

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. JUNKYARDS AND AUTOMOBILE WRECKING YARDS**
- 92. STREETS AND SIDEWALKS**
- 93. NUISANCES**
- 94. HEALTH AND SANITATION**
- 95. PARKS AND RECREATION**
- 96. TREES AND SHRUBS**
- 97. WEEDS**

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Permits
- 90.02 Keeping or raising live hogs, pigs or swine prohibited
- 90.03 Direction and management of slaughterhouses
- 90.04 Pounds

Control of Dogs and Cats

- 90.20 Running at large prohibited
- 90.21 License
- 90.22 Nuisance
- 90.23 Confinement of certain dogs and cats
- 90.24 Quarantine of certain dogs or cats
- 90.25 Proceedings for destruction of certain dogs or cats
- 90.26 Impounding

- 90.99 Penalty

Cross-reference:

Assaults, breaches of the peace, disorderly conduct and the like, see ' 131.02

GENERAL PROVISIONS

This ordinance 90.01 has been amended by Ordinance 176 on July 22nd 2015

' 90.01 PERMITS.

(A) It shall be unlawful for any person to keep or harbor any horses, cattle, sheep, goats, pigs, chickens, turkeys or other non-domestic animals within the platted portion of the city, or to permit the same to be kept upon premises owned, occupied or controlled by him or her without first having obtained a permit to do so from the City Council.

(D) This section shall take effect and be in force

(B) Where it is deemed advisable to grant a permit, the following regulations must be compiled with.

(1) No stable, barn or building in which horses, cattle, sheep, goats, pigs, chickens, turkeys or other fowl, or mink, rabbits or other non-domestic animals are kept may be located within 50 feet of human habitation.

(2) The stables, barns or other buildings shall be kept clean. Manure and droppings shall be removed with sufficient frequency to avoid nuisance from odors or from breeding of flies, at least once per month from October 1 to May 1, and once every two weeks from May 1 to October 1 of each year.

(3) Manure and droppings shall be removed by hauling beyond the city limits unless used for fertilizer, in which case it shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(4) Whenever domestic animals, fowl or any mink, rabbits or other non-domestic animals are kept within the limits of the platted portion of this city, they shall be securely confined within an enclosure by the owner thereof, and no domestic or non-domestic animals at any time shall be allowed to stray or feed upon the streets or property abutting upon the streets or alleys of this city.

(C) Any permit issued by the City Council hereunder shall be subject to revocation for violation of any of the terms and conditions in connection with the issuance of the permit and other causes; that upon the filing with the City Council of a written complaint against the holder of any permit, hearing on the complaint shall be held before the City Council on notice to the complainant and holder of the permit.

after its passage and publication according to law.

(Ord. 61, passed 9-6-1956) Penalty, see ' 90.99

' 90.02 KEEPING OR RAISING LIVE HOGS, PIGS OR SWINE PROHIBITED.

From this date hereof, no person, persons, firm or corporation shall keep, possess or raise live hogs, pigs or swine within the corporate limits of the city.

(Ord. 34, passed 4-1-1937) Penalty, see ' 90.99

' 90.03 DIRECTION AND MANAGEMENT OF SLAUGHTERHOUSES.

(A) No person shall locate, erect, keep, maintain or continue any slaughterhouse or place where animals are collected or kept for slaughter within any position of the city embraced within Section 29 of Township 147 north of Range 37 west of the fifth Principal Meridian, according to the U.S. Government Survey thereof.

(B) No person shall, in city within the limits described in division (A) above, keep for slaughter or for sale for the purpose of slaughter, any cattle, swine, sheep or other animal whatsoever.

(C) No person shall, in the city within the limits described in division (A) above, slaughter or kill any animal whatsoever.

(Ord. 19, passed 7-10-1908) Penalty, see ' 90.99

' 90.04 POUNDS.

(A) It shall be unlawful for any person to allow cattle, horses, mules, asses or other beasts owned or kept by him or her to run-at-large in or on the public highways, streets, alleys or public grounds within the city.

(B) Any cattle, horse, mule, ass or other beast found running at large upon any of the public highways, streets, alleys or public grounds within the city may be impounded as herein provided.

