

TITLE IX: GENERAL REGULATIONS

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED VEHICLES AND PROPERTY
- 91. ALARM SYSTEMS
- 92. ANIMALS
- 93. FIRE PREVENTION
- 94. HEALTH AND SAFETY; NUISANCES
- 95. OPEN HOUSING
- 96. PARKS AND RECREATION
- 97. STREETS AND SIDEWALKS

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY

CHAPTER 90: ABANDONED VEHICLES AND PROPERTY

Section

Abandoned and Junked Vehicles

- 90.01 Outside parking or storage of vehicles
- 90.02 Junked vehicles on streets prohibited
- 90.03 Junked vehicles on private property prohibited; exceptions

Disposition of Unclaimed Personal Property

- 90.15 Possession by city; claim period
- 90.16 Public sale; notice
- 90.17 Alternate disposition
- 90.18 Disposition of proceeds

Spring Lake Park, MN Code of Ordinances

- 90.19 Claim by finder
- 90.20 Forfeiture of vehicles; state statute applies

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / ABANDONED AND JUNKED VEHICLES

ABANDONED AND JUNKED VEHICLES

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / ABANDONED AND JUNKED VEHICLES / § 90.01 OUTSIDE PARKING OR STORAGE OF VEHICLES.

§ 90.01 OUTSIDE PARKING OR STORAGE OF VEHICLES.

For the purpose of promoting health, safety, order, convenience, prosperity, and general welfare in the city, the outside parking or outside storage, on or near residential district properties, of vehicles, materials, supplies, or equipment not customarily used or needed for use in connection with the occupancy of residential property for residential purposes is hereby found to create nuisances and detrimental influences upon the public health, safety, property, good order, and general welfare in those districts, including obstructing of view on streets and on private properties, bringing unhealthful and noisome odors and materials into residential neighborhoods, creating cluttered and otherwise unsightly areas, preventing the full use of residential streets for residential parking, introducing commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, and otherwise adversely affecting residential property values and neighborhood patterns.

(1976 Code, § 51.01)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / ABANDONED AND JUNKED VEHICLES / § 90.02 JUNKED VEHICLES ON STREETS PROHIBITED.

§ 90.02 JUNKED VEHICLES ON STREETS PROHIBITED.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the city.

(1976 Code, § 51.02) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / ABANDONED AND JUNKED VEHICLES / § 90.03 JUNKED VEHICLES ON PRIVATE PROPERTY PROHIBITED; EXCEPTIONS.

§ 90.03 JUNKED VEHICLES ON PRIVATE PROPERTY PROHIBITED; EXCEPTIONS.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on that property longer than 96 hours; and no person shall leave any such vehicle on property within the city for a longer time than 96 hours; except that this section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of that business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(1976 Code, § 51.03) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY

DISPOSITION OF UNCLAIMED PERSONAL PROPERTY

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.15 POSSESSION BY CITY; CLAIM PERIOD.

§ 90.15 POSSESSION BY CITY; CLAIM PERIOD.

Any item of personal property that shall come into the possession of the city, in the course of municipal operation, and shall remain unclaimed by its owner for at least 90 days, shall be sold by the city as hereinafter provided.

(1976 Code, § 14A.01)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.16 PUBLIC SALE; NOTICE.

§ 90.16 PUBLIC SALE; NOTICE.

(A) The above-mentioned sale shall be open to the general public and shall be held only after there has been at least ten days' published and posted notice of the sale. The notice shall specify the time and place of the sale and shall, in general terms, list the articles to be offered for sale. The notice shall specify a time prior to the sale when the articles may be viewed by prospective purchasers. The sale shall be under the management and direction of the Police Chief.

(B) The sale shall be by auction or by accepting sealed written bids. The method to be used shall be in the discretion of the Police Chief. The published notice shall indicate if the sale shall be by auction or receipt of written bids.

(1976 Code, § 14A.02)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.17 ALTERNATE DISPOSITION.

§ 90.17 ALTERNATE DISPOSITION.

If no bids shall be received for any articles, the Chief shall furnish a list of those items to the Council with an estimate of their value. The City Council may then direct the disposition in any manner it deems to be reasonable.

(1976 Code, § 14A.03)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.18 DISPOSITION OF PROCEEDS.

§ 90.18 DISPOSITION OF PROCEEDS.

Spring Lake Park, MN Code of Ordinances

The funds received from any sales of this type shall be paid into the general fund of the city. The funds shall be held by the city for six months from the date of the sale, subject to the right of the former owner to payment of the sale price from the fund if the owner can give satisfactory proof of ownership.

(1976 Code, § 14A.04)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.19 CLAIM BY FINDER.

§ 90.19 CLAIM BY FINDER.

If the true owner does not claim the property during the 90-day period, the Police Chief may release the unclaimed property to the person who found the same, if at the time of delivery to the city the finder indicated in writing that he or she wished to assert a claim to the property as a finder.

(1976 Code, § 14A.05)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: ABANDONED VEHICLES AND PROPERTY / DISPOSITION OF UNCLAIMED PERSONAL PROPERTY / § 90.20 FORFEITURE OF VEHICLES; STATE STATUTE APPLIES.

§ 90.20 FORFEITURE OF VEHICLES; STATE STATUTE APPLIES.

The disposition of vehicles forfeited pursuant to M.S. § 169A.63 (vehicle forfeiture), as it may be amended from time to time, is excepted from the requirements of public sale under this subchapter. The disposition of those vehicles shall be as provided by the aforementioned statute.

(1976 Code, § 14A.06)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS

CHAPTER 91: ALARM SYSTEMS

Spring Lake Park, MN Code of Ordinances

Section

91.01	Policy
91.02	Definitions
91.03	Permit requirements; exemptions
91.04	Permit fees
91.05	False alarm reports; excused false alarms
91.06	Prerecorded telephone alarm messages prohibited
91.07	Permit revocation and suspension
91.08	Violations

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.01 POLICY.

§ 91.01 POLICY.

(A) The city deems it necessary to provide for the special and express regulation of alarm systems which are designed to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond in order to protect public health, safety, and welfare.

(B) The city finds that the regulation of alarm systems is necessary in order to reduce the increasing frequency of false alarms in the city. The great number and increasing frequency of these false alarms requires intensive, time-consuming efforts by the Police Department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the city to promote the general health, welfare, and safety of the community. In consideration for the necessity on the part of the city to provide numerous law enforcement and public safety services to all segments of the community, without an undue consideration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the process described below.

(1976 Code, § 47G.01)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.02 DEFINITIONS.

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context

Spring Lake Park, MN Code of Ordinances

clearly indicates or requires a different meaning.

ALARM SYSTEM. An assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard. The alarm, when triggered, must either be directly connected to the police or fire station, or may signal a central monitoring agency which then notifies the Police or Fire Department of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which the public safety personnel are expected to respond.

