

CHAPTER 6. NUISANCES AND OFFENSES

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SECTION 600 – FIRE REGULATIONS

Sec. 600.01 Fire Hazards Prohibited. All fire hazards shall be hereby prohibited within the City and it shall be the duty of the contracted fire service to make periodic inspection of the City, structures and/or property therein, to locate such fire hazards and to give the owner or occupant a three-day notice to eliminate all fire hazards on those premises. Any owner or occupant who shall fail to have his or her premises free from fire hazards within three days of such a notice shall be guilty of a misdemeanor.

Sec. 600.02 Fire Hazards Defined. Fire Hazards shall mean those that are so defined in the “National Fire Code”, as published by the National Fire Protection Association.

Sec. 600.03 Reports to Council. The contracted fire service shall make such periodic reports to the Council, as the Council shall from time-to-time require.

Sec. 600.04 Inspections. All commercial structures and properties within the City shall be inspected by the Contracted fire service at least twice a year. All residential structures and property may be inspected on a periodic basis, as determined by the Contracted fire service or as directed by the City Council.

Sec. 600.05 Owners or Occupants Shall Allow Inspections. All owners or occupants of lands within the City shall admit the Contracted Fire service for inspection of their lands and premises at all reasonable hours. No prior notice shall be required. Any owner or occupant who shall fail to allow the Contracted fire service to inspect his or her lands or premises, immediately upon demand shall be guilty of a misdemeanor unless reasonable cause is given to the Contracted fire service upon demand.

SECTION 610 - CURFEW

Sec. 610.01 Intent. The City Council finds that fighting crime effectively requires a multi-pronged effort, with one aspect focusing on those age groups particularly vulnerable to and injured by crime, and susceptible to being induced into committing crime. Consequently, it is the intent of the Council to create and implement a juvenile curfew program aimed at protecting juveniles from crime and reducing juvenile crime and the direct and indirect consequences thereof.

Juveniles in the City have themselves become victims of crime and violence. A juvenile curfew program shall have the additional benefit of reducing juvenile victimization.

It shall be the intent of the Council to substantially reduce, if not eradicate, acts of crime and delinquency committed by juveniles and to provide for the care, safety, and protection of law abiding juveniles and other citizens, residents, and visitors.

This Section shall be enacted in recognition of the peculiar vulnerability of juveniles, their frequent inability to make critical decisions in an informed, mature manner, and the importance of the parental role in child-rearing; and,

Sec. 610.02 Purpose. The purposes of this Section shall be:

- (1) To protect juveniles themselves and other citizens, residents and visitors of Landfall Village from the dangers of crimes which occur on sidewalks, streets, and in public, and semipublic places during late night and early morning hours; and,

- (2) To decrease the amount of criminal activity engaged in by juveniles; and,
- (3) To promote and enhance parental control over juveniles;

Sec. 610.03 Definitions. For the purpose of this Section, the following definitions shall apply:

Subd. 1 Authorized Adult. “Authorized Adult” shall mean any person who shall be at least eighteen (18) years of age and shall be authorized by a parent of the minor to take the parent’s place in accompanying the minor for a designated period or time.

Subd. 2 Emergency Errand. “Emergency Errand” shall mean an errand necessary to avoid or seek help for a harm or peril that is immediate, overwhelming or physical, provided the minor could not have avoided the necessity of the errand by taking advance precautions.

Subd. 3 Minor. “Minor” shall mean any unemancipated person under the age of eighteen (18) years.

Subd. 4 Parent. “Parent” shall mean any person having legal custody of a minor (i) as natural or adoptive parent; (ii) as legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

Subd. 5 Public Place. “Public Place” shall mean any public street, highway, roadway, park, public recreation, entertainment or civic facility, or other place open to the public within the City.

Sec. 610.04 Prohibited Acts.

Subd. 1 Minors Under Sixteen. It shall be unlawful for any minor under the age of sixteen (16) years to be in a public place within the City during the period ending at 5:00 AM and beginning at 10:00 PM every day of the week.

Subd. 2 Minors Sixteen and Seventeen. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to be in any public place within the City during the period ending at 5:00 AM and beginning at 12:00 AM (midnight) every day of the week.

Subd. 3 Parent and Authorized Adult. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit the minor to be in any public place within the City during the hours prohibited by Subparagraphs A. and B. of this Subdivision in this Section, under circumstances not constituting an exception to this Section as set forth in this Section. The term “knowingly” includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under the person’s care.