(A) *License required.* No person shall keep any dog or cat within the city without securing an annual license therefor from the City Clerk Treasurer, who shall keep a record of all licenses issued and shall issue a

(C) Whenever any cattle, horse, mule, ass or other beast shall be impounded as herein provided, the Pound Master shall, within two days thereafter, give notice to the owner thereof, if known to him or her, and if unknown, shall post notice in three public places in the city, specifying in the notice the time when and the place where the beast was found running-at-large, the number of beasts and the place of their detention.

(D) The owner thereof may secure the release of the same paying to the Pound Master the sum of \$2 and the expense keeping the same.

(E) The owner of any land in the city may distraint any beast doing damage thereon, and the distraint shall be made, and the proceedings had therein as is prescribed by the General Laws of the State of Minnesota.

(Ord. 15, passed 6-7-1922) Penalty, see ' 90.99

CONTROL OF DOGS AND CATS

' 90.20 RUNNING AT LARGE PROHIBITED.

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

Penalty, see ' 90.99

' 90.21 LICENSE.

metal tag for each license. Prior to the City Clerk Treasurer issuing the license, the person applying for the license shall produce proof that the animal has received its shots for rabies.

(B) *License fee: expiration.* The annual license fee shall be \$2 for each male dog or cat or spayed female dog or cat and \$5 for each unspayed female dog or cat. Every license shall expire on the last day of March next following its issuance.

(C) *Affixing tag.* The owner shall permanently affix the tag to the collar of the dog or cat so licensed in such manner that the tag may be easily seen. The owner shall see that the tag is constantly worn by the dog or cat.

(Ord. 116, passed 8-15-1985)

' 90.22 NUISANCE.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. **HABITUAL BARKING** shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner=s or caretaker=s premises.

(B) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in ' 10.20, to search for and seize the animal.

(C) *Nuisance a violation.* The owner or custodian of any dog or cat shall prevent the dog or cat from committing in the city, any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry at night, frequent school grounds, parks or public beaches, chase vehicles, to molest or annoy any person away from the property of his or her owner or custodian, or to damage, defile or destroy public or private property. Failure of the owner or custodian of the dog or cat to prevent the animal from committing a nuisance is a violation of this subchapter. (Ord. 116, passed 8-15-1985) Penalty, see ' 90.99

' 90.23 CONFINEMENT OF CERTAIN DOGS AND CATS.

(B) The judge shall issue a summons directed to the owner of the animal commanding him or her to

Every female dog or cat in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with other dogs or cats, except for planned breeding.

(Ord. 116, passed 8-15-1985)

' 90.24 QUARANTINE OF CERTAIN DOGS OR CATS.

Any dog or cat which bites a person shall be quarantined for the time as may be directed by the City Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the City Health Officer, the quarantine may be on the premises of the owner; however, if the City Health Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his or her own expense, place it in a veterinary hospital.

(Ord. 116, passed 8-15-1985)

' 90.25 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS OR CATS.

(A) Upon sworn complaint to the county court that any one of the following facts exists:

(1) Any dog or cat at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;

(2) Any dog or cat at any time has attacked or bitten a person outside the owner=s or custodian=s premises;

(3) Any dog or cat is vicious, shows vicious habits, molests pedestrians or interferes with vehicles on the public streets; or

(4) Any dog or cat is a public nuisance as heretofore defined.

appear before the court to show cause why the animal should not be seized by any police officer, or otherwise

Bagley - General Regulations

disposed of in the manner authorized in this section. The summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of the scheduled appearance. Upon the hearing and finding the facts true as complained of, the court may either order the dog or cat killed, order the owner or custodian to remove it from the city or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates the order, any police officer may impound the dog or cat described in the order. The provisions of this section are in addition to and supplemental to other provisions of this section.

(C) Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal, if the facts in the complaint are found to be true; or to the complainant, if the facts are found to be untrue.

(Ord. 116, passed 8-15-1985)

' 90.26 IMPOUNDING.

(A) *Police to impound.* Any dog or cat found not licensed or running at large contrary to the provisions of this subchapter may be impounded by any police officer, who shall give notice of the impounding to the owner of the animal if known. If the owner is unknown, the officer shall post notice at the pound and at the City Hall that if the animal is not claimed within five days of the posting of the notice, it will be disposed of.