ALARM USER. The person, firm, partnership, association, corporation, company, or organization of any kind on whose premises an alarm system is maintained. **ALARM USER** shall include persons occupying dwelling units for residential purposes. **ALARM USER** shall not include persons maintaining alarm systems in automobiles.

CALENDAR YEAR. The period January 1 through December 31 of each year.

FALSE ALARM. The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. It does not include activation of the alarm by utility company power outages, acts of God, or criminal activity.

PERSON. Any individual, partnership, corporation, association, cooperative, or other entity.

(1976 Code, § 47G.02)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.03 PERMIT REQUIREMENTS; EXEMPTIONS.

§ 91.03 PERMIT REQUIREMENTS; EXEMPTIONS.

(A) *Permits.* Every alarm user who, during the course of a calendar year, incurs more than four false alarms, or more than one false fire alarm, shall be required to obtain an alarm user permit.

(B) *Review of permit.* The Police Chief shall review the issuance of all police alarm permits. The Police Chief, in consultation with the Fire Chief, shall review the issuance of all fire alarm permits.

(C) *Process for issuance of permit.* Upon receipt and determination of the fifth false police alarm report or the second false fire alarm report at an address, the Police Chief, after review, shall notify the City Administrator, Clerk/Treasurer, who shall then assess the alarm user for an alarm user permit. The assessment invoice shall be sent by certified mail or personal

Spring Lake Park, MN Code of Ordinances

service. The alarm user must submit the required permit fee to the Administrator, Clerk/Treasurer within 15 days after receipt of the assessment invoice, in order to continue to use his or her alarm system. Any subsequent false police or fire alarm at that address shall automatically revoke that permit and the process must then be repeated. This process shall be repeated for each and every false alarm in excess of four false police alarms and in excess of one false fire alarm during each calendar year.

(D) *Duration of permit.* All permits, unless otherwise revoked, will expire at the end of each calendar year.

(E) *Exemptions.* The provisions of this chapter are not applicable to audible alarms affixed to automobiles.

(1976 Code, § 47G.03) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.04 PERMIT FEES.

§ 91.04 PERMIT FEES.

(A) The fees for alarm user permits shall be as set forth by City Council resolution for police alarm systems and for fire alarm systems.

(B) Alarm user permits shall expire on the last day of each calendar year. Alarm user permits shall not be required in the next calendar year until there are more than four false police alarms or one false fire alarm reported at the alarm user's address during the next calendar year.

(1976 Code, § 47G.06)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.05 FALSE ALARM REPORTS; EXCUSED FALSE ALARMS.

§ 91.05 FALSE ALARM REPORTS; EXCUSED FALSE ALARMS.

(A) *False alarm reports.* The Police Chief may, at his or her discretion, require a false alarm report to be filed by the alarm user with the Police Chief, within a time period to be specified by the Police Chief. If the Police Chief determines that a false alarm has occurred at an address, the alarm user at that address may submit a written report to the Police Chief to explain the cause of the alarm activation. If the Police Chief determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at

Spring Lake Park, MN Code of Ordinances

that address.

(B) *Notice of work.* False alarms will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the Police Department is given notice in advance of the upgrade, installation, test, and maintenance.

(1976 Code, § 47G.04) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.06
PRERECORDED TELEPHONE ALARM MESSAGES PROHIBITED.**

§ 91.06 PRERECORDED TELEPHONE ALARM MESSAGES PROHIBITED.

No person shall install, monitor, or use and possess an operative alarm which utilizes tapes or prerecorded messages which deliver a telephone alarm message to the Police or Fire Department.

(1976 Code, § 47G.05) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.07
PERMIT REVOCATION AND SUSPENSION.**

§ 91.07 PERMIT REVOCATION AND SUSPENSION.

(A) *Basis.* In addition to the automatic revocation process described in § 91.03 of this code, the Police Chief may suspend or revoke any alarm user permit issued pursuant to this chapter if the Police Chief finds that any of the following occur:

- (1) Any provision or condition of this chapter has been violated by the alarm user or his or her agents;
- (2) The alarm system has actuated an excess number of false alarms;
- (3) The alarm user has knowingly made false statements in or regarding his or her application for an alarm user permit;
- (4) The alarm user has failed to correct or remove, within a reasonable period, violations of this chapter after receipt of notice to do so; or
- (5) The continued effectiveness of the alarm user permit constitutes a

Spring Lake Park, MN Code of Ordinances

substantial threat to the public peace, health, safety, or welfare.

(B) *Procedure.* All alleged violations defined above shall be investigated by the Police Department. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the Police Chief prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the Police Chief may appeal that decision to the City Council.

(1976 Code, § 47G.07)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: ALARM SYSTEMS / § 91.08 VIOLATIONS.

§ 91.08 VIOLATIONS.

(A) Any alarm user who continues to use an alarm system after receiving notice of revocation or suspension by the Police Chief shall be guilty of a misdemeanor.

(B) Any person required by this chapter to obtain an alarm user permit who knowingly fails to do so shall be guilty of a misdemeanor.

(1976 Code, § 47G.09) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS

CHAPTER 92: ANIMALS

Section

- 92.01 Unlawful acts
- 92.02 Rabies control; vaccination; bites
- 92.03 Dogs and cats; license required
- 92.04 Animal Control Warden
- 92.05 Emergency confinement; rabies prevention
- 92.06 Cruelty to animals prohibited
- 92.07 Kennels; license required

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.01 UNLAWFUL ACTS.

§ 92.01 UNLAWFUL ACTS.

(A) (1) No person shall allow an animal to run at large within the city.

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

RUNNING AT LARGE. Permitting an animal to go on or about any public streets, alleys, or public place, or permitting an animal on the private property of others without permission.

(3) Animals may be allowed off their premises as long as they are on a leash.

(B) No person shall allow an animal to be unleashed or unrestrained within its own yard unless that animal is contained within a fenced area or unless the owner is present in the yard and has the animal under his or her direct control.

(C) No person shall keep or harbor an animal which is loud or is frequently barking, yelping, or howling, or which shall cause a serious annoyance to any person or persons within the city.

(D) No person shall own or harbor a fierce or vicious animal or an animal that has been bitten by any animal known to have been afflicted with rabies.

(E) No person shall allow an animal under his or her control to defecate in city parks or public land without picking it up and disposing of it in a sanitary manner.

(1976 Code, § 41.01) (Am. Ord. 333, passed 7-15-2002) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.02 RABIES CONTROL; VACCINATION; BITES.

§ 92.02 RABIES CONTROL; VACCINATION; BITES.

(A) All dogs and cats owned, kept, or harbored within the city shall be vaccinated for rabies by a qualified veterinarian. These animals shall wear a tag showing evidence of current rabies vaccination.

(B) Any person who shall own or have in his or her possession an animal which has contracted or is suspected of having contracted rabies or which has been bitten by an animal known to have been afflicted with rabies, shall, upon demand of the City Animal Control

Spring Lake Park, MN Code of Ordinances

Warden or any police officer of the city, produce or surrender the animal to that officer. The animal shall be held for observation or treatment by the Animal Control Warden.