Subd. 4 Business Owner. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any minor to remain in such place during the hours prohibited by Subdivisions 1 and 2 of this Subsection under circumstances not constituting an exception to this Section as set forth in this Section.

Sec. 610.05 Exceptions.

The following shall constitute valid exceptions to the operation of the curfew:

- A. At any time, if a minor shall be accompanied by his or her parent or an authorized adult;
- B. At any time, if a minor shall be upon an emergency errand;
- C. At any time, the minor shall be upon some necessary errand by permission or direction of the parent, guardian or other adult person having the care and custody of the minor, which permission shall be in written form and signed by the parent, guardian or other adult person having the care and custody of the minor;
- D. At any time, where the presence of the minor in the place or places shall be connected with or required by some legitimate business, trade or profession or occupation in which the minor shall be permitted by law to be engaged;
- E. If the minor shall be legally employed, for a period from forty-five (45) minutes before or after work, while going directly between his or her home and place of employment;
- F. At any time the minor shall be engaged in interstate-travel;
- G. At any time the minor shall be exercising First Amendment right protected by the United States Constitution (or those similar right protected by Article I of the Constitution of the State of MN), such as free exercise of religion, freedom of speech, and the right of free assembly;
- H. At any time the minor shall be married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction;
- I. At any time the minor shall be homeless or uses a public or semi-public place as his or her usual place or abode;
- J. At any time the minor shall be on the boulevard or sidewalk abutting the juvenile’s residence or abutting the residence of a next door neighbor if the neighbor shall not have complained to the contracted police service about the juvenile’s presence;

- K. At any time the minor shall be attending, or returning by a direct route to his or her current residence from, a specific activity at a public or semi-public place which is open to the general public and supervised by adults at least twenty-one (21) years of age; provided further, that any such activity shall begin no later than 10:00PM; provided further, that the juvenile possesses written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity;
- L. Attending an official school, religious, or recreational activity supervised by adults at least twenty-one (21) years of age and sponsored by the City, a school, church, civic organization or other similar entity, which organization shall take responsibility for the juvenile as an invitee, or going to or returning from, any such activity without any detour; provided further, that the juvenile shall possess written permission from his or her parent or legal guardian authorizing the juvenile to attend or engage in that specific activity.

Sec. 610.06 Defense. It shall be a defense to prosecution under this Section that the owner, operator, or employee of an establishment promptly notified the contracted police service that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 610.07 Enforcement. Before taking any enforcement action under this Section, a police officer shall ask the apparent offender’s age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in shall be present.

Sec. 610.08 Penalties. Violation of this Section shall be a misdemeanor.

SECTION 620 – DRUGS, NARCOTICS, POISONS, AND CHEMICALS

Sec. 620.01 State Law Adopted. The provisions of MN Statutes, Chapter 151, 152, and 609, each as amended by subsequent laws of the State of MN, shall be adopted as part of this Section regulating the transfer of possession, possession and use of drugs, narcotics, poisons and chemicals within the City and shall be hereby incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 620.02 Possession of Controlled Substances and Injection Implements and Drug Paraphernalia. No person or persons except dealers or salespersons in surgical instruments, registered pharmacies, licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dentistry, licensed doctors of veterinary medicine, or nurses or interns in any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated, when under the direction and supervision of a licensed doctor as defined above, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections, and which is possessed for that purpose, unless the possession shall be authorized by the certificate of a physician issued within the period of one year prior to any time of the possession. No person shall use, possess or have under his or her control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium.

Sec. 620.03 Prohibiting Inhalation of Chemicals. No person shall inhale, breathe, drink or otherwise take into the body any compound, liquid or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance capable of inducing intoxication, elation, dizziness, paralysis, irrational behavior or, in any manner, distorting or changing the audio, visual or mental processes. For the purpose of this Section, any such condition so induced shall be deemed to be an intoxicated condition; provided, however, that the provisions of this Section shall not apply to any person who inhales, breathes, or drinks such material or substance pursuant to the direction or prescription of any licensed doctor as listed in Subsection 620.02 above, and authorized to so direct or prescribe.

Sec. 620.04 Sale or Possession. No person shall, for the purpose of violating or aiding another to violate any provision of this Section, intentionally possess, buy, sell, transfer possession, or receive possession of any glue or cement containing any of the intoxicating substances defined in Subsection 620.03.