(B) *Redemption.* Any dog or cat may be redeemed by from the pound by the owner within the time stated in the notice by the payment to the City Clerk Treasurer of the license fee for the current year, if unpaid, together with impounding fee of \$5 per day and a charge of \$1 for feeding for each day the animal is impounded.

(C) *Disposition of unclaimed dogs or cats.* Any dog or cat which is not redeemed within the time specified in division (B) above may be sold for not less than the amount provided in that subdivision to anyone desiring to purchase the dog if it is not requested by a licensed educational or scientific institution under M.S. ' 35.71, as it may be amended from time to time. All sums received in addition to the fees affixed by ' 90.21 shall be paid to the owner if he or she makes a claim within one year of the sale and furnishes satisfactory proof of ownership. Any dog which is not claimed by the owner or sold shall be painlessly killed and buried by the Pound Master.

(D) *Pound Master.* The Pound Master of the city shall maintain the city pound and perform other duties imposed on him or her by this section.

(Ord. 116, passed 8-15-1985)

' 90.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Permits.* Any person violating any of the provisions of ' 90.01 shall, upon conviction thereof, be deemed guilty of a misdemeanor and punished by a fine of not more than \$100 and costs or by imprisonment in the city jail for not more than 90 days.

(C) *Keeping or raising live hogs, pigs or swine prohibited.* Any person violating any provision of ' 90.02 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100, or in default of payment of any fine, shall be imprisoned in the city or county jail for not to exceed 90 days.

(D) *Direction and management of slaughterhouses.* Any person violating any of the provisions of ' 90.03 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 and the costs of prosecution, and in default of payment thereof shall be imprisoned in some suitable jail until the fine and costs be paid, not exceeding 90 days.

(E) *Pounds.* Any person violating the provisions of ' 90.04(A) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 and the costs of prosecution, and in default of payment thereof shall be imprisoned in some suitable jail until the fine and costs be paid not exceeding 90 days.

(F) *Control of dogs and cats.* Any person keeping a dog or cat without a license or allowing a dog or cat under his or her control to run-at-large is guilty of a petty misdemeanor.
(Ord. 15, passed 6-7-1922; Ord. 19, passed 7-10-1908; Ord. 34, passed 4-1-1937; Ord. 61, passed 9-6-1956; Ord. 116, passed 8-15-1985)

CHAPTER 91: JUNKYARDS AND AUTOMOBILE WRECKING YARDS

Section

91.01	License for premises
91.02	Fencing and appearance
91.03	Revocation of permit
91.04	Effective date
91.99	Penalty

(C) Provided, however, that any junk yard or automobile wrecking yard now established shall have 30 days in which to construct the fence. No junk or auto parts shall be allowed to remain outside the fence. (Ord. 67, passed 10-29-1964) Penalty, see ' 91.99

' 91.01 LICENSE FOR PREMISES.

Any person, partnership or corporation desiring to establish and/or maintain a junk yard, general wrecking yard or automobile wrecking yard or business in the city shall make written application to the Council for a license setting forth his or her name and address and the legal description of the premises upon which it is proposed to conduct the business. The Council may grant or reject the application. If the permit is granted, a license to operate the business shall be issued by the City Clerk Treasurer upon payment of a fee of \$5 per annum. All permits shall expire on December 31 following its issuance. The permit can be renewed from year to year upon application to the Council and payment of a fee of \$5. (Ord. 67, passed 10-29-1964)

' 91.02 FENCING AND APPEARANCE.

(A) Any person operating the junk yard or automobile wrecking business shall keep the premises in a neat and orderly condition.

(B) All the premises shall be enclosed by a tight board fence at least eight feet high which shall be kept in a neatly pointed condition.

' 91.03 REVOCATION OF PERMIT.

The Council shall have the right to revoke the permit at any time for cause but only after a hearing, notice of which shall be served upon the owner of the business at least ten days before the hearing. (Ord. 67, passed 10-29-1964)

' 91.04 EFFECTIVE DATE.

This chapter shall be in effect from and after its passage and publication. (Ord. 67, passed 10-29-1964)

' 91.99 PENALTY.