(C) Any animal that has bitten a person shall be taken by the Animal Control Warden or police officer for observation. If it is deemed necessary and advisable by the Animal Control Warden, after holding the animal for a period of time as determined by the Animal Control Warden for observation, the animal may be released to its owner or destroyed in a humane manner, pursuant to M.S. § 35.71(3), as it may be amended from time to time.

(1976 Code, § 41.02) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.03 DOGS AND CATS; LICENSE REQUIRED.

§ 92.03 DOGS AND CATS; LICENSE REQUIRED.

(A) All dogs and cats owned, kept, or harbored within the city shall be licensed by the city. The license for dogs shall be annual and shall be renewed in April of each year commencing in April 1992. The license for cats shall be perpetual and need be purchased only one time. The license fees shall be as set by the City Council from time to time by resolution.

(B) No person shall keep or harbor a dog or cat within the city without it being licensed in accordance with this section.

(1976 Code, § 41.03) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.04 ANIMAL CONTROL WARDEN.

§ 92.04 ANIMAL CONTROL WARDEN.

(A) The city shall provide an Animal Control Warden on a contract basis, who shall provide animal pick-up, impound, and disposal of animals as necessary for the city.

(B) The Animal Control Warden shall provide a pound for the impound of animals picked up pursuant to the contract with the city. The Animal Control Warden shall charge the city and the owner of the animal for impound and pick-up, and for other services, as shall be determined by contract between the city and the Animal Control Warden, from time to time.

(C) The Animal Control Warden is responsible to see that any animal released to an

Spring Lake Park, MN Code of Ordinances

owner is properly and currently vaccinated. The vaccination shall be at the expense of the owner.

(1976 Code, § 41.04)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.05
EMERGENCY CONFINEMENT; RABIES PREVENTION.**

§ 92.05 EMERGENCY CONFINEMENT; RABIES PREVENTION.

Whenever the prevalence of hydrophobia (rabies) renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his or her premises unless it is muzzled so that it cannot bite. No person shall violate the proclamation, and any unmuzzled dog or cat running at large during the time fixed in the proclamation shall be killed by the police without notice to the owner.

(1976 Code, § 41.05) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.06
CRUELTY TO ANIMALS PROHIBITED.**

§ 92.06 CRUELTY TO ANIMALS PROHIBITED.

No person owning or harboring any animal shall treat the animal in a cruel or inhumane manner, nor shall any person willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.

(1976 Code, § 41.06) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 92.07
KENNELS; LICENSE REQUIRED.**

§ 92.07 KENNELS; LICENSE REQUIRED.

Any person who owns more than three dogs over the age of six months shall be deemed to be operating a kennel and shall require a kennel license. The fee for the license shall be as set

Spring Lake Park, MN Code of Ordinances

by the Council from time to time by resolution. A kennel license may be issued only by action of the City Council. The initial issuance of a kennel license shall require a special use permit and the procedure shall be the same as that followed for the issuance of a special use permit under Ch. 156 of this code, regarding zoning.

(1976 Code, § 41.07) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION

CHAPTER 93: FIRE PREVENTION

Section

- 93.01 Fire Prevention Code adopted
- 93.02 Bureau of Fire Prevention
- 93.03 Definitions
- 93.04 District limits established; flammable liquids and gas storage restricted
- 93.05 Modifications to Code
- 93.06 Appeals
- 93.07 New materials, processes, or occupancies; permit requirements
- 93.08 Amendments to Code
- 93.09 Establishment of fire lanes
- 93.10 Violations; remedies not exclusive

Cross-reference:

Open Burning, see §§ 94.60 et seq.

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.01
FIRE PREVENTION CODE ADOPTED.**

§ 93.01 FIRE PREVENTION CODE ADOPTED.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association, being particularly the 1973 edition thereof, and as amended from time to time, of which code not less than three copies have been and now are filed in the office of the City Administrator, Clerk/Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall

Spring Lake Park, MN Code of Ordinances

take effect, the provisions thereof shall be controlling within the limits of the city.

(1976 Code, § 59.01)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.02
BUREAU OF FIRE PREVENTION.**

§ 93.02 BUREAU OF FIRE PREVENTION.

(A) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department under contract with the city, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department (Fire Chief).

(B) The Fire Chief may detail members of the Fire Department as members of the Bureau of Fire Prevention and as inspectors as shall from time to time be necessary. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the City Council.

(C) The city shall appoint a Fire Marshal to handle routine inspections and Fire Prevention Code violations, including, but not limited to, routine safety inspections of schools, commercial buildings, industrial buildings, and multiple-dwelling occupancies. The appointed Fire Marshal shall be responsible for the enforcement of these routine inspection matters. All other matters currently handled by the Fire Department, under the direction of the Fire Chief, shall remain the function of the Fire Department.

(1976 Code, § 59.02)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.03
DEFINITIONS.**

§ 93.03 DEFINITIONS.

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

CORPORATION COUNSEL. Wherever the term is used in the Fire Prevention Code, it shall be held to mean the City Attorney for this city.

MUNICIPALITY. Wherever the term is used in the Fire Prevention Code, it shall be held to mean this city.

(1976 Code, § 59.03)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.04
DISTRICT LIMITS ESTABLISHED; FLAMMABLE LIQUIDS AND GAS STORAGE
RESTRICTED.**

**§ 93.04 DISTRICT LIMITS ESTABLISHED; FLAMMABLE LIQUIDS AND GAS
STORAGE RESTRICTED.**

(A) *Limits in which flammable liquid storage in outside above-ground tanks is to be prohibited.*

(1) The limits referred to in § 15.201(a) of the Uniform Fire Code, as it may be amended from time to time, in which storage of flammable liquids in outside above-ground tanks is prohibited, are to be established by the Bureau of Fire Prevention and shall be designated on a map which shall become part of this code. Three copies of the map shall be on file with the City Administrator, Clerk/Treasurer and one copy shall be posted in the office of the Fire Chief.

(2) The limits referred to in § 15.601 of the Uniform Fire Code, as it may be amended from time to time, in which new bulk plans for flammable liquids are prohibited, are to be established by the Bureau of Fire Prevention and shall be designated on a map prepared for the purpose, three copies of which shall be kept on file with the Administrator, Clerk/Treasurer's office, and one copy to be posted in the office of the Fire Chief.

(1976 Code, § 59.04)

(B) *Limits in which bulk storage of liquified petroleum gases is to be restricted.* The limits referred to in § 20.105(a) of the Uniform Fire Code, as it may be amended from time to time, in which bulk storage of liquified petroleum gas is restricted, are to be established by the Bureau of Fire Prevention and shall be designated on a map prepared for that purpose, three copies of which shall be kept on file in the Administrator, Clerk/Treasurer's office, and one copy to be posted in the office of the Fire Chief.

(1976 Code, § 59.05)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.05
MODIFICATIONS TO CODE.**

§ 93.05 MODIFICATIONS TO CODE.

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such a modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

(1976 Code, § 59.06)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.06 APPEALS.

