

**CITY OF MADISON LAKE
ORDINANCE 2014-14**

**STATE OF MINNESOTA
COUNTY OF BLUE EARTH
CITY OF MADISON LAKE**

AN ORDINANCE REVISING CHAPTER 93: HEALTH AND SAFETY; NUISANCES

WHEREAS, the City of Madison Lake is responsible for protecting the Health and Safety of the public within the City of Madison Lake;

WHEREAS, the City has had an ordinance regulating health and safety in place since 1970;

WHEREAS, the City of Madison Lake has a responsibility to review and occasionally update ordinances to best ensure their effectiveness protecting the public;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Madison Lake, Minnesota that the attached ordinance revising Chapter 93: Health and Safety; Nuisances be adopted.

BE IT FURTHER RESOLVED THAT, the City Administrator be directed to codify this ordinance.

Adopted by the City Council of the City of Madison Lake, Minnesota this 1st day of December, 2014.

This ordinance shall take effect upon its passage and summary publication.

Attest:


Kenneth Reichel, Mayor


Ari Klugman, City Administrator

Summary Publication on Lake Region Times Dec. 10, 2014

Summary Publication:

Notice is hereby given that the City of Madison Lake passed Ordinance #2014-14 An Ordinance Revising Chapter 93: Health and Safety; Nuisances, effective upon this publication. A copy of the Ordinance is available at City Hall.

CITY OF MADISON LAKE
ORDINANCE 2014-14

STATE OF MINNESOTA
COUNTY OF BLUE EARTH
CITY OF MADISON LAKE

AN ORDINANCE REVISING CHAPTER 93: HEALTH AND SAFETY; NUISANCES

NUISANCES

§ 93.001 PUBLIC NUISANCE.

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

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

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

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

All such acts constitute misdemeanors, and shall be punished as misdemeanors, unless otherwise stated herein.

The City may enforce this section by abatement as provided in this Chapter. This subchapter is supplementary and shall not deprive the City of any of its powers with respect to nuisances and abatement thereof, whether derived from common law, statute, or ordinance. The City Council may at its option proceed under this section or any other law or ordinance.

§ 93.002 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

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

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

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

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

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

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

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

(I) Dense smoke, noxious fumes, gas and soot, or cinders, as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

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

(K) Any offensive trade or business as defined by statute not operating under any required license.

§ 93.003 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

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

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

(C) All houses kept or used for the purpose of prostitution, or unlawful gambling.

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

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

(F) Urination or defecation on any street, sidewalk, alley, public building or public facility, or any place open to the public, other than in properly functioning sanitary facilities, or exposed to the public view.

(G) Public intoxication.

§ 93.004 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

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

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

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

All noise in violation of state noise standards; (E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device except through a

muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

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

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

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

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

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

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

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

(M) Accumulations in the open of (i.e., not contained within a building or any fully enclosed fence) of any of the following items or any parts or accessories thereto: n:

- a. All dangerous unguarded machinery or component parts therefor, in any public place, or so situated or operated on private property as to attract the public;
- b. Garbage, trash, rubbish, bottles, cans, and any other refuse on any property, including large quantities of organic debris and materials that accumulated by other than natural means, except neatly maintained compost piles.
- c. Household furniture, appliances, or furnishings or component parts thereof;
- d. Any motor vehicle, which is inoperable, not currently licensed, or generally is not being driven;
- e. Items which are not generally or normally used on the particular premises;
- f. The accumulation of any piles of wood that are not:
 - a. Neatly stacked; or
 - b. Stacked or secured in a stable manner to avoid collapse
- g. Any other materials or items of any kind or nature which tend to harbor rats, mice, snakes, or vermin or are otherwise a potential fire, health, or safety hazard from such accumulations;
- h. Construction materials, including piles of dirt, sand, sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurs first;

- i. Accumulations of any items that tend to cause an unsightly appearance of the premises and that is visible by any member of the public who may be using their own property or public property, or which negatively impacts property in the vicinity.

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

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

(P) 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;

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

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

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

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

(U) To own or have control of property or a building thereon, which property or building has incomplete landscaping or exterior finish and for which no permit for construction work has been issued within the preceding 12 months;

(V) All buildings, walls or other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public;

(W) A structure, or a portion of a structure, located in a residential zoning district, if the exterior is not completed in accordance with city-approved construction plans within 180 days after the date the city building permit was issued, unless an extension is granted by the City.

§ 93.005 NUISANCE PARKING AND STORAGE.