Any person violating any of the terms and conditions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50 or imprisonment for not more than 30 days. (Ord. 67, passed 10-29-1964)

CHAPTER 92: STREETS AND SIDEWALKS

Section

Streets, Alleys, Sidewalks and Public Grounds

- 92.01 Measurements, building and repair
- 92.02 Obstruction
- 92.03 Sureties for license
- 92.04 Garbage and filth
- 92.05 Taking away earth material without permission; prohibited
- 92.06 Drains, ditches and bridges; prohibited
- 92.07 Passageway after delivery of goods
- 92.08 Obstructing passageway during sales
- 92.09 Driving on or across prohibited unless at a suitable crossing
- 92.10 Obstructions with horses, wagons, carts and the like
- 92.11 Herding prohibited
- 92.12 Grading
- 92.13 Exposed and unguarded hazards
- 92.14 Sleds
- 92.15 Unattended horse and/or mules in streets
- 92.16 Bicycles, tricycles and carriages on sidewalks
- 92.17 Train and steam engine speed limits
- 92.18 Weeds and grass
- 92.19 Refusal and/or neglect by owner of notices

- 92.99 Penalty

STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUND

' 92.01 MEASUREMENTS, BUILDING AND REPAIR.

(A) The City Council may cause any street in the city or any part thereof, not less than 16 rods in length, to be graded, paved or otherwise improved, or any sidewalk, sewer or gutter to be built upon a petition therefor, signed by three-fourths of all owners of real estate bounding both sides, and by the owners of at least one-half the frontage of the street or part of street to be improved, or may order any sidewalk, sewer or gutter to be built on one side of the street upon like petition, if signed by the owners of at least one-half the frontage of the side; and without any petition, it may order any sidewalk, sewer or gutter previously built to be put in repair when necessary.

(B) The cost of the improvement may be levied by resolution of the Council upon the lots or parcels of ground on the street, or side thereof so improved.

(C) All sidewalks shall be built upon the grade furnished by the City Council, and shall be of the material as it shall order and direct.

(D) (1) When any sidewalk heretofore built in the city shall become out of repair, the City Council may, by resolution, declare the same to be out of repair and condemn the same, and order the same to be repaired or rebuilt, and when so declared by resolution of the City Council to be out of repair, the Council may order the same repaired or rebuilt with the material as it shall, by resolution designate.

Bagley - General Regulations

(2) When any part of any sidewalk abutting any lot in the city shall become out of repair, the same may be ordered put in repair by the Council or the Street Commissioner, and upon receipt of a copy of a resolution of the City Council declaring any sidewalk out of repair and condemned, or upon receipt of an order of the City Council or Street Commissioner ordering the repair of any part of a sidewalk, the owner of the lot abutting therein shall put the same in repair, or rebuild the same of the material as may be ordered by the City Council.

(3) Upon the neglect or refusal of the owner of the lot or lots abutting the sidewalk or part thereof, to rebuild or put the same in repair for 30 days after the receipt of the resolution or order from Council or Street Commissioner, the same may be done by the City Council, and the cost thereof assessed against the lot or lots.

(Ord. 5, passed 7-6-1908)

' 92.02 OBSTRUCTION.

(A) No person shall encumber or obstruct any street, sidewalk, lane, alley, public ground or park within the city by placing thereon or therein any building or building material, carriage, cart, wagon, sleigh, box, lumber, firewood, post, hitching post, awning or other material or substance whatsoever, without having obtained a written permission or license therefor, from the City Council, and the license or permission shall specify the portion of the sidewalk or street to be used and the period for which it is to be used; and in no case shall a person use more than one-half of a sidewalk, nor more than one-third of a street, and the City Council may revoke the permission or license at any time.

(B) At the expiration of the period for which the license shall have been issued or upon the revocation thereof, the person to whom the license shall have been issued shall remove all material, substance or obstruction from the street or sidewalk so used.
(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.03 SURETIES FOR LICENSE.

Before any license shall be issued as herein provided, the person making application for the same shall execute to the city a bond with good and sufficient sureties to be approved by the City Council, and in the sum as the Council may require conditioned to save the city harmless from all liability, costs or damage which may accrue to it by reason of the use of the streets, alleys or sidewalks.

(Ord. 5, passed 7-6-1908)

' 92.04 GARBAGE AND FILTH.

