

CHAPTER 5

NUISANCES AND OFFENSES

Section 500 - Nuisances in General

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

Subd. 1. Acts. 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; or

Subd. 2. Acts in Public Areas. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

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

500.02. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting Health.

Subd. 1. Decayed Materials. Exposed accumulation of decayed or unwholesome food or vegetable matter.

Subd. 2. Diseased Animals. All diseased animals running at large.

Subd. 3. Stagnant Water. All ponds or pools of stagnant water.

Subd. 4. Carcasses. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.

Subd. 5. Manure and Refuse. Accumulations of manure, refuse, or other debris.

Subd. 6. Privy Vaults. 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.

Subd. 7. Pollution of Public Water. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.

Subd. 8. Noxious Vegetation. All noxious weeds and other rank growths of vegetation upon public or private property.

Subd. 9. Smoke. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

Subd. 10. Contagious Disease. All public exposure of people having a contagious disease.

Subd. 11. Offensive Trades. Any offensive trade of business as defined by statute not operating under local license.

500.03. Public Nuisances Affecting Morals and Decency. The following are hereby declared

to be nuisances affecting public morals and decency.

Subd. 1. Gambling Devices. All gambling devices, slot machines, and punch boards, except as otherwise authorized in section 330 of this Code.

Subd. 2. Betting Materials. Betting, bookmaking, and all apparatus used in such occupations, except as otherwise authorized in Section 330 of this Code.

Subd. 3. Houses Kept for Immoral Purposes. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.

Subd. 4. Liquor Manufacturing. All places where intoxicating liquor is manufactured in 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 such a place.

Subd. 5. Vehicles Used for Immoral Purposes. Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Subd. 6. Possession of Raw or Rotting Poultry Eggs. Possession of raw or rotting poultry eggs with the intent to cause, engage or assist in offensive or assaultive behavior to another person and/or vandalism to another person's private property or to public property is prohibited. Anyone who violates this subdivision shall be guilty of a petty misdemeanor.

500.04. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety.

Subd. 1. Snow and Ice Removal. All snow and ice not removed from public sidewalks twenty-four (24) hours, exclusive of Saturday, Sundays or Legal Holidays, after the snow or other precipitation causing the condition has ceased to fall.

Subd. 2. View Obstructions. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.

Subd. 3. Traffic Obstructions. 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.

Subd. 4. Noise. All unnecessary noises and annoying vibrations.

Subd. 5. Right-of-Way Obstructions. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.

Subd. 6. Dangerous Aerials. Radio aerials or television antennae erected or maintained in a dangerous manner.

Subd. 7. Crowds. 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.

Subd. 8. Signs. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided for in this Code.

Subd. 9. Precipitation Run-off. 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 only when such run-off is determined to be a hazard.

Subd. 10. Barbed Wire Fencing. Any barbed wire fence less than six (6) feet above ground and within three (3) feet of a public sidewalk or way.

Subd. 11. Dangerous Machinery. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

Subd. 12. Waste Water. Waste water cast upon or permitted to flow upon streets of other public properties.

Subd. 13. Accumulations Harboring Vermin. Accumulations in the open of discarded or disused machinery, household appliances, automobiles 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 such accumulation.

Subd. 14. Dangerous Excavations. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

Subd. 15. Obstructions of Drainage. Obstruction to the free flow of water in a natural waterway of a public street drain, gutter, or ditch, with trash or other materials.

Subd. 16. Sharp Articles. 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 such substance.

Subd. 17. Garbage. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

Subd. 18. Discharge of Air-guns or BB-guns. The discharge of any air-gun, air-rifle, BB-gun or other similar device in any manner which may endanger the safety of the public.

Subd. 19. Other. The prohibition of use of crossbows, bows and arrows, BB guns, air guns and pellet guns.

500.05 Nuisances Affecting 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 may sustain as a result of any illegal operation of the equipment. This illegal operation includes vehicles 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 the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any 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. This amount shall be collectable by action or as a lien under Minnesota Statutes, Section 514.67.

500.05. Duties of City Officers. The police department shall enforce the provisions of this Section relating to all nuisances. Police officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

500.06. Abatement.

Subd. 1. Notice. Written notice of violation; notice of time, date place, and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

A. Notice of Violation. Written notice of violation shall be served by the officer charged with enforcement or the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, or 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.

B. Notice of Council Hearing. Written notice of any council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the owner or record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

C. Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minnesota Statutes, section 463.17.

D. Notice of Motion for Summary Enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minnesota Statutes, section 463.17.

Subd. 2. Procedure. Whenever the office charged with enforcement determines that a public nuisance is being maintained or exists on the premises in the City, the officer shall notify, in writing the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

Subd. 3. Emergency Procedure; Summary Enforcement. In the cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The Enforcement Officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 4. Immediate Abatement. Nothing in this Section shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

500.07. Recovery of Cost.

Subd. 1. 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 Clerk-Administrator or other official designated by the Council 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 Clerk-Administrator.

Subd. 2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of grass and weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk-Administrator shall, on or before September 1 next following the abatement of the nuisance, list the total unpaid charges for current services to be assessed under Minnesota Statutes, section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against such 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 (10), as the Council may determine in each case.

Section 510 - Specific Public Nuisances

510.01. Shade Tree Disease Control and Prevention.

Subd. 1. Declaration of Policy and Adoption of Regulations. The Council hereby determines that the health of Elm, Oak, and other shade trees within the City limits is threatened by fatal diseases known as Dutch Elm and Oak Wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of Elm, Oak, and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair safety, good order, general welfare and convenience of the public. It is therefore declared to be the intention of the Council to control and prevent the spread of those diseases and this Section is enacted for that purpose. As a means of achieving that goal, the Shade Tree program regulations found in Minnesota Rules Section 1505 as amended are hereby adopted by reference and made part of this Code as if set out here in full.