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

- (1) Obstruct views on streets and private property;
- (2) Create cluttered and otherwise unsightly areas;
- (3) Prevent the full use of residential streets for residential parking;

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

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

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

(B) *Unlawful parking and storage.*

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

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

(3) A person must not cause, undertake, permit, or allow the placement or existence of a dumpster outside on residential property unless it complies with the following requirements:

(a) A dumpster must be placed only on a paved or graveled parking or driveway area as far away from the public street as reasonably possible;

(b) A dumpster may not be on the paved portion of a public street;

(c) A dumpster may be used only in connection with (i.) construction activity that has been properly permitted by the city, in which case it may remain no longer than 180 days in any twelve-month period, or (b) the clean-up of property, in which case it may remain no longer than 30 days in any twelve-month period;

(d) There can be no more than one dumpster per parcel; and

(e) A dumpster must be maintained in a reasonably sound condition, with no holes and little rust or peeling paint.

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

(a) No more than 4 vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) No more than one recreational habitable vehicle (i.e. motorhome, camper, etc.) may be parked outside on one lot. Additional recreational vehicles may be temporarily parked for up to six months while marked for sale.

(c) Recreational vehicles, watercraft and/or recreational off-highway vehicles parked outside must be stored in an orderly manner to not receive complaint or detract from neighboring property values.

(d) Recreational vehicles, watercraft and/or recreational off-highway vehicles parked outside are considered accessory uses.

- (e) Storage includes but is not limited to the outside storage of: recreational vehicles, watercraft, recreational off-highway vehicles, playhouses, portable storage sheds, playground equipment, cars. Outside storage is limited to the following max size depending on the formula below:

Lot Size (square footage) minus Principal Building and All Accessory Buildings, Decks, Patios (square footage) multiplied by eight point zero percent (8.0%) equals square footage allowed for storage. Minimum of 300 square feet and a Maximum of 900 square feet allowed on a premises.

Example:

7,500 square foot property – (Principal Building 768 square feet + 1st floor addition (96 square feet) + Wood Deck (196 square feet) + Garage (720 square feet) = 5,720 square feet x 8%= 458 square feet for storage.

458 square feet is estimated to allow for: two cars stored outside (90 square feet each =180 square feet) and a 35 foot camper (280 square feet).

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

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

(d) Vehicles, watercraft and other recreational vehicles or recreational off-highway vehicles parked or stored outside on residential property must be licensed and in operable condition.

§ 93.006 INOPERABLE MOTOR VEHICLES.

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

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

(C) Any motor vehicles described in this section are a public nuisance because they constitute a hazard to the health and welfare of the residents of the community in that the vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical

danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

(D). *Abatement.*

(1) Impounding. A police officer or other authorized person may order a vehicle constituting a public nuisance to be immediately removed and impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.

(2) Sale. Notice and sale of a vehicle impounded under this ordinance will be conducted in accordance with Minn. Stat. Ch. 168B governing the sale of abandoned motor vehicles.

§ 93.007 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.*

a. Buildings, fences, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they:

- (1) Are unsightly;
- (2) Decrease adjoining landowners and occupants' enjoyment of their property and neighborhood; and
- (3) Adversely affect property values and neighborhood patterns.

(B) *Standards.*

- a. A building, fence, or other structure is a public nuisance if it does not comply with applicable Hazardous Structure and Housing Maintenance provisions of Ch. 116 or the International Property Maintenance Code, which is hereby adopted as if fully set forth herein.
- b. A building, fence or other structure is also a public nuisance if it does not comply with the following requirements:
 - i. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - ii. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust and corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be

removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- iii. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes.
- iv. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door.
- v. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- vi. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water may not be discharged in a manner that creates a public nuisance.
- vii. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- viii. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests.

(C) *Extension of Time.* In the case of demonstrated hardship due to sources beyond the control of the property owner (including, but not limited to, extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the City upon written appeal.

§ 93.008 IMPROPERLY MAINTAINED BUILDINGS AND STRUCTURES

- (A) *Declaration of nuisance.* A building or structure in the city is a public nuisance affecting public safety and health if the city building official, zoning enforcement officer or fire marshal find it to be dangerous to public safety, health, or to other property by reason of:
- a. damage by fire;
 - b. defective chimneys or stovepipes;
 - c. dilapidated condition or decay;
 - d. defective electric wiring;
 - e. defective gas installation;
 - f. defective heating apparatus;
 - g. defective sewage disposal system or plumbing; or
 - h. any other defect endangering the public safety, health, or other property.

- (B) The building inspector, zoning enforcement officer or the fire chief may order the nuisance abated by ordering its repair, correction, or removal. This order must be in writing and must order the repair, correction or removal of the nuisance within 30 days or other time that the building inspector or fire marshal deems reasonable. This order must be served upon the owner, the lessee or the occupant by mail or by personal service. The order may provide that the building or structure not be further used or occupied until the repair or correction of the defect.

§ 93.009 DUTIES OF CITY OFFICERS.