No person shall throw, deposit or permit to be thrown or deposited any paper, filth, refuse, garbage, sweepings of any house or store, shop, office or any ashes, shavings, straw, wood, stones, earth, manure, offal, rubbish or other matter of any kind, on or into any street, sidewalk, alley, lane, or public ground in the city.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.05 TAKING AWAY EARTH MATERIAL WITHOUT PERMISSION; PROHIBITED.

No person shall take, remove or carry away any sand, earth or other material from any street, alley or public ground within the city without the permission of the City Council therefor in writing having first been obtained.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.06 DRAINS, DITCHES AND BRIDGES; PROHIBITED.

No person shall make any drain, ditch or bridge, across any street, lane, alley or public ground in the city in such a manner as to injure or obstruct the free passage or use thereof.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.07 PASSAGEWAY AFTER DELIVERY OF GOODS.

No person receiving or delivering any goods, wares or merchandise in the city shall take, keep upon or suffer the same to be placed and kept upon any sidewalk, without leaving a passageway thereon of not less than three feet in width for the use of pedestrians; and no person shall suffer any goods, wares or merchandise to so remain on any sidewalk for a longer period than 24 hours.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.08 OBSTRUCTING PASSAGEWAY DURING SALES.

No licensed auctioneer or other person shall sell or offer for sale within the city, at public auction or otherwise, any goods, chattels or personal property whatsoever, to any person or persons upon any sidewalk or street therein so as to collect a crowd in the sidewalk or street, thereby obstructing or hindering the free passage thereof by any person. It shall be the duty of the Police Chief or other police officer of the city to keep the sidewalks and streets free and clear of the obstructions and summarily arrest any person who shall violate the provisions of this section.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.09 DRIVING ON OR ACROSS PROHIBITED UNLESS AT A SUITABLE CROSSING.

No person shall draw or push any carriage, excepting baby carriages, nor any cart, sleigh or any vehicle, or back or drive any horse, mule, cow or other beast over and across any sidewalk, pavement or curb into any building, lot or enclosure, unless it be on and over a suitable crossing or other means of access, and the crossing or other means of access shall be constructed and kept in repair by the owner or occupant of the building, lot or enclosure, subject to the approval of the Street Commissioner.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.10 OBSTRUCTIONS WITH HORSES,

WAGONS, CARTS AND THE LIKE.

No person shall, at any time, fasten any horse in such a manner that it, or any vehicle or line attached to it, shall be an obstruction to the free use of the sidewalk or crossing in the city, and all sidewalks in the city shall be kept free from any and all sleighs, wagons, carts, carriages, horses and other beasts, excepting in the necessity of crossing the same.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.11 HERDING PROHIBITED.

No herder or other person driving any beasts over any of the streets or alleys of the city shall allow the same to stray or loiter by the way.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.12 GRADING.

No person or occupant of any building or premises abutting any sidewalk shall permit any grating to protrude above the surface of the sidewalk, nor suffer any fastenings or other obstructions to remain thereon, adjoining the premises.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.13 EXPOSED AND UNGUARDED HAZARDS.

No person shall leave exposed and unguarded any opening in the sidewalk or any flight of stairs descending from the sidewalk into any basement owned or occupied by him or her but shall enclose the same with an iron or wooden fence or railing at least four feet in height.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.14 SLEDS.

No person shall slide or coast with sled or otherwise on any of the streets or sidewalks of the city.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.15 UNATTENDED HORSE AND/OR MULES IN STREETS.

No person shall suffer any horse, mule or team of any description to be left standing in any street or alley within the city unless the same shall be in the immediate charge and custody of a suitable and competent person, or unless the same and each thereof shall be securely fastened or hitched.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.16 BICYCLES, TRICYCLES AND CARRIAGES ON SIDEWALKS.

No person shall ride any bicycle, tricycle or carriage or drive or ride any beast upon any of the sidewalks in any manner within the city; and no person shall ride any bicycle, tricycle, carriage or conveyance, or ride, lead or drive any beast on or across any street in the city at a faster speed than six mph.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.17 TRAIN AND STEAM ENGINE SPEED LIMITS.

No person operating any electric or steam engine or cars or train of cars shall run the same within the limits of this city at a greater speed than eight mph.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.18 WEEDS AND GRASS.