Subd. 2. City Tree Inspector.

A. Position Created. The position of City Tree Inspector is hereby created. The powers and duties of the Tree Inspector shall be as set forth in this Subsection.

B. Duties of the Tree Inspector. It shall be the duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of Dutch Elm and Oak Wilt diseases, and other epidemic diseases of shade trees, as well as control of dead, diseased, or damaged trees, whatever the cause.

Subd. 3. Nuisances Declared. The following are public nuisances whenever they may be found in the City:

A. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman, Moreau) or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) Or *Hylungopinus Rufipes* (Marsh).

B. Any dead elm tree of part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

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

D. Any dead oak tree or part thereof which in the opinion of the Tree Inspector constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide.

E. Any other shade trees with an epidemic disease.

F. Any other standing or fallen tree containing dead branches of limbs that are broken or partially broken and suspended or hanging in such a manner so as to create a hazard to the public safety.

Subd. 4. Abatement. It shall be unlawful for any person to permit any public nuisance as defined in subdivision 3 of this Subsection to remain on any premises owned or controlled by him or her within the City limits. In abating a nuisance, the Tree Inspector shall cause the affected tree or wood to be sprayed, removed, burned, or otherwise effectively destroyed or prevent as completely as

possible the spread of any epidemic disease or to abate the nuisance. He or she shall also take such steps as are necessary to prevent root graft transmission of the diseases. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

Subd. 5. Inspection and Investigation.

A. Frequency of Inspection. As often is practicable, the Tree Inspector shall inspect all public and private premises within the City which might harbor any plant pest as defined by Minnesota Statutes, Section 18.46, subd. 13, to determine whether a condition described in this Subsection exists thereon. He or she shall investigate all reported incidents of infestation by Dutch Elm fungus, Elm Bark beetles, Oak Wilt fungus, and other epidemic disease of shade trees or the existence of dead or damaged trees as defined in this Subsection.

B. Entry of Private Property. The City Tree Inspector or his or her duly authorized agent may enter upon private property at any reasonable time for the purpose of carrying out any of the duties assigned to him or her under this Subsection.

C. Diagnosis. The Tree Inspector shall, upon finding conditions indicating Dutch Elm, Oak Wilt, or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as otherwise provided in this Subsection, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

Subd. 6. Procedure for Removal of Infected Trees and Wood.

A. Action by Tree Inspector. Whenever the Tree Inspector finds with reasonable certainty that any condition defined in this Subsection exists in any tree or wood on any public or private place in the City, he or she shall proceed as follows:

1. If the Tree Inspector finds that the danger of infestation of other elm, oak, or other trees is not imminent because of the dormancy of the infected trees, he or she shall make a written report of his or her finding to the Council which shall proceed by either (a) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (b) abating the nuisance as an action of the Council.

2. If the Tree Inspector finds that danger of infestation is imminent, he or she may notify the property owner by certified mail that the nuisance will be abated within a specified time, not less than five (5) days from the date of the notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limit in the notice he or she may abate the nuisance.

3. If the Tree Inspector finds any other conditions described in this Subsection, he or she shall follow the same procedures set forth in subparagraph 2 above.

B. Action By Council. Upon receipt of the Tree Inspector's report, the Council shall by resolution order the nuisance abated. Before action is taken on the resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one (1) week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing, the Council shall hear property owners with reference to the scope and desirability

of the proposed nuisance abatement. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

C. Record. The Tree Inspector shall keep a record of the costs of abatement done under this Subsection and shall report monthly to the Clerk-Administrator all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

D. Assessment. On or before September 1 of each year, the Clerk-Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Subsection. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

Subd. 7. Interference Prohibited. It shall be unlawful for any person to prevent, delay, or interfere with the Tree Inspector or his or her agents while they are engaged in the performance of duties imposed by this Subsection.

Subd. 8. Transporting Elm Wood Prohibited. It shall be unlawful for any person to transport within the City any bark-bearing elm or oak wood without having obtained a permit from the Tree Inspector. The Tree Inspector shall grant such permits when the purpose of this Subsection will be served thereby.

Subd. 9. Stockpiling of Elm Wood. The stockpiling of bark-bearing elm wood within the City limits shall be permitted during the period from September 15 through April 1 of each year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this Subsection and the regulations incorporated thereby.

510.02. Unusable and Dangerous Furniture, Household Furnishings and Appliances Stored on Public or Private Property. It is unlawful to store any unusable or dangerous furniture, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a building, and any violation is hereby declared to be a nuisance.

510.03. Grass and Weeds.

Subd. 1. Cutting of Grass and Weeds. It is unlawful for the owner, occupant or agent of the owner of any lot or parcel of land within the City to allow grass and weeds to exceed a height of five (5) inches, measured from the base at ground level to the tip of each stalk, stem, blade or leaf, to grow upon his or her land. Grass and weeds taller than five (5) inches shall be considered a nuisance and also shall be prima facie evidence of a violation of this Section.

Subd. 2. Notice and Assessment. If such owner, occupant or agent fails to comply with said height limitation, notice of the violation shall be given to him or her from a City officer or employee. The notice shall state that the owner or occupant has three (3) days to abate the nuisance or the City will cut the grass or weeds at the expense of the owner. The notice shall also state that the owner has a right to appeal the order to abate the nuisance within three (3) days. If the nuisance has not been abated within three (3) days of such notice, and no appeal of the order has been made, the City shall cause such grass and weeds to be cut and the expense

thereof shall be billed to the property owner due upon receipt of the bill. In the event of non-payment by the property owner, the amount due after September 1 of each year, plus interest, shall be certified by the Council to the County Auditor for collection as a special assessment against the affected property.