For purposes of Chapter 93 the Police Department, Fire Department, or Sheriff or person designated by the City Administrator, may enforce the provisions relating to nuisances. Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in § 10.20(d). No person shall resist, oppose, or obstruct such officers in the lawful enforcement of this chapter.

§ 93.010 ABATEMENT.

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

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

If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council.

(B) *City Council Action.*

- (1) *City Council Consideration.* Without affecting any other penalty provision in this Chapter, the City Council may, in conjunction with such penalty or in the alternative, in the form of a resolution, declare that there exists upon privately owned lands or premises a public nuisance.

- (2) Notice of City Council hearing. Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and any lessee or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.
- (3) Resolution. The City Council may determine, by resolution, that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may cause the removal or abatement of such nuisance
- (4) Notice of the passage of the resolution shall be served personally upon the owner of the premises or his agent owner of record and any lessee or occupant of the premises if the names of such persons can be readily ascertained. Such notice may be served by certified or registered mail in all cases where such owner, agent, or occupant is not in the City or cannot be found therein. Such notice may likewise be served by posting for 24 hours a copy of such notice upon the premises where then nuisance exists or whenever the owner or agent thereof is not known or cannot be found and a post office address is unknown. The notice shall designate therein the time after the service or the mailing or the posting of the notice which the council considers a reasonable time for the abatement or removal of such nuisance and the right for the abatement or removal of such nuisance and the right to demand a hearing before the City Council made in writing within 24 hours of the notice of abatement and that, if no hearing is demanded, any right to a hearing is waived.
- (5) If the Council by resolution declares there is a public nuisance, the owner, agent or occupants of the premises, after notice described above, shall remove and abate the nuisance. The cost of such removal or abatement shall be paid by the owner, agent, or occupants.
- (6) If such order is not complied with within the time specified herein, the City shall cause the removal or abatement of such nuisance and the cost thereof shall be assessed against the premises, pursuant to Minn. Stat. 429.101..

(C) *Emergency procedure; summary abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety. The enforcing officer may provide for abating a public nuisance without following the standard abatement procedure required in subsections (A) and (B) above when:

- a. There is an immediate threat to the public health or safety;
- b. There is an immediate threat of serious property damage;
- c. A public nuisance has been caused by private parties on public property; or

If the enforcing officer abates the nuisance under this section, the officer must reasonably attempt to notify the owner record and any lessee or occupant, and/or other responsible party of

the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled city council meeting.

(D) *Civil Action.* In conjunction with City Council Action, or in lieu thereof, the City may seek injunctive relief to terminate or restrain a public nuisance. Upon appropriate order of the Court permitting City abatement, the City Council may, by Resolution, Order immediate abatement by the City, and dispensing with the notice and hearing requirements of subsection (B).

§ 93.010 RECOVERY OF COSTS.

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

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, the City Clerk-Treasurer shall, on or before November 15 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

§ 93.011 DISPOSITION OF PROPERTY UPON ABATEMENT

Upon the declaration of certain conditions and acts to be a public nuisance in violation of City Code and, if the City Council requires such conditions to be abated, the Council may order the property constituting the nuisance to be removed, destroyed or disposed of, to ensure the termination of the nuisance. Upon seizure of the property constituting the nuisance, the City will inventory the property, and the City Administrator or the City Administrator's designee will determine whether the items seized have any reasonable value, in excess of City costs to store and dispose of the property. If, after inventory, the City Administrator or his/her designee makes a determination that no reasonable value of the property exists or that destruction of the property is necessary to abate the nuisance, the property shall be destroyed. If the City Administrator or his/her designee, however, determines such destruction is not necessary and there is reasonable value remaining in the property, the property shall be sold. The amount of money received as a result of any sale, if any, shall be applied against the cost of abatement, including all costs incurred by the City in the abatement, including without limitation the cost of the removal, storage, handling, destruction and disposal thereof, all staff time, legal and other consulting fees. Any balance remaining after such reimbursement to the City, if any, shall be remitted to the property owner.

WEEDS

§ 93.025 WEED AND GRASS ELIMINATION.

(A) Any weeds, whether noxious as defined by law or not, and grass growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Madison Lake, to a greater height than 6 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

(B) *Exceptions.* Environmental Areas--noxious weeds need not be removed from the following:

- (1) Native plant areas;
- (2) Managed areas--rain gardens, and the like;
- (3) Cliff areas; and
- (4) Wooded areas.

(Ord. 197, passed 5-18-1998; Am. Ord. 240, passed 5-21-2007) Penalty, see § 10.99

§ 93.026 NOTICE.

When the owner and occupant permit a nuisance weed or grass taller than 6 inches to exist in violation of § 93.025, the City shall serve notice upon the owner of the property if he or she resides in the municipality and can be found or upon the occupant in other cases, by registered or certified mail or by personal service, ordering the owner or occupant to have the weeds cut and removed within 5 days after receipt of the notice and also stating that in case of noncompliance such work will be done by the maintenance superintendent or workers at the expense of the owner and that if unpaid, the charge for the work will be made a special assessment against the property concerned. When no owner, occupant, or agent of the owner or occupant can be found, the provision for notice shall not apply.