Sec.620.05 Restriction of Sales to Minors.

Subd. 1 Possession. Except as provided in Subd. 3 hereof and Subsection 620.06, no person under eighteen (18) years of age shall possess or buy any glue or cement containing the intoxicating substances defined in Subsection 620.03.

Subd. 2 Sales except as provided in Subd. 3 hereof and Subsection 620.06, no person shall sell or transfer possession of any glue containing the intoxicating substances defined in Subsection 620.03 to another person under eighteen (18) years of age.

Subd. 3 Exception. Provided, however, a person may sell or transfer possession of any glue containing the intoxicating substance defined in Subsection 620.03 to a person under eighteen (18) years of age for model building or other lawful use where the juvenile shall have in his or her possession and shall present the written consent of his or her parent or guardian, which consent shall contain the address and telephone number of the parent or guardian. Further, this Section shall not apply where the glue or cement is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

Sec. 620.06 Permanent Records of Sale or Transfer. A person making a sale or transfer of possession of any glue containing the intoxicating substance defined in Subsection 620.03 to a person under eighteen (18) years of age who presents the written consent of his or her parent or guardian shall keep the written consent required by this Section in a permanent type file available for inspection by the contracted police service for a period of at least six months.

Sec. 620.07 Self-Service Displays Prohibited. Retail establishments selling glue or cement containing the intoxicating substances defined in Subsection 610.03 shall not sell such glue or cement from a self-service display.

Sec. 620.08 Organized Model Classes Excluded. This Section shall not apply to the distribution of glue or cement by adult supervised youth organizations for use by their regularly organized model classes.

Sec. 620.09 Menace to Public Welfare. Any possessions, sale, distribution, prescribing, administration, dispensation or use of drugs, controlled substance, poison or chemicals, or of any hypodermic syringe or needle, or any instrument or implement adopted for the use of a controlled substance, or any stem, bowl, lamp, yen hock or other controlled substance smoking paraphernalia or accessories used for the smoking or inhalation of a controlled substance contrary to the provisions of this Chapter, shall be hereby declared to be dangerous to the public health, a menace to the public welfare, and shall be prohibited.

SECTION 630 – DISPOSAL OF GARBAGE, RUBBISH, REFUSE AND WASTE MATERIALS

Sec. 630.01 Definitions. For the purpose of this Chapter certain terms and words shall have the following meanings:

Subd. 1 Garbage. “Garbage” shall mean waste, food stuff, or table wastes of vegetable or animal origin, together with incidental admixtures.

Subd. 2 Rubbish. “Rubbish” shall mean and include all other waste matters, such as ashes, sweeping, and other such materials except vegetative compost piles properly maintained for conservation, gardening, and landscaping purposes.

Subd. 3 Refuse. “Refuse” shall mean garbage or rubbish or any combination thereof.

Subd. 4 Waste Materials. The following items of waste material shall not be considered as refuse: stones, sod, earth, concrete, contractor’s building materials, large automobile parts, large appliances, inflammable liquids, tree trunk sections over four inches in diameter and three feet in length, manure, or articles so heavy or bulky that they cannot be easily lifted by one person. The aforesaid items shall not be allowed to accumulate and shall be removed within seventy-two (72) hours upon notice from the City, which may be given in writing to the owner or occupant of the property upon which the materials are accumulated, or by posting the notice upon the property in a conspicuous place and failure to remove pursuant to the order shall be a misdemeanor.

Sec. 630.02 Disposal Requirements. Every person, firm, or corporation shall dispose of refuse which accumulates upon his or her, or its property at least once a week or more often as sanitary conditions warrant as determined by the City Council. Every householder, occupant, and owner of any dwelling, manufactured home, or any other structure shall have garbage and rubbish collected by the hauler licensed by the City and shall comply with the provisions of this Section and with the dates of collection and requirements therefore as established by the City Council.

Subd.1 Rules. All refuse accumulation in the City shall be collected, conveyed, and disposed of under the supervision of the City Council in accordance with State regulations and accepted sanitation and health practices. The City Council shall have the authority to make rules and regulations concerning days of collection, type and location of waste containers, and such other matters as they deem necessary by resolution.

Subd. 2 Notice. The licensed hauler shall notify the City Council of the notice of discontinuance of service to any premises. He or she shall also report any accumulations of refuse in violation of City code provisions.