Subd. 3. Appeal. Any person aggrieved by an order of a City officer or employee to cut grass and weeds on his or her property may appeal the order to the Council by filing a written request with the Clerk-Administrator within three (3) days of receiving notice of the Order. A hearing on the matter shall then be scheduled before the Council and the appellant shall be provided notice stating the time and place for the hearing.

510.04. Air Pollution Control.

Subd. 1. Purpose. The purpose of Section 510.04 of the City Code is to promote clean air so as to protect the health, safety, and general welfare of the public within the city of Blue Earth.

Subd. 2. General Burning. It is unlawful for any person to burn or permit burning of any grass, weeds, leaves, rubbish, treated or finished wood, or other toxic substance upon premises owned or occupied by him or her except as provided for within Section 370 of this code.

Subd. 3. Burning within the General Business District (B-1). It is unlawful for any person to burn any substance, for any purpose, within all area's or districts zoned for General Business (B-1) as defined in Chapter 10 of the City Code, unless such burning is specifically excepted for within this Section.

Subd. 4. Recreational Fires and Large Bon-Fires. Recreational Fires and Large Bon-Fires shall be exempt from Subdivision 3 of this Section, and are permissible within the City. Recreational Fires shall be limited to a fire set for cooking, warming, recreational, or ceremonial purposes, which is not more than three feet (3') in diameter by three feet (3') high and the ground surrounding the fire has been cleared of all combustible material for five feet (5') from the base of the fire. Large Bon-Fires shall include any fire set for recreational or ceremonial purposes larger than that permitted for Recreational Fires. Large Bon-Fires shall have a clearance of not less than twenty feet (20') surrounding the fire which has been cleared of all combustible material. Recreational and Large Bon-Fires shall burn untreated and unfinished wood products only.

Subd. 5. Charcoal and Natural Gas Bar-B-Ques. Charcoal and Natural Gas Grills and Stoves shall be exempt from Subdivisions 2 and 3 of this Section, and are permissible within the City of Blue Earth for use in cooking. No grill or cooking stove shall be used for heating purposes.

Subd. 6. Natural Gas Furnaces and Fireplaces. Natural Gas Furnaces and Fireplaces shall be exempt from Subdivisions 2 and 3 of this Section, and are permissible for use within the City of Blue Earth for recreational and heating purposes.

Subd. 7. Pollution Control Regulations Adopted. The pollution Control Regulations Regulating Air, 1972 Edition, as amended in 1976, promulgated by the Minnesota Pollution Control Agency, are hereby adopted by reference as though set forth verbatim herein. Three copies of said Regulations shall be marked CITY OF BLUE EARTH – OFFICIAL COPY and

kept on file in the office of the Clerk-Administrator and open to inspection and use by the public. It is unlawful to violate a provision of this Section or the Pollution Control Regulations Relating to Air hereby adopted by reference.

510.05. Noise and Vibrations Affecting Peace and Safety.

Subd. 1. Unlawful to Make Loud or Unnecessary Noises and/or Vibrations Caused by Sound. It will be unlawful for any person to make, or cause to be made any loud, unnecessary or unusual noise or vibration, which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.

Subd. 2. Unlawful Acts. The following acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noises or vibrations in violation of this Section, but this enumeration is not exclusive.

A. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning;

B. Radios, Tapes and Disc Players, etc. The using, operating, or permitting to be played any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person of ordinary sensibilities.

(1) The play, use, or operation of any radio, tape, or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of 50 feet from such machine or device will be prima facie evidence of a violation of this section. It shall further be prima facie evidence of a violation of this section if a vibration caused by sound can be felt at a distance of 150 feet from such machine or device.

(2) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation. However, if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

(3) This section will not apply to sound produced by the following:

- Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City of Blue Earth, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
- Church bells, chimes or carillons.
- School bells
- Anti-theft devices

- Machines or devices for the production of sound on or in authorized emergency vehicles.

(4) With the exception of the machines or devices listed in subsection (3), this section will apply to all radios, tape and disc players, musical instruments, phonographs and machines and devices for the production or reproduction of sound, whether on public or private property.

C. Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

D. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises there from;

E. Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise which will disturb the comfort or repose of any persons in the vicinity;

F. Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of aerating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;

G. Noisy Parties and Gatherings.

(1) Prohibition. No person will, between the hours of 10:00 p.m. and 7:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person will knowingly remain at such a noisy party or gathering.

(2) Evidence. Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, will be prima facie evidence of a violation of this section.

(3) Duty to Disperse. When a City Official determines that a party or gathering is in violation of this section, the official may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person will knowingly remain at such a party or gathering.

(4) Exceptions. The following are exempt from violation of this section:

(i) Activities which are duly authorized, sponsored or licensed by the City of Blue Earth, so long as the activity is conducted pursuant to the conditions or the license,

permit or contract authorizing such activity.

(ii) Church bells, chimes or carillons.

(iii) Persons who have gone to a party for the sole purpose of abating the violation.

(5) Penalties. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering is guilty of a petty misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this section after being ordered by a City Official to do so, is guilty of a petty misdemeanor.

H. Exemptions Authorized by the Blue Earth City Council. Upon special request made by contractors, the Council may exempt contractors performing public works operations from time prohibitions set forth within this section.

Subd. 3. Noise Permits. Any citizen or person may submit an application for a permit to conduct an activity which may produce noise and/or vibrations in a fashion which violates the terms of this section at City Hall. Such permit applications must be approved by a majority vote of the City Council after a public hearing thereon and may contain certain conditions which must be complied with by the permit holder. Permits must be obtained prior to the activity or event which may produce the unlawful noise or vibration.