(Ord. 197, passed 5-18-1998; Am. Ord. 240, passed 5-21-2007)

§ 93.027 REMOVAL BY CITY.

If the owner or occupant of any property in the city fails to comply with the notice within 5 days after its receipt, or if no owner, occupant, or agent of the owner can be found, the city maintenance workers shall cut and remove the weeds and/or grass. The Maintenance Superintendent or Weed Inspector shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the City Clerk-Treasurer. Costs shall be rounded up to the nearest hour and billed based off fees established annually by the Council for a worker and equipment.

(Ord. 197, passed 5-18-1998; Am. Ord. 240, passed 5-21-2007)

EXTERNAL SOLID FUEL-FIRED HEATING DEVICES

§ 93.030 APPLICABILITY.

This subchapter applies to all external solid fuel-fired heating devices within the city.

(A) This subchapter does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(B) This subchapter does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human habitation.

(C) This subchapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(D) This subchapter does not apply to campfires; a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

(Ord. 248, passed 9-15-2008)

§ 93.031 DEFINITIONS.

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

EXTERNAL SOLID FUEL-FIRED HEATING DEVICE. A device designed for external solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stove, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs, wood burning fireplaces or wood stores in the interior of a dwelling.

PERSON. An individual, partnership, corporation, company or other association.

STACK or CHIMNEY. Any vertical structure incorporated into a building, or upon an outdoor solid fuel-fired heating device, and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially the part of such a structure extending above a roof.

(Ord. 248, passed 9-15-2008)

§ 93.032 REQUIREMENTS.

No external solid fuel-fired heating devices designed and intended and/or used, for the purpose of heating the principal structure or another accessory structure on the premises are allowed to be installed within the city.

(Ord. 248, passed 9-15-2008) Penalty, see §10.99

§ 93.033 NON-CONFORMING USE.

(A) The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this subchapter may be continued, although such use may not conform to the provisions of this subchapter.

(B) No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged or expanded.

(C) At such time as the useful life of a non-conforming wood burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used and removed from the property immediately.

(Ord. 248, passed 9-15-2008) Penalty, see §10.99

OPEN BURNING

§ 93.040 DEFINITIONS.

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

BURNABLE ORGANIC MATTER. Leaves, grass clippings, dried vegetation, twigs, and tree limbs.

GARBAGE. Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

OPEN BURNING. The burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.

OPEN BURNING RESTRICTED. At no time shall any person cause, allow, or permit the open burning of any garbage, rubbish, or any other substance not included in the definition of burnable organic matter.

RECREATIONAL FIRES. Fires set for recreational, ceremonial, food preparation, or social purposes are allowed and do not require an agency permit. The material to be burned must be limited to a pile no larger than 3 feet in diameter by 3 feet high. Only unpainted and untreated wood, coal, or charcoal may be burned.

RUBBISH. Non-putrescible solid waste such as paper, cardboard, and other matter not including garbage.

(Ord. 198, passed - -)

§ 93.041 BURNING ORGANIC MATTER PERMITTED.

Permits shall be required for the open burning of burnable organic matter April 15 through May 15 and September 15 through December 15 of each year.

(Ord. 198, passed - -) Penalty, see § 10.99

NOISES

§ 93.055 PROHIBITING UNNECESSARY NOISES.

(A) A person must not make, or assist in making, permit, or allow the making of a noise that is excessive, disturbing, unnecessary, unreasonable or unusually loud within the limits of the City. The factors that should be considered in determining whether a noise is excessive, disturbing, unnecessary, unreasonable or unusually loud for the purposes of this section include the following:

- (1) The time of day or night when the noise occurs;
- (2) The duration of the noise and whether the noise is recurrent, intermittent, or constant;

- (3) The proximity of the noise to a sleeping facility or residential area;
- (4) The land use, nature, and zoning of the area from which the noise emanates and the area where the noise is perceived;
- (5) The number of people and their activities that are affected or are likely to be affected by the noise; and
- (6) The sound peak pressure level of the noise, if known, in comparison the level of ambient noise.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this subchapter, but this enumeration shall not be deemed to be exclusive, namely:

(1) The using, operating, or permitting to be played, used, or operated any radio, radio receiving set, stereo system, musical instrument, CD player, phonograph, or other machine or device for the reproduction of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants with a louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which the machine or device is operated and who are voluntary listeners thereto;

The operation of a radio, radio receiving set, stereo system, musical instrument, CD player, phonograph, or other machine or device between 10:00 p.m. and 7:00 a.m. is prima facie evidence of a violation of this section if done in a manner to be plainly audible:

- a. At the real property boundary of the building, structure, residence, or other area in which it is located; or
- b. At a distance of 50 feet from any motor vehicle in which it is located.