§ 93.06 APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within 30 days from the date of the decision of the appeal.

(1976 Code, § 59.07)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.07 NEW MATERIALS, PROCESSES, OR OCCUPANCIES; PERMIT REQUIREMENTS.

§ 93.07 NEW MATERIALS, PROCESSES, OR OCCUPANCIES; PERMIT REQUIREMENTS.

The City Council and the Fire Chief shall act as a committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the Code. The Fire Chief shall post the list in a conspicuous place in his or her office, and distribute copies thereof to interested persons.

Spring Lake Park, MN Code of Ordinances

(1976 Code, § 59.08)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.08
AMENDMENTS TO CODE.**

§ 93.08 AMENDMENTS TO CODE.

(A) The amendments of the State Fire Marshal contained in the document entitled Rules and Regulations of the Department of Public Safety, Fire Marshal Division, Ch. 4, State Uniform Fire Code dated October 3, 1975, are hereby adopted in full with the following exceptions.

(B) The following amendments are to be deleted:

- (1) Fire Mar. 32 Amendments to Art. 1, Div. I of the U.F.C. (Title, Intent, and Scope);
- (2) Fire Mar. 33 Amendments to Art. 1, Div. II of the U.F.C. (Administration);
- (3) Fire Mar. 34 Amendments to Art. 1, Div. III of the U.F.C. (Permits and Certificates);
- (4) Fire Mar. 35 Amendments to Art. 1, Div. IV of the U.F.C. (Definitions 1, divisions (a), (c), (d), (e), (j), and (l));
- (5) Fire Mar. 36 Amendments to Art. 2 of the U.F.C. (Tire Rebuilding Plants);
- (6) Fire Mar. 42 Amendments to Art. 13 of the U.F.C. (Fire Protection, division (a));
- (7) Fire Mar. 43 Amendments to Art. 14 of the U.F.C. (Application of Flammable Finishes Fire Extinguishing Equipment);
- (8) Fire Mar. 44 Amendments to Art. 15 of the U.F.C. (Flammable and Combustible Liquids, divisions (a), (b), (c), (d), (e), (f), (g), (i), and (m));
- (9) Fire Mar. 45 Amendments to Art. 20 of the U.F.C. (Liquefied Petroleum Gases); and
- (10) Fire Mar. 51 Amendments to the appendices of the U.F.C.

(1976 Code, § 59.09)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.09 ESTABLISHMENT OF FIRE LANES.

§ 93.09 ESTABLISHMENT OF FIRE LANES.

The Bureau of Fire Prevention is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with and that the access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words “No Parking -- Fire Lane” or a similar message. When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the city, and when on private property, they shall be erected by the owner at his or her own expense within 30 days after he or she has been notified of the order. Thereafter, no person shall park a vehicle or otherwise occupy or obstruct the fire lane.

(1976 Code, § 59.10) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FIRE PREVENTION / § 93.10 VIOLATIONS; REMEDIES NOT EXCLUSIVE.

§ 93.10 VIOLATIONS; REMEDIES NOT EXCLUSIVE.

Any person, firm, or corporation which shall violate any provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of the above-mentioned penalty shall not be held to prevent the enforced removal of prohibited conditions.

(1976 Code, § 59.12) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES

CHAPTER 94: HEALTH AND SAFETY; NUISANCES

Section

General Provisions

- 94.01 Assessable current services
- 94.02 Tree diseases
- 94.03 Outdoor storage of wood

Public Nuisances

- 94.15 Public nuisance
- 94.16 Public nuisances affecting health, safety, comfort, or repose
- 94.17 Public nuisances affecting morals and decency
- 94.18 Public nuisances affecting peace and safety
- 94.19 Enforcement
- 94.20 Notice to abate; abatement by city; recovery of costs

Weeds

- 94.35 Short title
- 94.36 Definitions; exclusions
- 94.37 Owners responsible for trimming, removal, and the like
- 94.38 Filing complaint
- 94.39 Notice of violations
- 94.40 Appeals
- 94.41 Abatement by city
- 94.42 Liability

Clandestine Drug Lab Sites and Chemical Dump Sites

- 94.55 Purpose and intent
- 94.56 Interpretation and application
- 94.57 Fees
- 94.58 Definitions
- 94.59 Law enforcement notice to other authorities
- 94.60 Declaration of property as public health nuisance
- 94.61 Notice of public health nuisance to concerned parties
- 94.62 Property owner's responsibilities
- 94.63 Recovery of public costs
- 94.64 Authority to modify or remove declaration of public health nuisance
- 94.99 Penalty

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / GENERAL PROVISIONS**

GENERAL PROVISIONS

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / GENERAL PROVISIONS / § 94.01 ASSESSABLE CURRENT
SERVICES.**

§ 94.01 ASSESSABLE CURRENT SERVICES.

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

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

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

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 12 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Administrator, Clerk/Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 12 hours after any matter has been deposited thereon or after the snow has ceased to fall. The Administrator, Clerk/Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the

Spring Lake Park, MN Code of Ordinances

removal or elimination against each parcel of property affected and annually deliver that information to the Administrator, Clerk/Treasurer.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Ch. 50 of this code, the Administrator, Clerk/Treasurer shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

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

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

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

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

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

Spring Lake Park, MN Code of Ordinances

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

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

Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / GENERAL PROVISIONS / § 94.02 TREE DISEASES.**

§ 94.02 TREE DISEASES.

(A) *City Forester; duties.* It shall be the duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch Elm disease and Oak Wilt disease and other epidemic diseases of shade trees.

(1976 Code, § 61A.01)

(B) *Adoption of state law.* The Council hereby adopts by reference M.S. § 18G.16 relating to the control and prevention of shade tree disease, as they may be amended from time to time, together with the rules and regulations as promulgated from time to time by the Commissioner of Agriculture.

(1976 Code, § 61A.02)

(C) *Trees constituting nuisance.* Any living or standing or fallen elm or oak tree or part thereof infected to any degree with Dutch Elm disease or Oak Wilt disease or any other epidemic disease is declared to be a public nuisance when found within the city.

(1976 Code, § 61A.03)

(D) *Abatement.* It is unlawful for any person to permit any public nuisance as defined
American Legal Publishing Corporation 23

Spring Lake Park, MN Code of Ordinances

in division (C) above to remain on any premises owned or controlled by him or her within the city.

(1976 Code, § 61A.04)

(E) *Inspection and investigation.* As often as practicable, the Forester shall inspect all public and private premises within the city which might be infected by Dutch Elm fungus, elm bark beetles, Oak Wilt fungus, or any other epidemic disease of shade trees. The Forester shall take such steps as are necessary for positive diagnosis of any suspected diseased tree. The Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her by this section.