No person shall allow any weeds or grass to grow in the sidewalks or in the streets adjacent to any premises of which he or she may be the owner or occupant, nor shall he or she suffer any snow or ice to accumulate on any sidewalk adjacent thereto; but shall keep the same clear and free from the snow and ice that may accumulate thereon.

(Ord. 5, passed 7-6-1908) Penalty, see ' 92.99

' 92.19 REFUSAL AND/OR NEGLECT BY OWNER OF NOTICES.

Any owner or occupant who shall refuse or neglect for 24 hours after having received notice from the Police Chief or Street Commissioner, to remove the grass, weeds, snow or ice, the same may be removed by the city, and the expense thereof assessed against the premises abutting on the street or sidewalk from which the same shall have been removed, and collected with the other taxes of the city.

(Ord. 5, passed 7-6-1908)

' 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating any of the provisions of ' 92.02 and ' ' 92.04 through 92.19 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100, and the costs of prosecution, and in default of the payment thereof, shall be imprisoned in some suitable jail until the fine and costs be paid, not exceeding 90 days.

(Ord. 5, passed 7-6-1908)

CHAPTER 93: NUISANCES

Section

- 93.01 Public nuisance
- 93.02 Public nuisances affecting health
- 93.03 Public nuisances affecting morals and decency
- 93.04 Public nuisances affecting peace and safety
- 93.05 Nuisance parking and storage
- 93.06 Inoperable motor vehicles
- 93.07 Building maintenance and appearance
- 93.08 Duties of city officers
- 93.09 Abatement
- 93.10 Recovery of cost

- 93.99 Penalty

' 93.01 PUBLIC NUISANCE.

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

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

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

(C) Is guilty of any other act or omission declared by law or ' ' 93.02, 93.03 or 93.04, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see ' 93.99

' 93.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

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

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

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

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

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

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

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

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

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

(K) Any offensive trade or business as defined by statute not operating under local license.
Penalty, see ' 93.99

' 93.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

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

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

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

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

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, for promiscuous sexual intercourse or any other immoral or illegal purpose.
Penalty, see ' 93.99

' 93.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

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

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public

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

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

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

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

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

(G) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped; grounds except under conditions as are permitted by this code or other applicable law;

Bagley - General Regulations

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

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

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

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

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

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

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

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

(Q) Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a
 (d) *Radios, phonographs, paging systems and the like.* No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a

hazard to any child or other person coming on the premises where it is located;

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

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

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

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

(V) (1) *Noises prohibited.*

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

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

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

manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(e) *Schools, churches, hospitals, and the like.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school,

institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of the institution.

(2) *Hourly restriction of certain operations.*

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

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

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

(3) *Noise impact statements.* The Council may require any person applying for a change in zoning classification, a permit or license for any structure, operation, process, installation, alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) Reflected glare or light from private exterior lighting exceeding 0.5 foot candles as measured on the

(B) *Unlawful parking and storage.*

(1) A person must not place, store or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours

property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel; and

(X) Reflected glare or light from private exterior lighting exceeding 0.5 foot candles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one footcandle when abutting any commercial or industrial parcel.

Penalty, see ' 93.99

' 93.05 NUISANCE PARKING AND STORAGE.

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

(1) Obstructs views on streets and private property;

(2) Creates cluttered and otherwise unsightly areas;

(3) Prevents the full use of residential streets for residential parking;

(4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;

(5) Decreases adjoining landowners= and occupants= enjoyment of their property and neighborhood; and

(6) Otherwise adversely affects property values and neighborhood patterns.

in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery or similar materials, including all materials

used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

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

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

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

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

Penalty, see ' 93.99

' 93.06 INOPERABLE MOTOR VEHICLES.

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

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

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

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained

Subdivision 3, as it may be amended from time to time.

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

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

Penalty, see ' 93.99

' 93.07 BUILDING MAINTENANCE AND APPEARANCE.

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

(1) Are unsightly;

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

(3) Adversely affect property values and neighborhood patterns.

to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

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

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

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

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

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

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

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

(8) Foundations must be structurally sound and in good repair.
Penalty, see ' 93.99

' 93.08 DUTIES OF CITY OFFICERS.