(2) The use of any automobile, motorcycle, recreational vehicle, ATV vehicle, snowmobile, or other vehicle in the manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including excessive muffler noise or continual sounding of a horn, siren, or other signaling device for period longer than 15 seconds, except in cases of imminent danger or emergency, or to use the vehicle off the street on private or public property in the manner as to cause long or continuous or unnecessary noise so as to annoy, disturb the quiet, comfort, or repose of persons in the vicinity;

(3) Any noise that is unreasonably disturbing to a reasonable person of ordinary sensitivity in any multi-family residential building audible beyond the boundaries of the area or premises owned, rented, leased, or used by the person

(4) Participation in a party or gathering that creates noise that is unreasonably loud or disturbing to a reasonable person of ordinary sensitivity as determined at the property line or boundary of the building, structure, rental unit, yard, or other portion of the property where the party or gathering occurs. When a party or gathering creates unreasonably loud or disturbing noises, all persons except the owner, renter, lessee or other occupants must promptly leave the premises in an orderly manner, after being ordered by a police officer to do so.

(5) It shall be unlawful for any truck to intentionally use dynamic brakes (Jake Brakes) within the City of Madison Lake, except in an emergency.

§ 93.056 INTERPRETATION.

This subchapter shall not be construed to prohibit or limit the normal activities incidental to exhibitions or shows conducted by the permission of the City Council, even though the activities exceed time limits and other noise limits set forth in this subchapter.

(Ord. 203, passed 8-16-1999)

§ 93.058 VIOLATIONS.

A violation of this subchapter is a petty misdemeanor.

(Ord. 203, passed 8-16-1999) Penalty, see § 10.99

DRUG LABS AND CHEMICAL DUMP SITES

§ 93.070 GENERAL PROVISIONS.

(A) *Purpose and intent.* The purpose of this subchapter is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals or residue from a suspected clandestine drug lab site or associated dumpsite may exist. Professional reports, based on assessments, testing, and investigations, show that chemicals used in the production of illicit drugs can condense, penetrate, and contaminate surfaces, furnishings, and equipment of surrounding structures. The City Council finds that the sites, and the personal property within the sites, may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site or using or being exposed to contaminated personal property.

(B) *Interpretation and application.* In the interpretation and application of this subchapter, the provisions herein shall be construed to protect the public health, safety, and welfare. Where the conditions imposed by any provision of this subchapter are either more or less restrictive to the public 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 or requirements on the public shall prevail. 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. 229, passed 10-18-2004)

§ 93.071 DISCLAIMER OF LIABILITY.

Liability on the part of, or a cause of action against, the City of Madison Lake or any employee or agent thereof for any damages that may result from reliance on this subchapter shall be eliminated or limited as provided by M.S. § 466.02, as it may be amended from time to time.

(Ord. 229, passed 10-18-2004)

§ 93.072 FEES.

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

(Ord. 229, passed 10-18-2004)

§ 93.073 DEFINITIONS.

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

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

CHILD. Any person less than 18 years of age.

CITY. The City of Madison Lake.

CLANDESTINE DRUG LAB OPERATION. The unlawful manufacture or attempt to manufacture a controlled substance.

CLANDESTINE DRUG LAB SITE. Any place or area where law enforcement has determined that conditions associated with an unlawful clandestine drug lab operation exist. A clandestine drug lab site may include dwellings, accessory buildings, structures or units, a chemical dump site, a vehicle, boat, trailer, or other appliance or any other area or location.

CONTROLLED SUBSTANCE. Any drug, substance, or immediate precursor in Schedules I through V of M.S. § 152.02, as they may be amended from time to time, together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.

HOUSEHOLD HAZARDOUS WASTE. Waste generated from a clandestine drug lab operation.

MANUFACTURE. In places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, relabeling, or filling of drugs.

OWNER. Any person(s), firm(s), corporation(s), or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer, or other location associated with a clandestine drug lab site or chemical dump site.

(Ord. 229, passed 10-18-2004)

§ 93.074 DECLARATION OF SITE AND CONTENTS AS A PUBLIC HEALTH NUISANCE.

All dwellings, accessory structures, buildings, vehicles, boats, trailers, personal property, adjacent property or other locations, associated with a clandestine drug lab site or chemical dump site are potentially unsafe due to health hazards and are hereby declared to be a public health nuisance.

(Ord. 229, passed 10-18-2004)

§ 93.075 LAW ENFORCEMENT ACTION.

(A) If law enforcement authorities determine the existence of a clandestine drug lab site or chemical dump site, the site, and all personal property therein, shall be declared a public health nuisance.