Section 520 - Offenses

520.01. Unlawful Use and Furnishing of Tobacco.

Subd. 1. Age. It is unlawful for any person, under the age of eighteen (18) years to use or possess tobacco in any form.

Subd. 2. Furnishment. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen (18) years.

520.02. Curfew.

Subd. 1. Purpose. The City Council has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of eighteen (18) in the City of Blue Earth; and persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and the City has an obligation to provide for the protection of minors, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and a curfew for those under the age of eighteen (18) will be in the interest of the public health, safety and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Blue Earth.

Subd. 2. Definitions. For the purpose of this Subsection, the following words and terms shall have the meanings stated:

A. The term “public place” means any place publicly owned or operated, or any commercial establishment open to the general public, whether supervised or not.

B. The term “loitering” means lingering or dawdling in or on any public place or upon private property without the consent of the owner and without any demonstrable legitimate purpose.

C. The term “emergency” means an unforeseen combination of circumstances of the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

D. The term “establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

E. The term “guardian” means:

1. A person who, under Court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by the Court.

F. The term “minor” means any person under the age of eighteen (18) years of age.

G. The term “parent” means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or
2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

H. The term “remain” means to linger, stay or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Subd. 3. Restrictions.

A. Minors Under the Age of Sixteen. It is unlawful for any minor person under the age of sixteen (16) years to be or loiter upon the streets or public places between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. of the following day, without reasonable cause, unless such minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor.

B. Minors Between the Ages of Sixteen and Eighteen. It is unlawful for any minor under the age of eighteen (18) years and over sixteen (16) years to be or loiter upon the streets or public places between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M. of the following day without reasonable cause, unless such minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor.

C. Parents and Guardians. It is a petty misdemeanor for any parent, guardian or other person having the legal care or custody of any minor person to allow or permit such minor person to be or loiter upon the streets or public places in violation of this Subsection unless such minor is accompanied by a person of lawful age having such minor person in charge.

Subd. 4. Exceptions.

A. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

1. Accompanied by the minor’s parent or guardian.
2. On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;
7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, and official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor.
8. Exercising first Amendment rights protected by the United States

Constitution, such as free exercise of religion, freedom of speech, and the right of assembly; or

9. Married or has been married.

B. It is a defense to prosecution under subdivision 3 of this Subsection that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Subd. 5. Enforcement. Before taking any enforcement action under this Subsection, the police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Subsection unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subdivision 4 of this Subsection is present.

Subd. 6. Penalty. Any minor under the age of eighteen (18) years who violates any of the provisions of this Subsection shall be deemed a juvenile offender and shall be subject to detention. The said minor shall be taken and delivered into the hands of the parent, guardian or other person having the care and custody of the minor, or said minor may be placed under detention at the local police station, and his or her parents or guardian notified by call from the Police. Upon second or subsequent offense, the minor shall be dealt with in accordance with juvenile law and procedure.

520.03. Consumption of Beer, Wine or Liquor on Streets or Private Parking Lots.

Subd. 1. Consumption in Streets. It is unlawful for any person to consume, or possess in an unsealed container, beer, wine or liquor, as those terms are defined in Chapter 4 of the City Code, on any street. Provided, that this Subsection shall not apply to the possession of an unsealed container in a motor vehicle on streets when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Subsection, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

Subd. 2. Consumption in Private Parking Lots. It is unlawful for any person to consume or possess in an unsealed container, beer, wine or liquor, as those terms are defined in Chapter 4 of the City Code, on any privately-owned parking lot which is clearly sign-posted prohibiting such possession and consumption. Provided, that this Subsection shall not apply to the possession of an unsealed container in a motor vehicle on privately-owned parking lots when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Subsection, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

520.04. Obscenity Prohibited.

Subd. 1. Definitions. As used in this Subsection, the following terms have the meanings given them.

A. The term "obscene" means that the work, taken as a whole, appeals to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

In order to determine that a work is obscene, the trier of fact must find:

1. That the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex of the average person;

2. That the work depicts patently offensive sexual conduct specifically defined by clause B; and

3. That the work, taken as a whole lacks serious literary, artistic, political, or scientific value.

B. The phrase “patently offensive sexual conduct” includes any of the following depicted sexual conduct:

1. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital or oral-genital intercourse, whether between human beings or between a human being and an animal.

2. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restricted on the part of one so clothed.

3. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

4. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animal members of the same or opposite sex or between humans and animals in an act of apparent sexual simulation or gratification.

C. The term “community” means the political subdivision from which persons properly qualified to serve as jurors in a civil proceeding are chosen.

Subd. 2. The Crime of Obscenity is the Intentional:

A. Exposure of genitals, pubic hair, anus, vulva, or female breast nipples in any public place or place open to the public view with the intent of arousing sexual desire or which appeals to prurient interest or is patently offensive.

B. Sale, consignment, distribution, dissemination, advertisement, exhibition or display of obscene material, or the preparation, manufacture, publication or printing of obscene material for sale, allocation, consignment, distribution, advertisement, exhibition or display.

C. Participation or engagement in, or management, operation, production, presentation, performance, promotion, exhibition, advertisement, sponsorship, or display of, patently offensive sexual conduct.

Subd. 3. Exceptions.

A. The provisions of this Subsection do not apply to recognized and established schools, churches, medical clinics, hospitals, physicians, governmental agencies, quasi-governmental sponsored organizations and persons acting in their capacity as employees or agents of such organizations.