Subd. 3 Fees and Conditions. Fees and conditions for hauling all refuse from the City shall be filed by the hauler in writing with the Clerk at the time of his or her application for a license, and shall remain in effect for the license period. The licensed hauler may refuse to make collections of any premises when the fees are not paid within 30 days from the due date.

Sec. 630.03 Maintenance of Sanitary Conditions. Any person, firm or corporation accumulating refuse shall comply with the following requirements:

- A. No persons shall place any refuse in a street, or other public place, or upon any private property whether owned by such person or not except as provided by this Section.
- B. No person shall throw or place any refuse in any stream or other body of water.
- C. No persons shall place any waste material in any street or other public place.
- D. No person shall cast, place, sweep, or deposit any refuse in such a manner that it may be carried by elements off his or her property.
- E. No persons shall bury or burn any refuse in the City except in accordance with regulations established by the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and this Section.
- F. All approved, lidded garbage containers shall be fly tight and rodent-proof and shall at all times, be screened from view from the street and least visible from the front of home. On trash collection day, all containers shall be replaced in their proper places by evening.
- G. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of by dropping them off at the Washington County Hazardous Waste Site.

Sec. 630.04 Refuse Containers. Unless otherwise specifically provided in this code, every person, firm or corporation, as a householder, occupant and/or owner of any dwelling, manufactured home, or any other structure utilized for dwelling purposes and any restaurant, firm, corporation, or establishment that accumulates refuse shall provide one or more fly tight and watertight metal or equivalent rodent-proof lidded garbage container, of not more than 90 gallon total capacity, to contain all of the refuse which accumulates between collections.

Subd. 1 Bags. Unless otherwise specifically provided for in this code, all persons shall place garbage in a 1 1/2 mil. minimum polyethylene bag or equivalent in performance of 30-32 gallon capacity or less or equivalent system which shall be kept in the aforesaid containers, then placed at the curb line for pick-up, unless special arrangements are made with the hauler for walk in service with or without bags or some other special service. Rubbish shall be placed in 1 1/2 mil. minimum polyethylene bags or equivalent in performance in amounts not more than 90 gallons capacity, and may be placed for pick-up on the garbage pick-up date next to the curb line or next to the alley. If walk-in service is arranged for with a licensed hauler and bags are not used, sufficient fly tight and watertight metal or equivalent rodent-proof garbage containers of not more than 90 gallon-capacity shall be provided by the homeowner or firm and shall be kept in a sanitary condition.

Subd. 2 Special Collection Service. The owners, operators, or managers of any building of any firm or corporation where refuse accumulates in excess of four 30-32 gallon containers per week shall have vat service weekly from a hauler licensed to do business in the City. The vats shall be of a minimum capacity of one cubic yard and of an approved sanitary type with the proper attachments for lifting on to refuse trucks.

Subd. 3 Special Waste Pick-Up. The items defined as waste material under 630.01 shall be disposed of by means of a special pick-up of these items by a hauler properly equipped to render the service.

Sec. 630.05 License Required to Collect Refuse. No person shall collect refuse in the City without a license.

Sec. 630.06 Application. Applications for the exclusive license shall be filed with the Clerk upon forms provided. The applications shall state the name and address of the applicant, a list of proposed collection equipment and the place where the garbage shall be disposed of.

Sec. 630.07 License Fee, Surety Bond, and Insurance Certificate. The license fee per year shall be such amount as shall be established by resolution of the Council. The licensee shall post a performance bond in the penal sum of \$3,000.00 conditioned that he or she shall faithfully and continuously provide the refuse service specified in his or her license. The licensee shall further submit to the City a Certificate of Public Liability Insurance in the minimum amount of one hundred thousand dollars (\$100,000) for one injury and three hundred thousand dollars (\$300,000) for more than one injured person per accident and one hundred thousand dollars (\$100,000) property damage coverage per accident on each and every vehicle used in the City for the purpose of collecting refuse. All insurance certificates and bonds shall be approved by the City attorney.

The licensee shall further submit to the City a certificate of insurance showing he or she has a comprehensive contractors general policy in the minimum amounts as shall be required for public liability insurance policies as stated above. If, for any reason, the licensee shall be without insurance or the surety bond, the licensee, as granted by this Chapter, shall be immediately revoked without any further action by the City.