(B) Law enforcement authorities who identify conditions associated with a clandestine drug lab site or chemical dump site which may place neighbors, the visiting public, or present and future occupants of the site at risk for exposure to harmful contaminants and other associated conditions are mandated to take the following action:

(1) Promptly notify the City Council, public health authorities and the appropriate enforcement division of the Drug Enforcement Administration of the U.S. Justice Department of the location of the site, and the owner if known, of the conditions found;

(2) Treat, store, transport, or dispose of all household hazardous waste found at the site in a manner consistent with Minnesota Department of Health, Minnesota Pollution Control, and Blue Earth County Health Department rules and regulations;

(3) Issue a temporary declaration of public health nuisance for the affected site and post a copy of the declaration on all doorway entrances to the site or, in the case of bare land, post the declaration in several conspicuous places on the property. This temporary declaration of public health nuisance issued by law enforcement shall expire after the City Council determines the appropriateness of issuing a permanent declaration of public health nuisance;

(4) Notify all persons occupying the site that a temporary declaration of public health nuisance has been issued;

(5) Require all persons occupying the site to immediately vacate the site, remove all pets from the site, and not return without written authorization from the City Clerk-Treasurer;

(6) Notify all occupants vacating the site that all personal property at the site may be contaminated with dangerous chemical residue; and

(7) Put locks on each doorway entrance to the site to prohibit people from entering the site without authorization after all occupants of the site have vacated.

(C) The obligation to promptly notify the persons and organizations mentioned above may be delayed to accomplish appropriate law enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised.

(Ord. 229, passed 10-18-2004)

§ 93.076 SEIZURE OF PROPERTY.

When the clandestine drug lab site or chemical dump site is inside a vehicle, boat, trailer, or other form of moveable personal property, law enforcement authorities shall immediately seize it and not allow it to be transported except to a more secure location. In such circumstances, all other requirements of this subchapter shall be followed as closely as possible given the specific type of property in which the site is discovered.

(Ord. 229, passed 10-18-2004)

§ 93.077 ACTION BY CITY COUNCIL AND/OR CLERK-TREASURER.

(A) *Declaration of nuisance.* Within 48 hours of notification that law enforcement authorities have determined the existence of a clandestine drug lab site or chemical dump site, the City Council/Clerk-Treasurer shall determine the appropriate scope of a permanent declaration of public health nuisance. Based on the results of the determination, the City Council may then promptly issue a permanent declaration of public health nuisance and a “Do Not Enter – Unsafe to Occupy Order” for the affected site to replace the temporary declaration issued and posted by law enforcement. A copy of the permanent declaration and order shall be posted on all doorway entrances to the site or, in the case of bare land, shall be posted in several conspicuous places on the property.

(B) *Abatement order.* After the permanent declaration of public health nuisance has been issued and posted, the City Council/Clerk-Treasurer shall send written notice to the site owner ordering abatement of the public health nuisance. The abatement order shall include the following information:

(1) A copy of the declaration of public health nuisance and “Do Not Enter – Unsafe to Occupy Order”;

(2) Information about the potentially hazardous condition of the site; and

(3) A summary of the site owner’s and occupant’s responsibilities under this subchapter; and information that may help the owner locate appropriate services necessary to abate the public health nuisance.

(C) *Notice to concerned parties.* The City Council/Clerk-Treasurer shall also mail a copy of the permanent declaration of public health nuisance, a copy of this subchapter, and a notification of suspension of the site’s rental license, if applicable, to the following concerned parties at their last known address:

(1) Occupants or residents of the site if the identities of the persons are known;

(2) Neighbors in proximity to the site who may be reasonably affected by the conditions found;

(3) The City of Madison Lake Police Department;

(4) Blue Earth County Drug Task Force;

(5) The appropriate enforcement division of the Drug Enforcement Administration of the U.S. Justice Department; and

(6) Other city, state, and local authorities, such as the City Water Department, the Minnesota Pollution Control Agency, the Minnesota Department of Health, and the Department of Natural Resources which are known to have public and protection responsibilities that are applicable to the situation.

(D) *Modification or removal of declaration.* The City Council/Clerk-Treasurer is authorized to modify or remove the declaration of public health nuisance after the City Council/Clerk-Treasurer receives documentation from a city approved environmental hazard testing and cleaning firm stating that the suspected health and safety risks, including those to neighbors and potential dwelling occupants, either do not exist or have been sufficiently abated or corrected to justify amendment or removal of the declaration.

(Ord. 229, passed 10-18-2004)

§ 93.078 SITE OWNER'S RESPONSIBILITY TO ACT.