For purposes of this section and ' 93.09, the Police Department, or Sheriff or person designated by the City Council under ' 10.20, if the city has at the time no Police Department, may enforce the provisions relating to nuisances. Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

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

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. ' 463.17 (Hazardous and Substandard Building Act), as

Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in ' 10.20.

' 93.09 ABATEMENT.

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

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

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

it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated shall notify, in writing, the owner of record or occupant of the premises of the fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is

not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.*

In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify, in writing, the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall

(B) *Assessment.* After notice and hearing as provided in M.S. ' 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. ' 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the

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

(D) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety. Penalty, see ' 93.99

' 93.10 RECOVERY OF COST.

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

City Council may determine in each case.
Penalty, see ' 93.99

' 93.99 PENALTY.

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

CHAPTER 94: HEALTH AND SANITATION

Section

94.01 Manufacturing wastes

94.99 Penalty

violation shall be promptly given to the violator, who shall have three days from the date of notice to correct the violation. The City Council shall make the final determination as to whether a violation occurs under ' 94.01. A continued violation after three days may subject the violator to a fine of \$300 per day for as long as the violation continues.

(Ord. 100, passed 1-9-1979)

' 94.01 MANUFACTURING WASTES.

(A) No person, partnership or corporation shall permit wood wastes or other manufacturing byproducts to accumulate in such a manner as to injure the real or personal property of others.

(B) The person, partnership or corporation shall reimburse the city for any expense in connection with the use of city fire equipment or maintenance equipment in controlling a fire or eliminating a nuisance because of a violation of division (A) above.

(C) No wood wastes or manufacturing byproducts shall be stored within 100 feet of the property line of an adjoining landowner.

(D) The Fire Chief or a person designated by him or her shall periodically inspect for violations of this section.

(E) This section becomes effective on the date of publication.

(Ord. 100, passed 1-9-1979) Penalty, see ' 94.99

' 94.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Manufacturing of wastes.* Notice of a

CHAPTER 95: PARKS AND RECREATION

Section

95.01 Use of city owned property abutting Lake Lomond; including Bagley City Park

95.99 Penalty

Cross-reference:

Motor bikes, see ' 70.05

' 95.01 USE OF CITY OWNED PROPERTY ABUTTING LAKE LOMOND; INCLUDING BAGLEY CITY PARK.

(A) *Purpose.* The City Council declares that it is in the best interest of the residents of the city that the overnight guests at the city park and other users of city property bordering Lake Lomond shall be free from harassment, unnecessary noise and other breaches of the peace.

(B) *Affected property.* This section shall be effective as to all city owned property abutting Lake Lomond, including the Bagley City Park.

(C) *Violations.* No person shall do or permit any act or thing that will harass or annoy others using the city property, including:

- (1) Loud sounds from any source;
- (2) Using fireworks;
- (3) Be in an intoxicated condition;
- (4) Use obscene language; and

(5) Operate any motor vehicle, motorcycle or motorbike on the property between the hours of 11:00 p.m. and 5:00 a.m., except going to or coming from a camping site occupied by the person or going directly to and coming directly from the boat landing.

(D) *Vehicular traffic.* The city police are authorized in their discretion to barricade one or more of the park streets between the hours of 11:00 p.m. and 5:00 a.m. the following day.

(E) *Leaving the city.* Persons violating this section will be requested to immediately leave the city property. Failure to obey the orders of a police officer, given pursuant to this statute, may result in immediate arrest or forceful removal from the city property.

(F) *Effective date.* This section shall take effect and be in force after its passage and publication. (Ord. 110, passed 4-5-1983) Penalty, see ' 95.99

' 95.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating any provision of ' 95.01 is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 or imprisonment for not more than 90 days. (Ord. 110, passed 4-5-1983)

CHAPTER 96: TREES AND SHRUBS

Section

- 96.01 Trees in city
- 96.02 Protection of trees

- 96.99 Penalty

96.01 TREES IN CITY.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(B) *Designation of responsibility and duties.* The department head of the city streets and parks shall be responsible to Bagley City Council to investigate, plan and make recommendations regarding care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The department head or another designated person with the department head's approval shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of this work.

