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CHAPTER XV - NUISANCES AND MISDEMEANORS

Section 1500 – General provisions

1500.01. Conduct prohibited.

It is unlawful to engage in an act or in the behavior prohibited by this chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

1500.03. Minnesota criminal code.

Subdivision 1. Adoption by reference.

The provisions of Minnesota Statutes, chapter 609, as set forth in this subdivision, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

- (a) Section 609.221, 609.222, 609.223, 609.2231 and 609.224, "Assault in first to fifth degree".
- (b) Section 609.51, "Simulating legal process".
- (c) Section 609.52, "Theft".
- (d) Section 609.505, "Falsely reporting a crime".
- (e) Section 609.535, "Issuance of dishonored checks".
- (f) Section 609.545, "Misuse of credit card to secure services".
- (g) Section 609.576, "Negligent fires; dangerous smoking".
- (h) Section 609.605, "Trespass".
- (i) Section 609.66, "Dangerous weapons".
- (j) Section 609.68, "Unlawful deposit of garbage, litter or like".
- (k) Section 609.705, "Unlawful assembly".
- (l) Section 609.715, "Presence at unlawful assembly".

(m) Section 609.72, "Disorderly conduct".

(n) Section 609.75, "Gambling; definitions".

(o) Section 609.755, "Acts of or relating to gambling".

Subd. 2. Violation of statutes.

A violation of the statutes adopted by reference in this section is a violation of this code.

Section 1505 – Misdemeanors

1505.01. Aiding and abetting violations.

It is unlawful for any person to attempt to cause, aid, assist, counsel or advise another person to commit a violation of this code or any other ordinance.

1505.03. Disorderly conduct.

The following acts are disorderly conduct:

(a) Lurking, lying in wait, or concealment in a building, yard or street in the city with intent to commit a crime or misdemeanor;

(b) Willfully disturbing a meeting not unlawful in its character, or the peace and quiet of a family or neighborhood;

(c) Willfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, open and gross lewdness or lascivious behavior, or an act of public indecency;

(d) Using profane, vulgar or indecent language in or about a public building, store, place of public entertainment, or place of business, or on streets, alleys or sidewalks of the city so as to be audible and offensive;

(e) Appearing upon a public street or other public place in an intoxicated condition or drinking intoxicating liquor on a street or a vehicle on a public street;

(f) Unlawfully striking or in an unlawful manner offering to or doing bodily harm to another person or unlawfully making an attempt to apply any degree of force or violence to the person of another, or in a violent, rude, angry or insolent manner touch or lay hands upon the person of another;

(g) Willfully making a false report to a police officer in the performance of the officer's duties.

1505.05. Resisting a public officer.

It is unlawful to willfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of the officer's office.

1505.07. False statements.

It is unlawful to make a false statement in an application for a permit or license from

the city.

1505.09. Giving false name to city officer.

No person shall in any case or under any circumstances, not otherwise provided for, willfully communicate either orally or in writing or by any other method to a city officer in discharging or attempting to discharge a duty of his office, any false or incorrect name or identity.

1505.11. Threatening an officer.

No person shall directly or indirectly address any threat or intimidation to a city officer, or any appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty, to do or make, or to omit or delay any act, decision or determination.

1505.13. Loitering.

Subdivision 1. Prohibited.

It is unlawful to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

Subd. 2. Police order.

If a person causes or commits a condition enumerated in subdivision 1, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. A person who fails or refuses to obey such orders is guilty of a violation of this section.

1505.15. Fire alarm system and false alarms.

It is unlawful to tamper with or in any way interfere with any element of any fire

alarm system within the city. It is unlawful to give, or cause to be given, any alarm of fire or other emergency condition when no fire or emergency condition exists.

1505.17. Obstruction of fire hydrants.

It is unlawful to park a vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within ten feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

1505.19. Liquor and beer in parks.

It is unlawful to bring into, possess, barter, give away or consume any intoxicating liquor or 3.2 malt liquor beverages in any public park or any vehicle parking area immediately adjoining such park.

1505.21. Liquor and beer in public places.

Subdivision 1. Public ways.

It is unlawful to consume, barter, or give intoxicating beverages or 3.2 malt liquor beverages in or upon a public street, avenue, boulevard, alley or other public way, whether in a vehicle or not, in the city.

Subd. 2. Parking areas.

It is unlawful to consume, barter or give any intoxicating beverages or 3.2 malt liquor beverages in or upon a parking area open to the public whether in a vehicle or not.

1505.23. Fishing from bridges.

It is unlawful for any person to fish from any bridge, including the approaches thereto.

1505.25. Trespass.

Subdivision 1. Unlawful conduct.