(1976 Code, § 61A.05)

(F) *Procedure for removal.* Whenever the Forester finds that the infestation defined in division (E) above exists in any tree in any public or private place, he or she shall proceed as follows:

(1) Notify the owner of the property by certified mail that the nuisance has been diagnosed and that the nuisance must be abated within 20 days of the notice;

(2) If the nuisance is not abated by the owner within the time prescribed, the Forester shall notify the Council of these facts; and

(3) The Council shall by resolution order the nuisance abated. Notice of the Council's intention to abate the nuisance shall be sent by certified mail to the affected property owner advising that the city will cause removal of the diseased tree within ten days of receipt of the resolution.

(1976 Code, § 61A.06)

(G) *Reimbursement to owner.* If the diseased tree is removed by owner within the prescribed 20-day period, the city shall reimburse the owner in an amount as established by the city's fee schedule, provided:

(1) The tree was removed in the year 1975 or any year thereafter at the direction of the City Forester;

(2) Trees removed after January 1, 1977 were removed by a person, business, or corporation duly licensed by the city to remove these trees; and

(3) The trees removed were 12 inches or larger in diameter.

(1976 Code, § 61A.07)

(H) *Assessment.* The Council shall assess those costs for the removal of all diseased

Spring Lake Park, MN Code of Ordinances

trees not voluntarily removed by the owner against the property as a special assessment under M.S. Ch. 429, as it may be amended from time to time.

(1976 Code, § 61A.08)

(I) *Licenses required.* It shall be unlawful for any person, business, or corporation to engage in the business of shade tree removal within the city without first obtaining a license. Licenses shall be obtained from the City Administrator, Clerk/Treasurer in the manner provided for the issuance of other contractor's licenses.

(1976 Code, § 61A.09)

Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / GENERAL PROVISIONS / § 94.03 OUTDOOR STORAGE OF WOOD.**

§ 94.03 OUTDOOR STORAGE OF WOOD.

(A) *Policy.* The City Council finds that the use of alternative energy sources such as wood is a viable alternative energy source. The Council also realizes that young children can become attracted to wood piles and the climbing of wood piles can result in injury to children. The Council also recognizes that to protect the public health and safety, wood piles must be kept and maintained in a safe and orderly manner.

(1976 Code, § 61B.01)

(B) *Scope.* On property located within the city, no person shall keep or store wood or allow wood to be kept or stored on his or her property or on property under his or her control, unless that wood is kept or stored in compliance with the provisions of this section.

(1976 Code, § 61B.02)

(C) *Conditions of storage.* Wood stored or kept in the city which is not contained in an enclosure impervious to the elements shall be stored or kept as follows:

(1) In uniform lengths in neat and secure stacks no more than six feet high, as measured from the bottom of the stack; and

(2) No wood shall be stacked within the required area of setback from a public street right-of-way, and in any event no closer to the street than the front of the house.

(1976 Code, § 61B.03)

Spring Lake Park, MN Code of Ordinances

(D) *Persons exempt.* This section shall not apply to:

(1) Persons having property on which new construction is taking place and the wood on that property is being used for the construction, unless the wood has remained on the property for more than 30 days and it is not a permanent part of the new construction at the end of that time;

(2) Persons storing or keeping wood on property when the wood is stored or kept in a covered structure impervious to the elements;

(3) Temporary storage of logs for up to 30 days, outside of the required area of setback from a public street right-of-way, is allowed for the purpose of processing (cutting and splitting) the logs into cordwood; and

(4) Lumber companies.

(1976 Code, § 61B.04)

Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / PUBLIC NUISANCES**

PUBLIC NUISANCES

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / PUBLIC NUISANCES / § 94.15 PUBLIC NUISANCE.**

§ 94.15 PUBLIC NUISANCE.

A public nuisance is a thing, act, or use of property which shall:

(A) Annoy, injure, or endanger the health, safety, comfort, or repose of the public;

(B) Offend public decency (for example, affect public morals or offend public decency);

(C) Unlawfully interfere with the use of, or obstruct, or tend to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;

(D) Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or

Spring Lake Park, MN Code of Ordinances

(E) In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.

(1976 Code, § 66.01) Penalty, see § 94.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / PUBLIC NUISANCES / § 94.16 PUBLIC NUISANCES AFFECTING HEALTH, SAFETY, COMFORT, OR REPOSE.

§ 94.16 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 decayed or unwholesome food offered for sale to the public;
- (B) All diseased animals running at large;
- (C) Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;
- (D) Carcasses of animals not buried or destroyed within 24 hours after death;
- (E) Accumulations of manure or rubbish;
- (F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (G) Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see Chapter 51 for definition of “garbage”) except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
- (H) All noxious weeds, tall grasses defined as anything over nine inches in height, and other rank growths;
- (I) An accumulation of tin 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, rubbish, tin cans, or other material or debris of any kind on private property;
- (J) Dense smoke, noxious fumes, gas, and soot, or cinders in unreasonable quantities;

Spring Lake Park, MN Code of Ordinances

(K) Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;

(L) All public exposure of persons having a contagious disease;

(M) The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;

(N) All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a considerable number thereof;

(O) The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;

(P) The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and

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

(1976 Code, § 66.03) Penalty, see § 94.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / PUBLIC NUISANCES / § 94.17 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

§ 94.17 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, except as otherwise authorized by federal, state or local law;

(B) Betting, bookmaking, and all apparatuses 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 liquors are manufactured, sold, bartered, or given away, or otherwise disposed of in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating

Spring Lake Park, MN Code of Ordinances

liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;

(F) All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;

(G) The public use of profane and obscene language;

(H) 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;” and

(I) All other things, acts, commissions, or occupations that may be considered detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

(1976 Code, § 66.04) Penalty, see § 94.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / PUBLIC NUISANCES / § 94.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

§ 94.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(A) All snow and ice not removed from public sidewalks 12 hours after the snow has ceased to be deposited thereon;

(B) All wires which are strung above the surface of any public street or alley;

(C) All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;

(D) All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;

(E) All use or display of fireworks except as provided by law or ordinance;

Spring Lake Park, MN Code of Ordinances

(F) (1) It shall be unlawful for any person to make, continue, permit or cause to be made, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.

(2) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of subsection (1) above shall include, without limitation, the following:

- (a) The time of day or night when the noise occurs.
- (b) The duration of the noise.
- (c) The proximity of the noise to a sleeping facility and/or a residential area.
- (d) The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.
- (e) The number of people and their activities that are affected or are likely to be affected by the noise.
- (f) The sound peak pressure level of the noise, in comparison to the level of ambient noise.

(3) It shall be a violation of this section to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the amplified sound.

(4) It shall be a violation of this section to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or ally, or any commercial or residential parking facility, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this section is guilty of the violation.

(G) All buildings and all alterations to buildings made or erected in violation of fire

Spring Lake Park, MN Code of Ordinances

ordinance concerning manner and materials and construction;

(H) Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds, except under conditions as are provided by ordinance;

(I) Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;

(J) Radio aerials strung or erected in any manner except that provided by law or ordinance;

(K) The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;

(L) The 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 free use of public streets or sidewalks;

(M) 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;

(N) 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;

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

(P) Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;

(Q) 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;

(R) Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;

(S) Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;

(T) Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;

(U) All unnecessary interferences and disturbance of radios or television sets caused

Spring Lake Park, MN Code of Ordinances

by defective electrical appliances and equipment or improper operation thereof;

(V) All other conditions, acts, or things which are liable to cause injury to the person or property of anyone;

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

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

(Y) 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;

(Z) 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;

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

(BB) 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;

and

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

(DD) 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;

(EE) The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the

property of another.

