautions to prevent the commission and maintenance of public nuisances. (Ord. 694, 3-11-02)

   a. The City Administrator or designee is authorized to enter upon any property if necessary to determine whether the provisions of this Code or any applicable State statute has been violated, to make any examinations or surveys, or to conduct any tests as may be reasonably necessary in the performance of their duties. All inspection and testing must be done in a reasonable manner. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)

Subd. 2. Notice to Owner or to Person or Persons Responsible: Whenever it is determined upon investigation by the officer charged with enforcement that a public nuisance is being maintained or exists within the City, a notice of violation shall be served upon the owner or the person or persons responsible therefore in the manner prescribed in Section 607.09, subdivision 3 and subdivision 4. (Ord. 694, 3-11-02)

Subd. 3. Form: The notice of violation described in Section 607.09, subdivision 2 shall be in accordance with all of the following: (Ord. 694, 3-11-02)

   a. Be in writing. (Ord. 694, 3-11-02)

   b. Include a description of the real estate sufficient for identification. (Ord. 694, 3-11-02)

   c. Include a statement of the violation or violations, and why the notice is being issued. (Ord. 694, 3-11-02)

   d. Include a corrective order allowing a reasonable time to make the corrections and improvements required to bring the property or structure into compliance with the provisions of this Code. (Ord. 694, 3-11-02)
Subd. 4. Method of Service: Such notice of violation shall be properly served. (Ord. 694, 3-11-02)

a. Said notice of violation shall be deemed to be properly served if a copy thereof is: (Ord. 694, 3-11-02)

(1) Delivered personally, or; (Ord. 694, 3-11-02)

(2) Sent by first-class U.S. mail addressed to the person listed as the taxpayer on the County’s tax records, or; (Ord. 694, 3-11-02)

(3) Posted on the premises if the premises are not occupied, or the address of the owner is unknown and no other responsible party can be reasonably identified. (Ord. 694, 3-11-02)

b. When an enforcement officer shall find a vehicle parked in violation of Section 607.07 said officer shall cause additional notice to be placed upon such vehicle in substantially the following form: (Ord. 694, 3-11-02)

(1) “NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY: This property, (setting forth brief description) is unlawfully upon property known as (setting forth brief description of location) and in violation of Section 607.07 of the Mounds View Municipal Code, and therefore is declared to constitute a public nuisance and must be removed within seventy two (72) hours from the date of this notice. If this vehicle is not removed from the premises or placed in a lawful garage or storage building on or before (setting forth date and time) it shall be removed by order of the City of Mounds View. Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).” (Ord. 694, 3-11-02)

(2) Such notice shall be not less than eight inches (8”) by ten inches (10”) and shall be sufficiently weather proof to withstand exposure to the elements. (Ord. 694, 3-11-02)
Subd. 5. Abatement: Except for vehicles constituting a public nuisance, which shall follow the procedures set forth in Section 607.07, all violations of this Chapter may be corrected by abatement by the City at the expense of the property owner, occupant, or other responsible party following the procedures listed herein. (Ord. 694, 3-11-02)

a. If the owner, occupant or other responsible party does not comply with the notice of violation within the time specified therein, the City Council may, after notice to the owner and occupant or other responsible party and an opportunity to be heard, provide for abating the nuisance by the City. (Ord. 694, 3-11-02)

b. The notice shall be served in the same manner as prescribed in Section 607.09, subdivision 4 and shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. (Ord. 694, 3-11-02)

c. If the notice of violation was served by posting, at least thirty (30) days shall elapse between the day of posting and the hearing. (Ord. 694, 3-11-02)

Subd. 6. Summary Abatement: The enforcing officer may provide for abating a public nuisance without following the procedure required in subdivision 5 above when:

(Ord. 694, 3-11-02)

a. There is an immediate threat to the public health or safety.

b. There is an immediate threat of serious property damage.