(2) The department head of city streets and parks may remove or seek removal of any tree or plant thereof which is an unsafe condition or which, by reason of any tree or plant thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or

(C) *Street tree species to be planted: spacing and distance from curbs.* Only species deemed suitable for the city's hardiness zone will be considered for new plantings. A list of suitable tree species can be kept by the head of city streets and parks with consultation of area nursery professionals and forestry and conservation agency staff members. Spacing of suitable trees will be determined either with professional landscape assistance or in accordance to approved plans. No trees may be planted closer to curbs or sidewalks than recommended by the planners and department head.

(D) *Distance from street corners, fire plugs and utilities.* New street tree plantings shall not be placed closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug. Unless an approved small species, no street trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(E) *Public tree care.*

(1) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

other public improvements, or is affected with any infurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing the selection and location of the trees is in accordance with divisions (C) and (D) above.

(F) *Tree topping.* As a normal practice, it shall be unlawful to top any street tree, park tree or other tree on public property. **TOPPING** is defined as severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. The City Council may exempt from this section trees severely damaged by storms, other causes or certain trees under utility wires or other obstructions where other pruning is impractical.

(G) *Pruning and corner clearance.* Owners of trees overhanging any street or right-of-way within the city shall prune the branches so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owners shall remove dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to notify owners of private property on which any tree or shrub is of the need for pruning when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. The city shall have the right to prune the trees or shrubs for public safety.

(H) *Dead or diseased tree removal on private property.* The city shall have the right to cause the removal of any dead or diseased tree on private property within the city, when the trees constitute a hazard to life and property within the city, when the trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The head of city streets and parks or another designated person will notify in writing the owners of any such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with the provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owners' property tax notice.

(I) *Removal of stumps.* All stumps of street and park trees on public property shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The head of city streets and parks or another designated

person may notify owners of private property with unsightly or unsafe stumps that removal is recommended.

(J) *Review by City Council.* The City Council shall have the right to review the conduct, acts and decisions of the head of city streets and parks, other persons designated to department head or designated person by requesting the City Council to hear the matter and make a final decision.

(K) *Necessity.* This section shall be in full force and effective from and after its passage and publication as provided by law.

(Ord. 127, passed 12-12-1989) Penalty, see ' 96.99

' 96.02 PROTECTION OF TREES.

No person shall tie any team or teams to tree or trees located in the city park, nor pile wood nor put any material whatsoever thereon.

(Ord. 17, passed 7-10-1908) Penalty, see ' 96.99

' 96.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating the provisions of ' 96.02, shall be deemed of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 and the costs of prosecution, and in default of the payment thereof shall be imprisoned in some suitable jail until the fine and costs be paid not exceeding 90 days.

(Ord. 17, passed 7-10-1908)

CHAPTER 97: WEEDS

Section

97.01 Cutting and removal of grass, weeds and brush

amount on the tax books as a tax upon the land, and the cost shall be collected in the same manner as other real estate taxes.

(Ord. 79-B, passed 5-6-1970)

97.01 CUTTING AND REMOVAL OF GRASS, WEEDS AND BRUSH.

(A) Every owner or occupant of real property in the city shall keep the grass, weeds and brush cut thereon and on the boulevard or portion of the street reserved for sidewalks abutting on his or her property.

(B) The City Street Commissioner, the City Weed Inspector and the City Clerk Treasurer, and each of them, are hereby authorized and empowered to perform the duties required hereunder for the proper enforcement of this section.

(C) Any weeds or grass growing on any lot or parcel of land in the city to a greater height than one foot, or which has gone or about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the city.

(D) If any owner or occupant fails to cut the grass, weeds and brush on the lot or parcel of land or on the boulevard or the portion of street abutting on the premises within ten days after notice has been given by any one or more of the authorized officials and representatives of the city mentioned in division (B) above, then any one of the officials of the city shall cause the grass, weeds and brush to be cut, and removed and the expense thus incurred shall be a lien on the real estate. In order to accomplish the purposes of this section, the official is authorized to remove trash and to grade or level the lot so as to be suitable for mowing with power equipment. The City Council shall certify to the County Auditor of Clearwater County, Minnesota, a statement of the amount of the cost paid or incurred by the city with request that the County Auditor enter the