(A) Within 10 business days of the date the abatement order is mailed to the owner of the site, the owner shall accomplish the following:

(1) Provide the city with written notification:

(a) That the owner has confirmed that all persons and their pets have vacated the site;

(b) Of the name(s) of all children who the owner believes were residing at the site during the time period the clandestine drug lab or chemical dump site is suspected to have been at the site; and

(c) That the site will remain vacated and secured until the public health nuisance is completely abated as required by this subchapter.

(2) Contract with 1 or more city approved environmental hazard testing and cleaning firms to conduct the following work in accordance with the most current Minnesota Department of Health guidelines:

(a) A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;

(b) Soil testing of the site and testing of all property and soil in proximity to the site which the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;

(c) A complete clean-up of the site (including but not limited to the clean up or removal of plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete clean-up of the demolished site;

(d) A complete clean up, or disposal at an approved dump site, of all personal property in the site;

(e) A complete clean-up of all property and soil in proximity to the site which is found to have been affected by the conditions found at the site; and

(f) Remediation testing and follow-up testing, including but not limited to testing of the ventilation system and plumbing, to determine that all health risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow safe human occupancy and use of the site and use of the personal property therein and of all property and soil in proximity to the site.

(3) Provide the city with the identity of the testing and cleaning firm with which the owner has contracted for abatement of the public health nuisance as required above; and

(4) Sign an agreement with the City Council/Clerk-Treasurer establishing a clean-up schedule. The schedule shall establish reasonable deadlines for completing all actions required by this subchapter for abatement of the public health nuisance. In determining appropriate deadlines, the City Council/Clerk-Treasurer shall consider practical limitations and the availability of contractors in approving the schedule for clean-up.

(B) The site owner must meet all deadlines established on the clean-up schedule. Also, pursuant to the deadlines established by the clean-up schedule, the site owner is required to provide the city with written documentation of the clean-up process, including a signed statement from a city approved environmental hazard testing and cleaning firm that the site, all personal property therein and all property and soil in proximity to the site, is safe for human occupancy and use and that the clean-up was conducted in accordance with the most current Minnesota Department of Health guidelines.

(Ord. 229, passed 10-18-2004) Penalty, see § 10.99

§ 93.079 SITE OWNER'S RESPONSIBILITY FOR COSTS.

(A) The site owner shall be responsible for all costs, including those of the city, of dealing with and abating the public health nuisance, including contractor's fees and the city's costs for services performed in association with the clandestine drug lab site or chemical dump site clean-up.

(B) The city's costs may also include, but shall not be limited to:

- (1) Posting of the site;
- (2) Notification of affected parties;
- (3) Securing the site, providing limited access to the site, and prosecution of unauthorized persons found at the site;
- (4) Expenses related to the recovery of costs, including the assessment process;
- (5) Laboratory fees;
- (6) Clean-up services;
- (7) Administrative fees;
- (8) Legal fees; and
- (9) Other associated costs.

(Ord. 229, passed 10-18-2004)

§ 93.080 CITY ACTION AND RECOVERY OF COSTS.

(A) If the building's owner fails to comply with any of the requirements of this subchapter, the City Council is authorized to take all reasonable actions necessary to abate the public health nuisance including, but not limited to, contracting with a city approved environmental hazard testing and cleaning firm to conduct the work outlined in § 93.078. The City Council/Clerk-Treasurer is also authorized to provide a copy of the declaration of public health nuisance to the lien and/or mortgage holders of the affected site to help assure that persons with interest in the site have access to information about the declaration of public health nuisance.

(B) If the costs to clean the site or to clean the personal property at the site are prohibitively high in relation to the value of the site or the personal property, the city is authorized to remove or demolish the site, structure or building and/or dispose of the personal property therein. These

actions shall be taken in accordance with the provisions of M.S. Chapter 463, as it may be amended from time to time, together with any amendments or modifications thereto.

(C) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all of its out of pocket costs plus an additional 25% of the costs for administrative and legal expense. The city may recover costs by civil action against the owner of the site or by assessing the costs as a special charge against the site as taxes and special assessments are certified and collected pursuant to M.S. § 429.101, as it may be amended from time to time, or according to the provisions of M.S. Chapter 463, as it may be amended from time to time, together with any amendments or modifications thereto.

(Ord. 229, passed 10-18-2004)

§ 93.081 RECOVERY OF COSTS FROM PERSONS CAUSING DAMAGE.

No provisions of this subchapter are intended to limit the site owner's, residents' or the city's right to recover costs incurred under this subchapter from either the persons contributing to the public health nuisance, such as the operators of the clandestine drug lab, and/or from other lawful sources.

(Ord. 229, passed 10-18-2004)

§ 93.082 SITE OWNERS AND ADDRESS.

When the site is real property and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the County Auditor's office. When the site is a vehicle, boat, or trailer and the owner or the address of the owner of the site is unknown, the owner and the owner's address is deemed to be that of the person on file as the owner on the current or most recent title to the vehicle, boat, or trailer.