(1976 Code, § 66.05) (Ord. 348, passed 7-5-2005) Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / PUBLIC NUISANCES / § 94.19 ENFORCEMENT.**

§ 94.19 ENFORCEMENT.

It shall be the duty of the City Council to enforce the provisions of this subchapter and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this subchapter, including the power to inspect private premises. The officers charged with the enforcement of this subchapter shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(1976 Code, § 66.06)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / PUBLIC NUISANCES / § 94.20 NOTICE TO ABATE.**

§ 94.20 NOTICE TO ABATE.

Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects.

(A) *Service of notice.* This written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.

(B) *Contents of notice.* The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.

(C) *Proof of service.* Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the manner and time thereof.

Spring Lake Park, MN Code of Ordinances

When an order so given is not complied with, the non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.

(1976 Code, § 66.07)

(D) *Non-compliance with notice to abate.* If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.

(E) *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.

(1976 Code, § 66.08) Penalty, see § 94.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS**

WEEDS

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.35 SHORT TITLE.**

§ 94.35 SHORT TITLE.

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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.36 DEFINITIONS; EXCLUSIONS.**

§ 94.36 DEFINITIONS; EXCLUSIONS.

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

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

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

WEEDS, GRASSES, and RANK VEGETATION. Include but are not limited to the following:

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

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

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

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

(e) **RANK VEGETATION** includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

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

(B) In no event shall cultivated plants or crops include plants which have been

Spring Lake Park, MN Code of Ordinances

defined by state statute or administrative rule as being noxious or detrimental plants.

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.37 OWNERS RESPONSIBLE FOR TRIMMING,
REMOVAL, AND THE LIKE.**

§ 94.37 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.

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

Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.38 FILING COMPLAINT.**

§ 94.38 FILING COMPLAINT.

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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.39 NOTICE OF VIOLATIONS.**

§ 94.39 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a “destruction order” to the property owner or the person occupying the property as that information is contained within the records of the City Administrator, Clerk/Treasurer or any other city agency. The notice shall be served in writing by certified mail.

Spring Lake Park, MN Code of Ordinances

The notice shall provide that within seven regular business days after the receipt of the notice the designated violation shall be removed by the property owner or person occupying the property.

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

(2) Certified mailing to the Administrator, Clerk/Treasurer or others is deemed filed on the date of posting to the U.S. Postal Service.

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / WEEDS / § 94.40 APPEALS.

§ 94.40 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants, or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

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

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / WEEDS / § 94.41 ABATEMENT BY CITY.

§ 94.41 ABATEMENT BY CITY.

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

Cross-reference:

Notice to abate; abatement by city; recovery of costs, see § 94.20

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / WEEDS / § 94.42 LIABILITY.**

§ 94.42 LIABILITY.

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

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

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

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

Cross-reference:

Notice to abate; abatement by city; recovery of costs, see § 94.20

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES**

CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.55 PURPOSE AND INTENT.**

§ 94.55 PURPOSE AND INTENT.

The purpose of this subchapter is to reduce public exposure to health risks where public safety personnel have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The City Council finds that sites may contain

Spring Lake Park, MN Code of Ordinances

suspected chemicals and residues that place people, particularly children or adults of childbearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.56 INTERPRETATION AND APPLICATION.**

§ 94.56 INTERPRETATION AND APPLICATION.

(A) The provisions of this subchapter shall be construed to protect the public health, safety and welfare.

(B) Where the conditions imposed by any provisions of this subchapter are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail.

(C) Should any court of competent jurisdiction declare any section or subpart of this subchapter to be invalid, the decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the provision declared invalid.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.57 FEES.**

§ 94.57 FEES.

Fees for the administration of this subchapter may be established and amended periodically by resolution of the City Council.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §**

94.58 DEFINITIONS.

§ 94.58 DEFINITIONS.

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

CHILD. Any person under 18 years of age.

CHEMICAL DUMP. Any place or area where chemicals or other waste materials used in a clandestine drug lab site have been located.

CLANDESTINE DRUG LAB. The unlawful manufacture or attempt to manufacture controlled substances.

CLANDESTINE DRUG LAB SITE. Any place or area where public safety personnel has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A “clandestine drug lab site” may include dwellings, accessory buildings, accessory structures, vehicles, trailers, a chemical dump site or any land.

CONTROLLED SUBSTANCE. A drug, substance or immediate precursor in M.S. § 152.02, Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

HOUSEHOLD HAZARDOUS WASTES. Waste generated from a clandestine drug lab. The wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.

MANUFACTURE, IN PLACES OTHER THAN A PHARMACY. The production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.

OWNER. Any person, firm or corporation who owns, in whole or in part, the land, buildings, or structures associated with a clandestine drug lab site or chemical dump site.

PUBLIC HEALTH NUISANCE. All dwellings, accessory structure, vehicles, trailers and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.59 LAW ENFORCEMENT NOTICE TO OTHER AUTHORITIES.**

§ 94.59 LAW ENFORCEMENT NOTICE TO OTHER AUTHORITIES.

Public safety personnel that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.60 DECLARATION OF PROPERTY AS A PUBLIC HEALTH NUISANCE.**

§ 94.60 DECLARATION OF PROPERTY AS A PUBLIC HEALTH NUISANCE.

If public safety personnel determines the existence of a clandestine drug lab site or chemical dump site, the property shall be declared a public health nuisance.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.61 NOTICE OF PUBLIC HEALTH NUISANCE TO CONCERNED PARTIES.**

§ 94.61 NOTICE OF PUBLIC HEALTH NUISANCE TO CONCERNED PARTIES.

Upon notification by public safety personnel, the City Building Official shall promptly issue a declaration of public health notice for the affected property and post a copy of the declaration at the probable entrance to the dwelling or property. The Building Official shall also notify the owner of the property by mail and notify the following parties:

Spring Lake Park, MN Code of Ordinances

- (A) Occupants of the property;
 - (B) Neighbors at probable risk;
 - (C) The city Police Department; and
 - (D) Other state and local authorities, such as MPCA and MDH, that are known to have public and environmental protection responsibilities that are applicable to the situation.
- (Ord. 343, passed 11-17-2003)

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / § 94.62 PROPERTY OWNER'S RESPONSIBILITIES.

§ 94.62 PROPERTY OWNER'S RESPONSIBILITIES.

(A) *Responsibility to act.* The Building Official shall also issue an order to abate the public health nuisance, including a specified time to complete each of the following:

- (1) Vacate those portions of the property, including building or structure interiors, that may place the occupants or visitors at risk.
- (2) Contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling.
- (3) Provide written documentation of the clean-up process, including a signed, written statement that the property is safe for human occupancy.