B. For the purpose of this paragraph, the following words and terms shall have the respective meanings defined as follows:

1. “Recognized and Established Schools” means schools having a full time faculty and pupils, gathered together for instruction on a diversified curriculum.

2. “Churches” means any church, affiliated with a national or regional denomination.

3. "Physicians" means any licensed physician or psychiatrist.

4. "Medical Clinics" and "Hospitals" mean any clinic or hospital or licensed physicians or psychiatrists used for the reception and care of the sick, wounded or infirm.

Subd. 4. Corporations. When a corporation is charged with violating this Section, the corporation, the president, the vice president, the secretary and the treasurer may all be named as defendants. Upon conviction for a violation of this Subsection, all corporate officers who are named as defendants shall be subject to the penalty for a violation of this Subsection which is a misdemeanor.

520.05. Abandoned, Junk, Unauthorized and Illegally Parked Motor Vehicles.

Subd. 1. Unlawful Acts.

A. It is unlawful to park or store any unlicensed, unregistered or inoperable vehicle, or parts or components thereof, on any property, public or private, unless housed in a building. For the purposes of this Section, inoperable vehicle shall be defined as in Minnesota Statutes, Chapter 169.

B. It is unlawful to park or store any abandoned, unlicensed, or unauthorized vehicle, or parts or components thereof, on any property, public or private. For the purposes of this Section, abandoned, unlicensed, or unauthorized vehicles shall be as defined in Minnesota Statutes, Chapter 168B.

C. It is unlawful to park any motor vehicle in violation of any parking regulation of the City, as specified in Section 630 of this Code.

Subd. 2. Nuisance Vehicles. Unlicensed, unregistered or inoperable vehicles, or parts thereof, parked or stored on any property, public or private that are not housed in a building are hereby declared to be a public nuisance. The City may proceed to abate such nuisances according to the procedures set forth in Section 500 of this Chapter. Any vehicle which has been taken into custody by the City to abate such a nuisance shall be considered an unauthorized vehicle and may be disposed of according to the procedures set forth in subdivisions 5, 6 and 7 of this Subsection.

Subd. 3. City Authorized to Impound.

A. A police officer shall take into custody and impound any abandoned motor vehicle, junk motor vehicle or unauthorized motor vehicle as allowed by Minnesota Statutes, Section 168B.04.

B. When a police officer finds a vehicle standing upon a street or municipally-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove to a position in compliance with the parking regulations of Section 630 of this Code. When a police officer finds a vehicle unattended upon any street or municipally-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof.

Subd. 4. Impound Facility. The City Council shall designate a storage facility as the impound facility. Such place shall be reasonably safe from theft and vandalism. The City may contract with any individual or corporation for the use of such a facility as the designated facility. All costs of removal to and storage at the designated facility shall be the responsibility of the registered owner of the motor vehicle impounded.

Subd. 5. Notice of Taking.

A. When a motor vehicle is impounded under subdivision 2 of this Subsection as an abandoned, junk, or unauthorized vehicle, the City shall give notice of the taking within five (5) days. The notice shall:

1. Set forth the date and place of the taking, the year, make, model and serial number of the vehicle, if easily obtained, and the place where the vehicle is being held;

2. Inform the owner and any lien holders of an abandoned, junk or unauthorized vehicle of their right to reclaim the vehicle and contents. The notice shall also state that failure to exercise that right shall be deemed as a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to subdivision 6 of this Subsection.

B. The notice for abandoned, junk or unauthorized vehicles shall be sent by mail to the registered owner, if any, and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

C. The notice of a vehicle impounded for a parking violation shall also be sent by mail to the registered owner of the vehicle.

Subd. 6. Right to Reclaim.

A. The owner or any lien holder of an abandoned or junk vehicle shall have the right to reclaim the vehicle upon payment of towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice.

B. The owner or any lien holder of an unauthorized vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within forty-five (45) days after the date of the notice.

C. The owner of a vehicle impounded for a parking violation shall have the right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from the taking of the vehicle into custody within forty-five (45) days of the date of the notice. After forty-five (45) days, the City may declare the vehicle abandoned and proceed as if it was dealing with an abandoned vehicle except that no charges for storing an abandoned vehicle may be brought against the owner.

D. Nothing in this Subsection shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of a lien holder to foreclose. For the purposes of this Subsection, "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

Subd. 7. Disposal of Unclaimed Motor Vehicles by Public Sale.

A. An abandoned, junk or unauthorized motor vehicle and contents taken into custody and not reclaimed under subdivision 5 of this Subsection shall be sold to the highest bidder at public auction or sale, following the expiration of the reclamation period for the vehicle in subdivision 5 of this Subsection. The purchaser shall be given a receipt in a form prescribed by the Register of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

B. From the proceeds of the sale of an abandoned, junk or unauthorized motor

vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative notice and publication costs incurred pursuant to this Subsection. Any remainder from the sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and then shall be deposited in the General Fund of the City.

C. Disposal of Vehicles not Sold. When no bid has been received for an abandoned, junk or unauthorized vehicle, the City may dispose of it in compliance with Minnesota law.

D. Contracts on Disposal.

1. The City may contract with a qualified person for the collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned, junk, or unauthorized vehicles and other scrap metal for recycling or other methods of disposal.

2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where the City enters into a contract with a person duly authorized by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal for the purpose of obtaining reimbursement.

3. If the City utilizes its own equipment and personnel for disposal of the abandoned, junk or unauthorized vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided. However, the city may dispose of no more than five (5) vehicles using its own resources without advertising for or receiving bids for such disposal in any 120 day period.