(Ord. 229, passed 10-18-2004)

§ 93.083 UNAUTHORIZED REMOVAL OF POSTINGS.

It is unlawful for any person, except authorized city personnel, to remove a temporary or permanent declaration of public health nuisance and/or "Do Not Enter – Unsafe to Occupy Order" from a chemical dump site or a clandestine drug lab site.

(Ord. 229, passed 10-18-2004) Penalty, see § 10.99

§ 93.084 ENTRY INTO OR ONTO SITE.

While a declaration of public health nuisance for an affected site is in effect and has been posted at the site, no persons are permitted to be inside the site, or on the site property without prior written consent of the city or as otherwise authorized by this subchapter. To confirm compliance with this subchapter and to execute their duties under this subchapter, law enforcement officers, the city, and any persons designated by the city, may enter onto the site property or enter into the site at any time while a declaration of public health nuisance is in effect for the site.

(Ord. 229, passed 10-18-2004) Penalty, see § 10.99

§ 93.085 REMOVAL OF PERSONAL PROPERTY FROM THE SITE.

(A) While a declaration of public health nuisance for an affected site is in effect and has been posted at the site, no personal property may be removed from the site without prior written consent from the city.

(B) Consent to remove personal property shall only be granted at the reasonable discretion of the city, and only in cases of hardship after:

(1) A city approved environmental hazard testing and cleaning firm has advised the city, in writing, that the item(s) of personal property can be sufficiently cleaned to remove all harmful contamination; and

(2) The owner of the personal property agrees in writing:

(a) That the owner is aware of the danger of using the contaminated property;

(b) That the owner will thoroughly clean the property to remove all contamination before the property is used; and

(c) That the owner releases and agrees to indemnify the city, its staff, and the Madison Lake City Council from all liability to the owner and/or third persons for injuries or damages caused, or alleged to have been caused, by the contaminated property.

(Ord. 229, passed 10-18-2004) Penalty, see § 10.99

§ 93.086 VIOLATIONS.

Any person violating any provision of this subchapter is guilty of a misdemeanor. In addition, the city shall be entitled to seek any other remedy available at law or in equity in order to protect the health, safety, and welfare of the community, including temporary and permanent injunctions.

(Ord. 229, passed 10-18-2004) Penalty, see § 10.99

MOBILE STORAGE CONTAINERS

§ 93.090 PURPOSE.

This subchapter is intended to protect the public's health, safety, welfare and the quiet and safe enjoyment of their property by adopting reasonable provisions related to the use of mobile storage containers.

(Ord. 249, passed 10-13-2008)

§ 93.091 APPLICABILITY.

This subchapter applies to all mobile storage containers within the city.

(Ord. 249, passed 10-13-2008)

§ 93.092 DEFINITION.

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

MOBILE STORAGE CONTAINER. A temporary or portable storage container that is transportable and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. A mobile storage container shall not be used as a dwelling.

(Ord. 249, passed 10-13-2008)

§ 93.093 REQUIREMENTS.

(A) A mobile storage container may be located as a temporary container on property within the city.

(B) (1) A mobile storage container is allowed from the time of delivery to the time of removal for a period not exceeding 3 weeks in duration, except;

(2) Mobile storage containers are allowed from the time of delivery to the time of removal for the duration of a construction project deemed continuous by the City Building Official. When the project is deemed completed by the Building Official, the mobile storage container must be removed from the property within 72 hours.

(C) No more than 1 mobile storage container may be located on a specific piece of property within the city at one time.

(D) Such temporary container may not be located on a specific property more than 1 time in any calendar year.

(E) Such temporary container shall be located no closer than 10 feet to the property line unless on a driveway.

(F) In addition, such a container may not be placed in a fire lane, over an easement or interfere with any roadway or sidewalk.

(G) Such container may not exceed 8 feet 6 inches in height, 10 feet in width or 20 feet in length.

(H) It shall be the obligation of the owner or user of such temporary container to secure the container in a manner that does not endanger the safety of persons or property in the vicinity of the temporary container.

(Ord. 249, passed 10-13-2008) Penalty, see § 10.99

STRUCTURES IN HAZARDOUS CONDITION

§ 93.100 HAZARDOUS BUILDINGS OR HAZARDOUS PROPERTIES PROHIBITED

A "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

The creation or maintenance of a hazardous building or hazardous property in the city shall constitute a nuisance by the person who owns, controls, or occupies the premises.

§ 93.101 ABATEMENT

Minnesota Statutes §§ 463.15-462.261, the Hazardous and Substandard Buildings Act, as from time to time amended, is hereby adopted and incorporated by reference. The City shall remove, correct, or abate any hazardous building or hazardous property within the city limits in accordance with its provisions.