c. A public nuisance has been caused by private parties on public property. (Ord. 694, 3-11-02)

d. If the enforcing officer abates the nuisance pursuant to this Section, the officer must reasonably attempt to notify the owner, occupant, or other responsible party of the action and inform the owner, occupant, or other responsible party of the right to appeal any cost at the next regularly scheduled City Council meeting. (Ord. 694, 3-11-02)
Subd. 7. Cost Recovery: The owner of property on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable to the City for the cost of abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Administrator or their designee shall prepare a bill for the cost plus an additional ten percent (10%) and mail it to the owner or other responsible party. Thereupon, the amount shall be immediately due and payable at the office of the City Administrator. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)

a. Record of Abatement Costs: The City Administrator or City Administrator’s designee shall keep a record of the costs of abatements done under this Section and shall report monthly all work done to the appropriate officer for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount assessable to each. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)

Subd. 8. Assessment: If the cost, or any portion of it, has not been paid under subdivision 7, within thirty (30) days after the date of the bill, the unpaid cost may be certified against the property to which the cost is attributable. On or before September 1 of each year, the City Administrator or City Administrator’s designee shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable. Before certification against the property, reasonable notice of the impending certification and an opportunity to be heard by the City Council must be given to the taxpayer of record. Failure of the taxpayer to receive the notice shall not invalidate the certification, however. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101, and other pertinent statutes, for certification to the County Auditor for collection the following year along with current taxes or in such annual installments, not exceeding ten (10), as the City Council may determine in each case. (Ord. 694, 3-11-02; Amended, Ord. 844, 5-20-10)

Subd. 9. Landlord’s Liability: (Ord. 694, 3-11-02)

a. For the purpose of this subdivision, “owner” is defined to include corporations and partnerships as well as individual owners.

b. Violation of the noise control regulations shall be the act of the owner of the residential dwelling unit as well as the persons on the premises who violate said regulations; except, that the owner shall be liable only for those violations occurring after receipt of written notice from the City of violation of the noise control regulations having occurred at the residential dwelling unit.

Subd. 10. Penalty: Any person in violation of any of the provisions in this Chapter shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense. (Ord. 556, 3-20-95; Ord. 694, 3-11-02)
608.01: **PURPOSE:** The purpose of this section of the City Code is to prescribe regulations governing commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings, and structures.
608.02: **FINDINGS OF THE CITY COUNCIL:** The City Council of the City of Mounds View makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health:

a. The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.

b. The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings, and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.

c. Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high risk sexual conduct.
DEFINITIONS: The following words and phrases when used in this section shall have the following meanings unless the context indicates otherwise:

a. BOOTHS, STALLS OR PARTITIONED PORTIONS OF A ROOM OR INDIVIDUAL ROOM: (1) enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or (2) enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

The phrase “booths, stalls, or partitioned portions of a room or individual room” does not mean enclosures which are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

b. DOORS, CURTAINS OR PORTAL PARTITIONS: full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.

c. HAZARDOUS SITE: any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.

d. HIGH-RISK SEXUAL CONDUCT:
   (1) fellatio;
   (2) anal intercourse; and/or
   (3) vaginal intercourse with persons who engage in sexual acts in exchange for money.

e. OPEN TO AN ADJACENT PUBLIC ROOM SO THAT THE AREA INSIDE IS VISIBLE TO PERSONS IN THE ADJACENT PUBLIC ROOM: either the absence of any entire “door, curtain or portal partition” or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

f. PUBLIC HEALTH OFFICIAL: an agent or employee of the city charged with the enforcement of the state or local health laws.
608.04: **PUBLIC HEALTH REGULATIONS:**

Subd. 1. No commercial building, structure, premises or part thereof, or facilities therein shall be so constructed, used, designed or operated in the City for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

Subd. 2. No person shall own, operate, manage, rent, lease, or exercise control of any commercial building, structure, premises, or portion or part thereof in the City, which contains:

a. Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.

b. “Booths, stalls, or partitioned portions of a room or individual room” as defined herein which have “doors, curtains or portal partitions” as defined herein unless such booths, stalls, partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls, and/or partitioned portions of a room or individual room that are so open to an adjacent public room shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

608.05: **EXCEPTIONS:** The regulations set forth in this section shall not apply to premises, buildings, or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes, or boarding houses which are subject to other general health and sanitation requirements under state and local law.
608.06: HEALTH ENFORCEMENT POWERS:

Subd. 1. In exorcising powers conferred by this or any other section of this Code relating to communicable diseases, the Public Health Official shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services which relate to the spread of infectious diseases.