(B) *Responsibility for costs.* The property owner shall be responsible for all costs of vacation or clean-up of the site, including contractors' fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but are not limited to:

- (1) Posting of the site;
- (2) Notification of affected parties;
- (3) Expenses related to the recovery of costs, including the assessment process;

Spring Lake Park, MN Code of Ordinances

- (4) Laboratory fees;
- (5) Clean-up services;
- (6) Administrative fees; and
- (7) Other associated costs.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.63 RECOVERY OF PUBLIC COSTS.**

§ 94.63 RECOVERY OF PUBLIC COSTS.

(A) If, after service of notice of the declaration of public health nuisance, the property owner fails to arrange appropriate assessment and clean-up, the City Building Official is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

(B) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to M.S. Ch. 463.

(C) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25% of the costs for administration. The city may recover costs by civil action against the person or persons who own the property or by assessing the costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to M.S. § 429.101.

(Ord. 343, passed 11-17-2003)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY;
NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / §
94.64 AUTHORITY TO MODIFY OR REMOVE DECLARATION OF PUBLIC
HEALTH NUISANCE.**

**§ 94.64 AUTHORITY TO MODIFY OR REMOVE DECLARATION OF PUBLIC
HEALTH NUISANCE.**

(A) The Building Official is authorized to modify the declaration conditions or

Spring Lake Park, MN Code of Ordinances

remove the declaration of public health nuisance.

(B) The modifications or removal of the declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

(Ord. 343, passed 11-17-2003)

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: HEALTH AND SAFETY; NUISANCES / CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES / § 94.99 PENALTY.

§ 94.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty has been established shall be subject to penalties as provided in § 10.99.

(B) Any person violating any provision of §§ 94.55 through 94.64 is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in M.S. § 609.02, Subd. 3.

(Ord. 343, passed 11-17-2003)

TITLE IX: GENERAL REGULATIONS / CHAPTER 95: OPEN HOUSING

CHAPTER 95: OPEN HOUSING

Section

- 95.01 Intent
- 95.02 Housing sale or rental; discrimination by owner prohibited
- 95.03 Housing sale or rental; discrimination by broker prohibited
- 95.04 Discrimination in residential real-estate related transactions prohibited

TITLE IX: GENERAL REGULATIONS / CHAPTER 95: OPEN HOUSING / § 95.01 INTENT.

§ 95.01 INTENT.

It is the intention of the city to create by the terms of this chapter a condition of open housing within the city and to prohibit by its terms any unfair discriminatory practices as they may relate to the sale, lease, or rental of real estate within the city.

(1976 Code, § 71A.01)

TITLE IX: GENERAL REGULATIONS / CHAPTER 95: OPEN HOUSING / § 95.02 HOUSING SALE OR RENTAL; DISCRIMINATION BY OWNER PROHIBITED.

§ 95.02 HOUSING SALE OR RENTAL; DISCRIMINATION BY OWNER PROHIBITED.

It shall be unlawful within the city for any owner, lessee, sublessee, assignee, or managing agent of or other person having the right to sell, rent, or lease any real property, or any agent of any of these:

(A) To refuse to sell, rent, or lease, or otherwise deny to or withhold from any person or group of persons any real property because of the race, color, creed, religion, or national origin of the person or group of persons;

(B) To discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons in the terms, conditions, or privileges of the sale, rental, or lease of any real property or in the furnishing of facilities or services in connection therewith; or

(C) In any transaction involving real property, to print, circulate, or post, or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin, or any intent to make any such limitation, specification, or discrimination.

(1976 Code, § 71A.02) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 95: OPEN HOUSING / § 95.03 HOUSING SALE OR RENTAL; DISCRIMINATION BY BROKER PROHIBITED.

§ 95.03 HOUSING SALE OR RENTAL; DISCRIMINATION BY BROKER PROHIBITED.

It shall be unlawful within the city for any real estate broker, real estate salesperson, or employee or agent thereof:

(A) To refuse to sell, rent, or lease, or to offer for sale, rental, or lease any real property to any person or group of persons, or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of the race, color, creed, religion, or national origin of the persons, or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons;

(B) To discriminate against any person because of his or her race, color, creed, religion, or national origin in the terms, conditions, or privileges of the sale, rental, or lease of real property or in the furnishing of facilities or services in connection therewith; or

(C) To print, circulate, or post, or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property to make any record or inquiry in connection with the prospective purchase, rental, or lease of any real property, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

(1976 Code, § 71A.03) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 95: OPEN HOUSING / § 95.04 DISCRIMINATION IN RESIDENTIAL REAL-ESTATE RELATED TRANSACTIONS PROHIBITED.

§ 95.04 DISCRIMINATION IN RESIDENTIAL REAL-ESTATE RELATED TRANSACTIONS PROHIBITED.

It shall be unlawful within the city for any person, bank or banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any real property, or any agent or employee thereof:

Spring Lake Park, MN Code of Ordinances

(A) To discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith; or

(B) To use any form of application for that financial assistance or make any record or inquiry in connection with applications for financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

(1976 Code, § 71A.04) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION

CHAPTER 96: PARKS AND RECREATION

Section

Public Parks

- 96.01 Park hours
- 96.02 Exception; John M. Conde Park hours

Watercraft

- 96.15 Operation; compliance with regulations required
- 96.16 Definition
- 96.17 Violations a public nuisance
- 96.18 Operation by minors restricted
- 96.19 Endangerment of watercraft prohibited
- 96.20 Endangerment of swimmers prohibited
- 96.21 Maximum length of boat
- 96.22 Motorboats prohibited
- 96.23 Sailboat regulations adopted
- 96.24 Boating curfew

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / PUBLIC PARKS

PUBLIC PARKS

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / PUBLIC PARKS / § 96.01 PARK HOURS.

§ 96.01 PARK HOURS.

(A) No person, except authorized personnel, or persons participating in events conducted by special permit issued by the City Council, shall be in or remain in a public park in the city between the hours of 10:00 p.m. and 5:00 a.m. of the day following.

(B) No person shall park or leave standing any motor vehicle or motorized bicycle, as defined in M.S. § 169.01, as it may be amended from time to time, or any snowmobile, recreational motor vehicle, or trailer, in or upon any public park between the hours of 10:00 p.m. and 5:00 a.m. of the day following.

(1976 Code, § 71E.01) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / PUBLIC PARKS / § 96.02 EXCEPTION; JOHN M. CONDE PARK HOURS.

§ 96.02 EXCEPTION; JOHN M. CONDE PARK HOURS.

Due to the passive nature of John M. Conde Park, it shall have extended hours which restrict persons, except authorized personnel, or persons participating in events conducted by special use permit issued by the City Council, from being in or remaining in the park between the hours of 11:00 p.m. and 5:00 a.m. of the day following.

(1976 Code, § 71E.02) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT

WATERCRAFT

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION /

WATERCRAFT / § 96.15 OPERATION; COMPLIANCE WITH REGULATIONS REQUIRED.