E. Persons who may not Purchase - Exception.

1. No employee of the City who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the City in a professional capacity, may be a purchaser of a Vehicle under this Subsection. Other City employees may be purchasers, if they are not directly involved in the sale, if they are the highest bidder, and if at least one week's published or posted notice of sale has been given.

2. It is unlawful for any person to be a purchaser of a vehicle under this Subsection if such purchase is prohibited by the terms of this subdivision.

520.06. Obstructing Legal Process or Arrest. It is unlawful for anyone to intentionally obstruct, hinder or prevent the lawful execution of any legal process, civil or criminal or apprehension of another on a charge or conviction of a criminal offense.

520.07. Storage of Refuse and/or Garbage Within City Limits.

Subd. 1. Compliance with State and City requirements. All solid wastes shall be stored, collected, transferred, utilized, processed and disposed of, or reclaimed in a manner consistent with the requirements of this Subsection and the requirements of the Minnesota Pollution Control Agency.

Subd. 2. Storage.

(a) The owner and occupant of any premises, business

establishment, or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premises, business establishment or industry.

(b) Garbage and similar putrescible waste shall be stored in one (1) of the following:

(1) Durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles or bales to facilitate handling.

(2) Other types of containers acceptable to the city and conforming to the intent of this article.

(c) Refuse shall be stored in durable containers or as otherwise provided in this article. Where garbage and similar putrescible wastes are stored in combination with non-putrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

(d) Toxic or hazardous wastes shall be stored in the proper containers which are adequately labeled in a safe location and in compliance with the regulations of federal, state, and the city governments and their regulatory agencies.

(e) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers which are broken or otherwise fail to meet requirements in this regulation shall be replaced with acceptable containers.

(f) Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance-free manner and in compliance with the regulations of federal, state and the city government and their regulatory agencies.

(g) The owner and/or occupant of any premises, business establishment, or industry located in the City of Blue Earth shall not allow the accumulation or storage of solid waste in a refuse or garbage container or dumpster of a size greater than ninety-six (96) gallons on said premises for a period longer than one (1) week, nor permit the disposal of any solid waste except in accordance with this section and any ordinance regulating solid waste disposal adopted by the county board of commissioners. All such refuse and garbage containers or dumpsters shall be emptied of its contents by the property owner or tenant at least 1 time per calendar week.

(h) No dumpsters or garbage or refuse containers shall be allowed in the front yard except on the night before and through the day of garbage or refuse pick up.

Subd. 3. Dumpsters used for construction, remodeling or moving purposes. An

owner and/or occupant of any premises, dwelling, business establishment or industry located in the City of Blue Earth may place a refuse or garbage container or dumpster upon their property for the purposes of disposing of non-biological dry items only due to a construction project, a remodeling project or because of a move from or to the premises after obtaining a permit for said containers from the City. Said permit shall be valid for a period of thirty (30) days only and may be renewed upon proof to the City that said container or dumpster has been emptied prior to the renewal date.

Subd. 4. Penalty. Violations of the provisions of this Subsection shall be a petty misdemeanor offense.

Section 530 – Building Maintenance Standards

530.01. Purpose.

Subd. 1. Findings and Intent. The City Council believes it is in the best interest of the City of Blue Earth to protect the public health, safety and general welfare of its citizens by adoption of these property maintenance standards. The intent of these regulations is as follows:

1. To preserve the value of property within the City of Blue Earth;
2. To protect the character and stability of all buildings and property within the City of Blue Earth;
 1. To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying buildings within the City of Blue Earth;
 2. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
 3. To provide minimum standards for light and ventilation necessary to health and safety.
 4. To prevent overcrowding of dwellings by providing space standards per occupant for each dwelling.
 5. To provide minimum standards for the maintenance of existing buildings, and to thus prevent slums or blight.

530.02. Application.

Subd. 1. Scope. All owners and occupants of property shall comply with the provisions set forth in this Section and elsewhere in this Code. This Section applies to all property located within any commercial, industrial, or residential zoning district, as those terms are defined in the zoning regulations of this Code. Every building, as well as its premises, and all occupied premises within the City of Blue Earth, shall conform to the requirements of this ordinance, irrespective of when such building may have been constructed, altered, or repaired.

This section does not apply to the following:

Undeveloped land, which may be allowed to remain in a natural condition, but shall comply with all other provisions of this Code.

Vacant buildings, structures, and accessory structures scheduled for demolition or removal, within 120 days of inspection, or within 60 days following an expired foreclosure redemption period, provided they are secured in such a way that they present no public danger, as determined in Chapter 9 of the City Code.

Manufactured housing and property shall comply with the regulations governing manufactured housing in this Code, state statutes, and state regulations and all other provisions of this Code.

Subd. 2. Rental Properties. It is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to complaints for tenant or landlord, which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise legal sanctions as are available to them without the intervention of city government. Neither in enacting this ordinance is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

Subd. 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Accessory Building: A structure subordinate to the main or principal building which is not authorized nor used for living or sleeping by human occupants and which is located on the premises. Accessory buildings or structures include, but are not limited to, decks, porches, fences, retaining walls, and sheds.

Approved: Acceptable to this jurisdiction.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. Buildings include, but are not limited to, dwellings, offices, and stores.

Compliance Official: The Building Official, Code Enforcement Officer, Police Chief, Zoning Administrator, or City Administrator.

Dwelling: A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels and motels.

Dwelling Unit: A single residential accommodation which is arranged, designed, used, or if vacant, intended for the use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building.

Flush Water Closet: An approved toilet system with a bowl and trap made in one piece connected to the city water and sewer system.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Habitable Building: Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Habitable Room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Heated Water: Water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.

Kitchen: A space that contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for storage of cooking utensils.