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

a. Notify the manager, owner, or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein,

b. Issue two written warnings at least ten (10) days apart to the manager, owner, or tenant of the premises stating the specific reasons for the Public Health Official’s opinion that the premises, building, or structure is a hazardous site as defined herein,
c. Once such notices and warnings have been issued, the Public Health Official or the Public Health Official’s appointee shall proceed as follows:

(1) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the Public Health Official’s determination, the manager, owner or tenant shall have ten (10) days from the date of the last warning to request a hearing before the Public Health Official or the Public Health Official’s appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within ten (10) days of the date of the last warning notice, the Public Health Official shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official shall cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

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

(3) If, within thirty (30) days from issuance of the orders to the manager, owner, or tenant of the hazardous site, the Public Health Official determines that such corrective measures have not been undertaken, the Public Health Official may order the abatement of the hazardous site as a public nuisance, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction, or may secure a court order for the closure of the premises constituting the hazardous site until the premises, building, or structure is in compliance with the regulations set forth in Section 9.14 of this section.

608.07: **CRIMINAL PENALTIES:** Any person violating any provision of this chapter or any person who removes, destroys or defaces warnings posted on premises by the Public Health Official pursuant to this chapter shall be guilty of a misdemeanor. (Ord. 574, 5-13-96)
609.01:  **FINDINGS AND PURPOSE:** The City Council finds that the existence of clandestine drug lab sites and chemical dump sites in the City pose a serious health and safety threat to members of the public, such sites may contain hazardous chemicals, substances, or residues that place people, particularly minors and adults of child-bearing age, at risk of exposure through inhabiting or visiting the site. The Council has therefore determined that the regulation and proper removal of those sites is necessary for the protection of the public health, safety, and general welfare.
609.02: **DEFINITIONS:** The definitions in this Section shall apply when these words and phrases are used in this Chapter.

Subd. 1. Chemical Dump Site means any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.

Subd. 2. Clandestine Drug Lab means the unlawful manufacture or attempt to manufacture controlled substances.

Subd. 3. Clandestine Drug Lab Site means any place or location where conditions associated with the operation of a clandestine drug lab are found to exist and may include dwellings, accessory buildings or structures, motorized or non-motorized vehicles, or any parcels of land.

Subd. 4. Controlled Substance means any drug, chemical, substance, or immediate precursor thereto as defined by Minnesota Statutes, Section 152.02, Schedule I through V, but does not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.

Subd. 5. Enforcement Officer means the Building Official, Housing Inspector, or an authorized representative or designee.

Subd. 6. Hazardous Waste means any chemicals or other substances used in the manufacture of controlled substances in a clandestine drug lab and the resulting by-products there from which pose a risk to the health, safety, and welfare of occupants, visitors, or neighbors of the site.

Subd. 7. Manufacture means the production, cultivation, quality control, and standardization, in locations other than a pharmacy, of controlled substances by mechanical, physical, chemical, or pharmaceutical means, and the packing, repacking, tablet producing, encapsulating, labeling, relabeling, filling or other similar process relating to such substances.
Subd. 8. MDH means the Minnesota Department of Health.

Subd. 9. Minor means any person under the age of eighteen (18) years.

Subd. 10. MPCA means the Minnesota Pollution Control Agency.

Subd. 11. Owner means any person, firm partnership, company, corporation, or other entity that owns or has title to in full or in part of, the land, buildings, structures, or other property associated with a clandestine drug lab site or a chemical dump site.

Subd. 12. Site means any defined location, including buildings, structures, or other property, where appropriate tests have determined that, due to the existence of a clandestine drug lab site or chemical dump site, a risk to the health, safety, and welfare exists for any persons who occupy, visit, or neighbor on the location.