§ 96.15 OPERATION; COMPLIANCE WITH REGULATIONS REQUIRED.

No person shall navigate, operate, dock, or anchor any boat or watercraft upon any water or waterway within the city except in accordance with the provisions of this subchapter and all other rules and regulations made a part hereof by reference.

(1976 Code, § 71.01) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.16 DEFINITION.

§ 96.16 DEFINITION.

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

BOAT. Every boat, houseboat, barge, vessel, raft, canoe, or other watercraft used as a support in or upon the water.

(1976 Code, § 71.02)

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.17 VIOLATIONS A PUBLIC NUISANCE.

§ 96.17 VIOLATIONS A PUBLIC NUISANCE.

The doing of any thing, act, or the operation of any watercraft in violation of any of the provisions of this subchapter is declared to constitute a public nuisance and as such is prohibited.

(1976 Code, § 71.03) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.18 OPERATION BY MINORS RESTRICTED.

§ 96.18 OPERATION BY MINORS RESTRICTED.

No person shall operate or have charge of any motorboat, and no person under the age of 11 years shall operate any rowboat, canoe, or sailboat unless accompanied by an adult, except and unless a special permit therefor has been granted by the Council. No person, being the owner of such a watercraft, shall permit or allow a person under the age herein prescribed to operate or run that watercraft unless accompanied by an adult.

(1976 Code, § 71.04) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.19 ENDANGERMENT OF WATERCRAFT PROHIBITED.

§ 96.19 ENDANGERMENT OF WATERCRAFT PROHIBITED.

No person shall navigate, direct, or handle any boat in a manner so as to annoy, unnecessarily frighten, or endanger the occupants of other boats or watercraft or of persons in or upon the water.

(1976 Code, § 71.05) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.20 ENDANGERMENT OF SWIMMERS PROHIBITED.

§ 96.20 ENDANGERMENT OF SWIMMERS PROHIBITED.

No person shall run, operate, navigate, or direct any boat within 100 feet of the area being used by persons for swimming or designated by the Council as a swimming area.

(1976 Code, § 71.06) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.21 MAXIMUM LENGTH OF BOAT.

§ 96.21 MAXIMUM LENGTH OF BOAT.

No boat exceeding 16 feet overall in length shall be placed upon any lake or waterway in the city, except and unless a special permit has been granted by the Council.

(1976 Code, § 71.07) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.22 MOTORBOATS PROHIBITED.

§ 96.22 MOTORBOATS PROHIBITED.

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

MOTORBOAT. A boat propelled by an internal combustion engine and includes both varieties commonly known as “outboard” and “inboard.”

(B) The use of motorboats within the city is prohibited.

(1976 Code, § 71.08) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.23 SAILBOAT REGULATIONS ADOPTED.

§ 96.23 SAILBOAT REGULATIONS ADOPTED.

Every sailboat shall be navigated in accordance with the rules and regulations of the State Marine Laws, which regulations are hereby adopted and by this reference made a part of this chapter.

(1976 Code, § 71.09) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 96: PARKS AND RECREATION / WATERCRAFT / § 96.24 BOATING CURFEW.

§ 96.24 BOATING CURFEW.

No person shall be or remain in any boat or otherwise upon the lakes or any other waterway within the city after 12:00 midnight nor before daylight of the following day.

(1976 Code, § 71.10) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS

CHAPTER 97: STREETS AND SIDEWALKS

Section

Street Lighting; Fee

- 97.01 Purpose
- 97.02 Fees
- 97.03 Damage to system prohibited
- 97.04 Disclaimer
- 97.05 Billing and collection
- 97.06 Delinquent payment; tax lien
- 97.07 Violations

Cross-reference:

- Address Numbers, see §§ 150.105 et seq.*
- Driveways; Access Lanes; Curb Cuts, see §§ 151.35 et seq.*
- Public Rights-of-Way; Construction; Permits, see §§ 151.01 et seq.*

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE

STREET LIGHTING; FEE

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.01 PURPOSE.

§ 97.01 PURPOSE.

(A) It is the intent of this subchapter to establish a municipal street lighting fee for the purpose of paying electrical charges to maintain the existing street lighting system. The purpose of the street lighting system is to protect the health, safety, and welfare of the city's citizens, visitors, and the general public by casting adequate lighting onto municipal streets so as to promote safe travel for vehicles and pedestrians.

(B) The municipal street lighting system is not intended to act as security lighting for private properties.

(Ord. 336, passed 12-16-2002)

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.02 FEES.

§ 97.02 FEES.

(A) The municipal street lighting fee shall be effective January 1, 2003.

(B) The municipal street lighting fee shall be calculated as a flat rate based on the total number of water connections in the city.

(C) As all classes of property derive the same benefit, all classes of property will pay the same rate.

(D) The City Council shall adopt a resolution, which may be amended from time to time, that sets the municipal street lighting fee at a rate sufficient to meet the electrical charges for the system.

(Ord. 336, passed 12-16-2002)

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.03 DAMAGE TO SYSTEM PROHIBITED.

§ 97.03 DAMAGE TO SYSTEM PROHIBITED.

No unauthorized person shall remove, damage, alter, or tamper with any structure or part

of the street lighting system.

(Ord. 336, passed 12-16-2002) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.04 DISCLAIMER.

§ 97.04 DISCLAIMER.

The city shall not be liable for injury or damage to persons or property caused by any deficiency or failure in supply of electricity for the street lighting system whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents, or from any other cause whatsoever.

(Ord. 336, passed 12-16-2002)

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.05 BILLING AND COLLECTION.

§ 97.05 BILLING AND COLLECTION.

(A) The municipal street lighting fee will appear quarterly as a line item on the utility bills.

(B) Any prepayment or overpayment of charges may be retained by the city and applied to subsequent quarterly charges.

(C) A penalty of 10% shall be added to the charge for late payment or failure to pay.

(Ord. 336, passed 12-16-2002) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS / STREET LIGHTING; FEE / § 97.06 DELINQUENT PAYMENT; TAX LIEN.

§ 97.06 DELINQUENT PAYMENT; TAX LIEN.

It is hereby approved, adopted, and established that if payment of the municipal street lighting fee established by this subchapter is not paid in full by October 15 of each year, the

Spring Lake Park, MN Code of Ordinances

delinquent municipal street lighting fee, plus penalties, shall be deemed to be a charge against the owner of the property served, and the city, or its agent, shall certify the unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that this certification shall not preclude the city, or its agent, from recovery of the delinquent municipal street lighting fee and penalties thereon, under any other available remedy.

(Ord. 336, passed 12-16-2002) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS / CHAPTER 97: STREETS AND SIDEWALKS
/ STREET LIGHTING; FEE / § 97.07 VIOLATIONS.**

§ 97.07 VIOLATIONS.

Violation of any provision of this subchapter shall be a misdemeanor.

(Ord. 336, passed 12-16-2002) Penalty, see § 10.99