Manufactured Housing: Shall be given the meaning of either “mobile home” or “modular home”, as defined in Chapter 10 of the City Code, given the relevant subjective characteristics of the unit at issue.

Multiple-Family Dwelling: A dwelling or portion thereof containing three or more dwelling units.

Non-Residential Building: All other buildings or structures other than dwellings or dwelling units.

Occupant: Any person (including an owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit or premise.

Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building.

Person: An individual, firm, partnership, association, corporation, joint venture or organization of any kind.

Property: Any developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.

Refuse: All putrescible and non-putrescible waste solids including garbage and rubbish.

Repair: To restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent Harborage: Any places where rodents can live, nest, or seek shelter.

Rooming Unit: Any room or group of rooms forming a single habitable unit used for living or sleeping but not for cooking and eating purposes.

Safety: The condition of being reasonably free from danger and hazards that may cause accidents and diseases.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Substandard Building: Any dwelling that does not conform to the minimum standards established by City Ordinances.

530.03. Responsibility of Owners.

No owner or person shall occupy or let another person occupy any building, unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota and the City of Blue Earth.

530.04. Maintenance Requirements.

The owner and occupant of a property shall keep and maintain the property in compliance with the following requirements:

1. **Exterior Property Areas.** Exterior property areas, which means all areas of a property which are exterior and not related to any portion of a building, structure, or accessory structure located on the property, shall be maintained as follows:
 - a. The exterior property areas shall be kept and maintained in a clean, safe, and sanitary condition.
 - b. Private sidewalks, driveways, and similar areas shall be kept in good repair and maintained free from hazardous conditions, including but not limited to, those conditions considered to be nuisance in Chapter 5 of the City Code.
2. **Yards.** The owner shall be responsible for providing and maintaining premises yards consistent with Chapter 510 of the City Code. The stockpiling of dirt or other construction or landscaping materials for any period exceeding 90 days shall be unlawful.
3. **Driving and Parking Areas.** The owner of a building shall be responsible for providing and maintaining in good condition, delineated parking areas and driveways.

4. **Exterior of Buildings, Structures, and Accessory Structures.** The exterior of any building, structure or accessory structure shall be maintained in good repair so as not to pose a threat to the public health, safety, or general welfare.
5. **Exterior Surfaces.** Exterior surfaces shall be protected from the elements and decay by maintained paint, stain, or other protective covering or treatment. Peeling, flaking and chipped paint shall be removed and the surface repainted or otherwise covered by other protective covering. Joints in siding materials and between siding and other features shall be maintained weather-resistant. Metal surfaces subject to rust or corrosion shall be stabilized and treated to inhibit future rust or corrosion. For purposes of this Section, if fifty percent (50%) or more of a wall or other surface area, such as fascia or soffits, has the protective coating peeling, flaking, chipping, or deteriorated, then the wall or surface area shall be restored to a protected condition.
6. **Structural Members.** Structural members shall be maintained free from deterioration and shall be of a condition that is capable of safely supporting the imposed loads.
7. **Foundations, Exterior Walls, Roofs, and Drainage.** Exterior walls shall be free from holes, breaks, and loose, missing or rotting materials. The roof and flashing shall be maintained weather-resistant so as not to allow moisture to enter the building. Roof drainage systems shall be maintained in good working order to perform the intended function. Roof water shall not be discharged in a manner that creates a public nuisance as defined in Chapter 5 of the City Code.
8. **Windows, Skylights, Doors, Screens.** Every window, skylight, exterior door, and other exterior openings shall be kept in sound condition and repair and substantially weather tight. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building. Glazing materials shall be maintained free of cracks, holes, or similar damage.
9. **Stairways, Decks, Porches and Balconies.** Stairways, decks, porches and balconies, and attachments thereto, shall be maintained structurally sound, in good repair, capable of supporting the imposed loads, able to perform the intended function, and maintained weather-resistant.
10. **Chimneys, Flues, and Vents.** Chimneys, flues, vents, and other similar features shall be maintained in good and safe repair and structurally sound. Exposed surfaces of metal or wood shall be maintained and protected from rust or decay according to the requirements of this chapter.
11. **Safety Features.** Safety features that are placed on property shall be maintained in good condition and repair and structurally sound to perform the intended function.
12. **Storage and Disposal of Rubbish.** All occupants of a building shall store and dispose of

all their rubbish in a clean, sanitary, and safe manner as described in Chapters 5 and 10 of the City Code.

13. **Storage and Disposal of Garbage.** All occupants of a building shall store and dispose of all their garbage in a clean, sanitary, and safe manner as described in Chapter 5 of the City Code.
14. **Responsibility for Pest Extermination.** Every occupant of a dwelling containing a single dwelling unit or an occupant of a nonresidential building containing a single unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a nonresidential building containing more than one unit shall be responsible for such extermination whenever their unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a building in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever extermination is the responsibility of the landlord, the extermination must be performed by a licensed pest control contractor.
15. **Rodent Harborage Prohibited in Occupied Areas.** No occupant of a building shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit or building creating a nuisance as defined in Chapter 5 of the City Code. Stored materials shall be stacked neatly.
16. **Public or Shared Areas.** Every owner of a building shall maintain in a clean, sanitary and safe condition the shared or public areas of the building or premises thereof.
17. **Occupied Areas.** All occupants of a building shall maintain in a clean, sanitary and safe condition that part or those parts of the building and premises thereof that they control.
18. **Sanitary Maintenance of Fixtures and Facilities.** Every occupant of a building shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
19. **Removal of Snow and Ice.** Every occupant and/or owner shall be responsible for the removal of snow or ice from the parking lots, sidewalks, and driveways on the premises as specified in Chapter 5 of the City Code.
20. **Other Code Provisions.** The maintenance requirements set forth herein are not exclusive and are in addition to all other provisions of this Code or state law that regulate the condition or use of property, including but not limited to: storage of garbage or refuse, junk vehicles or appliances; weed and pest control; building, fire and plumbing code requirements; individual sewage treatment systems; and prescribed public nuisances.