609.03: PUBLIC NUISANCE: Existence and maintenance of a clandestine drug lab site or chemical dump site in the City constitutes a public nuisance subject to the regulations of this Chapter in addition to any and all applicable federal, state, or local laws and ordinances. No person may occupy, enter, or allow occupancy or entrance to property under this Section until such declaration is vacated or modified to allow occupancy.

609.04: NOTICE TO OTHER AUTHORITIES: Law enforcement agencies that identified conditions associated with a clandestine drug lab site or chemical dump site which place neighbors, visiting public, or present and future occupants of the site at risk for exposure to harmful chemicals or other contaminants must promptly notify the Mounds View Chief of Police. The Chief of Police will promptly notify the Enforcement Officer, appropriate child protection agencies, and the appropriate health authorities. The notice must, at a minimum, identify the location of the site, the site owner, if known, and the conditions found on the site.
609.05: **NOTICE TO CONCERNED PARTIES:**

Subd. 1. Upon notification by law enforcement authorities, the Enforcement Officer will promptly notify the following parties by U.S. Mail:

a. The owner of the property, if known.

b. Occupants of the property.

Subd. 2. The Enforcement Officer will attempt to notify the additional following parties.

a. Any neighbors that have been determined to be at risk.

b. Other appropriate state and local authorities including, but not limited to, the MDH and the MPCA, which are known to have applicable public and environmental protection responsibilities.

Subd. 3. The notice must, at a minimum, include the location of the site, the name of the property owner, if known, the type and nature of the contamination, and the extent of the contamination.

Subd. 4. The Enforcement Officer must also cause a copy of the notice to be posted at each appropriate access point to the site.

Subd. 5. Removal of the posted notice by anyone other than the Enforcement Officer, law enforcement authorities, or their designees, is prohibited.

Subd. 6. Any multiple dwelling license or business license issued by the City of Mounds View will be immediately suspended upon issuance of the notice and will only be reinstated after full compliance with an abatement order.
609.06. **ISSUANCE OF ABATEMENT ORDER:**

Subd. 1. In addition to the required notices, the Enforcement Officer will issue an Abatement Order to the owner to abate the public nuisance. The order must be properly served and include at a minimum the following:

a. A description of the site and all portions thereof that are determined to be contaminated. The description may be in any form that readily identifies the contaminated portion of the site.

b. That all portions of the site that are determined to be contaminated and at risk to occupants or visitors are immediately vacated.

c. That the owner commence and complete all testing and cleanup procedures and other required remedial actions on the site by dates specified in the order or such other dates agreed to by the City.

d. That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH.

e. That if the owner does not commence testing and complete the cleanup procedures by the dates established in the order, the City, its officials, employees, or agents, will arrange appropriate on-site assessment and cleanup services at the owner’s expense.

f. That the owner is responsible for all costs associated with the on-site assessment and clean up of the site including all costs incurred by the City and other public agencies, and that if the owner does not promptly pay those costs they will be assessed against the property and collected in the manner of a special tax.

Subd. 2. Method of Service: The order shall be deemed to be properly served if a copy thereof is delivered in one of the following methods.

a. Delivered personally.

b. Sent by certified or first class mail addressed to the last know address.

c. A copy posted in a conspicuous place in or about the dwelling or area affected by such order.
609.07: RESPONSIBILITIES OF OWNER:

Subd. 1. Upon receipt of the notice and abatement order, the owner will be responsible for the following:

a. The site and all surrounding areas determined to be at risk are properly vacated to avoid exposure to unsuspecting parties.

b. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete cleanup and remediation testing, including periodic follow-up testing to assure the health risks are sufficiently reduced to allow safe human occupancy of the property and structures located on the property.

c. Regularly notify the City of actions taken and reach agreement with the City on the cleanup schedule.

d. Provide written documentation to the City of the cleanup process, including a copy of the final certification from the testing firm that the site is fit for human habitation, and a written, signed, statement that the cleanup met all MDH Guidelines.