On premises privately owned but open to the use of the general public, it is unlawful to remain on the premises after having been requested to leave by the owner of the premises, an authorized representative of the owner, or any other person or entity entitled to possession of the premises.

It is unlawful for any person to enter upon the land of another without claim of right or the written consent of the owner or of one who has the right to give consent, except in an emergency situation. It is unlawful for any person to refuse to leave land upon the order of a police officer or , if the person is lawfully on the land, to refuse to

exhibit the written consent as described above.

Subd. 2. Two-year rule.

On any property privately owned but open to the use of the general public, it is unlawful to return to the property after receipt of a written notice of trespass from the owner, an authorized representative of the owner, or any person or entity entitled to possession of the property, or law enforcement official, which notice prohibits the person from returning to the property. This prohibition is effective for two years from the date the written notice was served.

Subd. 3. Notice.

The written notice under subdivision 2 must be personally served upon the party prohibited from entering the property. An affidavit of service must be executed at the time of service. A prosecution may not be maintained under subdivision 2 unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

Section 1510 – Nuisances

1510.01. Prohibited conduct.

No person shall create, commit or maintain a public nuisance. No person shall willfully omit or refuse to perform any legal duty relating to the removal of a public nuisance. No person shall rent or permit to be used any premises, building or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall willfully prevent, hinder, oppose or obstruct a public official in the performance of his duties in carrying out the provisions of this article or in removing or abating a public nuisance.

1510.03. Public nuisance defined.

In this section "public nuisance" means doing an act, omitting to perform a duty, or maintaining a condition, which act, omission, or condition shall:

- (a) Annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons;
- (b) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for use or passage, a body of water or a public park, street, alley or highway or other public property within this city;
- (c) Render any considerable number of persons insecure in life or obstruct their use of property.
- (d) Depreciate the value of the property of a considerable number of the inhabitants of this village or cause a blighted and undesirable neighborhood.

1510.05. Declaration of nuisances affecting health.

The following are public nuisances affecting health:

- (a) Any property upon which exists noxious weeds as defined in Minnesota Statutes, section 18.77, subd.8 or poisonous vegetation such as poison ivy, or weeds, grass, brush or other plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.
- (b) The depositing or accumulation of refuse, sewage, waste, garbage, rubbish, poisonous or injurious substances at unlicensed places within this city.
- (c) A condition which is hurtful to the inhabitants, or dangerous to the public health, or injurious to neighboring property, or from which noxious odors, noises,

or foul substances arise, or from which dense smoke, noxious fumes, gas, or similar matter is produced in such quantities as to render the occupancy or use of property uncomfortable to a person of ordinary sensibilities, unless the same be done under authorization by public authority.

(d) The pollution of any public well, stream, lake, canal or body of water by sewage or industrial wastes or other deleterious substances.

(e) All other acts, omissions of acts, occupations and uses of property deemed by the state board of health or the health inspector to be a menace to the health of the inhabitants of this city.

1510.07. Declaration of other nuisances.

The following are public nuisances:

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

(b) All unnecessary noises or vibrations rendering occupancy of property uncomfortable to a person of ordinary sensibilities.

(c) The piling, keeping, depositing, accumulation of, or unhoused storage of, old, unlicensed, wrecked or junked vehicles or machinery, or of junk, waste, or other debris.

(d) All wires strung less than 15 feet above the surface of any roadway, public thoroughfare, or public way.

(e) Any excavation left unprotected or allowed to exist in a manner as to attract or be dangerous to children.

(f) Equipment which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises, or creates electrical interference to surrounding properties.

1510.09. Notice to abate.

When a nuisance as described in this article is found to exist, the city, its officers, employees or agents, shall in writing order the nuisance removed within 48 hours or a longer time as is reasonably necessary to abate the nuisance, not to exceed 20 days without approval of the city council or order of a court. This notice shall be served by delivering a copy to the owner, lessee, or occupant of the premises, if any, and by certified mail or personal service upon the owner if known. If the property is unoccupied and the owner of the property is unknown or absent, with no known representative or

agent in the city upon whom the notice can be served, then a written notice shall be posted on the property, setting forth that unless the public nuisance is abated or removed within 20 days, the city will abate or remove the public nuisance at the expense of the owner. A copy of the posted notice shall be sent by certified mail to the last known address of the record owner of such property.

1510.11. Abatement by city.

If a person liable for a public nuisance fails or neglects to comply with the requirement of the notice served under this section, then the city shall proceed to have the nuisance removed or abated and report all costs thereof to the city, and the costs of such removal or abatement shall be assessed and charged against the property on which the nuisance was located; and the city clerk shall, at the time of certifying taxes to the county auditor, certify these costs, the county auditor shall extend the same on the tax rolls of the county against the parcel of ground and it shall be collected by the county treasurer and paid to the city as other taxes are collected and paid.