530.05. Commencement of Proceedings.

Whenever the Compliance Official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence criminal prosecution for the violation of the Ordinance and commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

530.06. Notice and Order.

The Compliance Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and/or a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Compliance Official has found the building to be substandard with a brief and concise description of the conditions found to render the building be in violation of this ordinance.
3. A statement of the action required to be taken as determined by the Compliance Official in order to ensure compliance with this Ordinance.
 - a. If the Compliance Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days) and completed within such time as the Compliance Official shall determine as reasonable under all circumstances.
 - b. If the Compliance Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Compliance Official.
4. Statements advising that if any required repair or demolition work is not commenced within the time specified, the Compliance Official:
 - a. May initiate criminal proceedings against the property's occupant or owner, as specified within this Ordinance and provided for in Chapter 1 of the City Code;
 - b. May recommend to the Council that the Council proceed with obtaining a Summary Enforcement Order requiring compliance with the Ordinance in District Court, following the procedural requirements set forth for such a proceeding in Chapter 5 of the City Code and provided for in Minnesota Statutes, section 463.17.
 - c. Will inform the property's owner or occupant that a violation of the Enforcement Order may result in the individual being held in contempt of court

and the City performing the necessary repairs or demolition work and assessing all related expenses back to the property.

530.07. Enforcement.

Violation of this Section shall constitute a petty misdemeanor as defined in Chapter 1 of the City Code and/or remedied by the guidelines set forth by this Section.

Section 540 – Vacant Building Registration

540.01. Definitions. For the purpose of this section certain words and phrases are defined as follows:

Subd. 1. Enforcement Officer. The City Building Official or Zoning Administrator.

Subd. 2. Owner. Those shown to be owner(s) on record at the Faribault County Recorder's Office, those identified as owner(s) on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagee/mortgagor or vendee/vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser state therein, mortgagee for the benefit of the owner(s) of the beneficial interests in possession, or its nominee. Any such person shall have a joint obligation for compliance with the provisions of this section.

Subd. 3. Secure. Includes, but is not limited to, installing locks, repairing and/or boarding windows and doors, posting "no trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or security system consistent with Minn. Stat. §463.251.

Subd. 4. Unoccupied Building. A building which is not being used for a legal occupancy.

Subd. 5. Vacant Building. A building or a portion of a building that meets one or more of the following conditions:

- a. Unoccupied and foreclosed upon as identified by Faribault County.
- b. Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- c. Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- d. Unoccupied and gas, electric, and water service to the premises has been terminated.
- e. Unoccupied and rubbish, trash, or debris has accumulated on the premises.
- f. Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- g. Unoccupied and the premises is deteriorating or in imminent danger of falling below minimum community standards for public safety and sanitation
- h. Unoccupied and the property address has been cited with at least one nuisance violation.
- i. Unoccupied and the property address has been cited with at least one minimum maintenance standard violation.

540.02. Registration and Fees.

Subd. 1. Registration Required. The owner shall register with the enforcement officer within thirty (30) days after any building in the city becomes a vacant building, as defined in Subsection 540.01, Subd. 5. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:

- a. description of the premises

- b. names and address of owner(s)
- c. name and address of all known lien holders and all other parties with an ownership interest in the building
- d. period of time the building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building.

Subd. 2. Registration Fee. The owner of a vacant building shall pay an annual Registration fee of five hundred (\$500.00) dollars each year the building remains a vacant building. The registration fee is intended to at least partially cover the administrative costs for registering and processing the vacant building owner registration form and for the costs of the City in monitoring the vacant building site. If the vacant building is listed for sale with a licensed realtor, for a sales price which is no greater than 10% above the assessed value of the property for real estate tax purposes by the Faribault County Assessor's Office, then the owner shall not need to pay said registration fee.

Subd. 3. Penalty – Failure to Pay Fee. The first annual fee shall be paid within thirty (30) days of being due and the owner shall be subject to prosecution as prescribed in this section if not paid by the due date. The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. All delinquent fees shall be paid by the owner, prior to any transfer of ownership of a vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee within thirty (30) days of being due and the new owner shall be subject to prosecution as prescribed in this section if not paid by the due date.

540.03. Records on Property. The enforcement officer shall include in the file any property specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

540.04. Exemptions. In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees provided that within thirty (30) days from the date of the fire, the owner submits a written request for an exemption to the enforcement officer, which includes the following:

- a. description of the premises
- b. names and address of owner(s)
- c. statement of intent to repair and reoccupy the building in an expedient manner

An exemption granted under this section shall be valid for no more than ninety (90) days. In the event that the owner of the property, at the time of the fire, who received an exemption under this section should at any time after the fire transfer to another person any ownership interest in the subject property, the exemption under this section is immediately void and any new owner(s) shall be responsible for paying any required vacant building fees.

540.05. Inspections. The enforcement officer shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this section. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

540.06. Inventory. The enforcement officer shall maintain a current list of all known vacant buildings, as well as list of all previously declared vacant buildings which are no longer subject to the provisions of this section. The vacant building list shall be available to the public, to the extent provided by law.

540.07. Collection of Unpaid Fees. The fees associated with the vacant building program shall be a debt owed to the City and unpaid costs shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101.

540.08. Violations. A violation of any provision of this section by the owner of a vacant building shall be a petty misdemeanor.

540.09. Severability. If any provision of this section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.