609.08: CITY AUTHORITY TO INITIATE CLEANUP: If, within ten (10) days after service of the notice and the abatement order, the City is unable to locate the owner or the owner fails to arrange appropriate on-site assessment and cleanup, the Enforcement Officer is authorized to proceed in a prompt manner to initiate the on-site assessment and cleanup. When appropriate, the City may abate the nuisance by removing any hazardous structure, building, or otherwise in accordance with Minnesota Statutes, Chapter 463, Section 607 of the City of Mounds View Code, or by any other means provided under law.
609.09. **OWNER’S RESPONSIBILITY FOR COSTS:**

Subd. 1. The owner of the site is responsible for the costs of vacating the site and surrounding areas, testing, clean up, and public expenses. Public expenses will include all costs that have or may be incurred by the City and other public agencies including, but not limited to, costs for:

a. Emergency Response.

b. Posting and physical security of the site.

c. Notification of affected parties.

d. Expenses related to the recovery of costs, including the assessment process.

e. Laboratory fees.

f. Cleanup fees.

g. Administrative fees.

609.10. **RECOVERY OF CITY COSTS:**

Subd. 1. Within thirty (30) days after receipt of an invoice from the City, the owner will submit payment in full of all City costs associated with the cleanup project.

Subd. 2. If the City has been unable to locate the owner, or the owner fails to submit timely payment to the City, and after reasonable notice to the owner of the impending certification, the City is authorized to collect its costs by assessing those costs against the property in the same manner as a special assessment which will be certified and collected in the manner of a special tax in accordance with applicable law.
609.11. **REMOVAL OF PUBLIC NUISANCE DESIGNATION:** Upon receipt of the appropriate certification that the site has been cleaned in accordance with MDH guidelines and is no longer a risk to occupants of the site or others, the Enforcement Officer will remove the public nuisance designation of the site and will so notify in writing the owner and all parties previously notified. The Enforcement Officer will also promptly cause all postings on the site to be removed.

609.12: **VIOLATIONS:** Any person who violates the provisions of this Chapter, including, but not limited to, the unauthorized removal of any official postings at the site, is guilty of a misdemeanor in addition to any other sanctions and obligations imposed herein.
CHAPTER 610

ULTIMATE FIGHTING
(Added, Ord. 807, 6-23-08)

SECTION:

610.01: Findings of Fact
610.02: Definitions
610.03: Prohibited Conduct
610.04: Unlawful Act
610.05: Right of Injunction
610.06: Violations; Penalty

610.01: FINDINGS OF FACT: The City Council finds that the practice of Ultimate Fighting is dangerous and puts the public health, safety and welfare at great risk.

610.02: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section.

Subd. 1. Ultimate Fighting: Any organized activity or event, regardless of how named or described, or any other form of entertainment, where the primary practice involves individuals engaged in physical contact by striking or touching an opponent with the hands, feet, head or body. This shall include, but not be limited to, any contest or event where kicking, punching, martial arts or submission holds are permitted. Officially sanctioned and regulated boxing and wrestling and team sports in which physical contact is incidental to the primary purpose of the game, including, but not limited to, football, basketball, volleyball, soccer, baseball and softball are not included among activities prohibited by this Chapter. Martial arts training or contests governed and sponsored by schools of martial arts are also not included among the activities prohibited by this Chapter.

610.03: PROHIBITED CONDUCT: It shall be unlawful to promote, host, organize, stage, conduct or participate in the practice of Ultimate Fighting as defined above in any public or private building or place.
610.04: **UNLAWFUL ACT:** No person shall permit, promote, or allow participation in Ultimate Fighting in any establishment licensed by the City pursuant to Title 500 of the Municipal Code or any adjoining property owned or leased by the licensee.

610.05: **RIGHT OF INJUNCTION:** The City or its designated representative may institute a lawsuit in district court seeking injunctive relief against any individual that is violating this Chapter.

610.06: **VIOLATIONS; PENALTY.** Any person who promotes, hosts, organizes, stages, conducts or participates in an Ultimate Fighting event or otherwise violates any provision of this Chapter shall be guilty of a misdemeanor.