Sec. 630.08 Investigation and Granting. The City Council shall investigate each application and shall determine if each applicant is responsible, that he or she has the proper equipment for collection, and that no nuisance shall be created by the granting of the license. The Council shall, after consideration, grant a license to the hauler or haulers. The Council shall have full discretion in issuing or refusing to issue the license.

Sec. 630.09 License Period. The license shall expire on the last day of December of each year unless the Council shall decide to issue a license for a period of no longer than two years.

Sec. 630.10 Garbage Collection Equipment. The licensee shall provide a refuse truck so constructed that the contents shall not leak or spill there from, in which all refuse collected by him or her shall be conveyed to the place designated in his or her application. The conveyance shall be kept as clean and as free from offensive odors as possible, and shall not be allowed to stand in any street or public place longer than is reasonably necessary to collect refuse. The hauler shall report any accumulations of refuse in violation of the City Code to the City Council.

Sec. 630.11 License Revocation. Failure to comply with these regulations shall be grounds for revocation of the license brought by action of the Council after a hearing for said purpose. In the event the Mayor finds violations and orders corrections of the same which licensee fails to make, the Mayor may suspend the licensee's right to operate under the terms of the license and order his or her appearance at a regular meeting of the Council for the purpose of hearing whether or not the suspension shall continue in effect.

Sec. 630.12 Yard Waste. Items such as leaves, grass, and garden waste, or such other materials as defined by Council resolution, shall be hereby defined as yard waste, and effective January 1, 1990, shall be separated from garbage, rubbish and refuse for pickup by the licensed hauler.

Sec. 630.13 Recyclables. Materials which may be recycled or reused through a recycling process, as to be periodically defined by Council resolution, shall be placed in separate containers and set out for pickup by the licensed hauler. Separation of recyclables from refuse and rubbish shall be voluntary at this time but the separation shall be encouraged.

Sec. 630.14 Rules and Regulations. The Council, by resolution, shall have the authority to make rules and regulations concerning type and location of waste containers, the collection of yard waste and recyclables, and any other matter concerning solid waste management which shall not be in conflict with this Section.

Sec. 630.15 State Rules Adopted. Solid Waste Rules 7035 of the Minnesota Pollution Control Agency shall be hereby adopted by reference as part of this Section, as they apply to cities.

Sec. 630.16 Metropolitan Council Plan Adopted. The Solid Waste Management Development Guide/Policy Plan of the Metropolitan Council of the Twin Cities Area, adopted March, 1985, Publication No. 12-85-059, shall be hereby adopted by reference as part of this Section as they apply to cities.

SECTION 640 – PUBLIC NUISANCES

Sec. 640.01 Public Nuisance Defined. A public nuisance shall be defined as a thing, act, occupation, or use of property which shall:

- A. Unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of the public;
- B. Offend public decency;
- C. Unlawfully interfere with, obstruct, or tend to obstruct, or tend to render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley, or highway;
- D. In any way render the public insecure in life or in the use of property.

Sec. 640.02 Public Nuisances Affecting Health. The following shall be declared to be public nuisances affecting health:

- A. All decayed or unwholesome food offered for sale to the public.
- B. All diseased animals running at large.
- C. All ponds or pools of stagnant water.
- D. Carcasses of animals not buried or destroyed within 24 hours after death.
- E. Accumulations of manure or rubbish.
- F. Privy vaults and garbage cans which are not fly tight.

- G. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.
- H. All noxious weeds and other rank growths, and any grass or weeds in excess of four (4) inches in height or any other overgrown or uncontrolled vegetation, shrub, tree or vine, which is conducive to the accumulation of refuse or debris, or to the harboring of vermin (including mice, rats and other rodents), upon public or private property.
- I. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.
- J. Offensive trades and businesses and firms as defined by statute or ordinance not licensed as provided by law.
- K. All public exposure of persons having a contagious disease.
- L. The use of a common drinking cup or roller towel, except as part of an established religious practice.
- M. The illegal distribution of samples of medicines or drugs and controlled substances as defined by State and Federal law.
- N. All other acts, omissions of acts, occupations and uses of property, including the harboring of or infestation by vermin (including mice, rats, and other rodents) which shall be deemed by the health officer or Council to be a menace to the health of the inhabitants of the City or a considerable number thereof.

Sec. 640.03 Public Nuisances Affecting Morals and Decency. The following shall be hereby declared to be nuisances affecting public morals and decency:

- A. All unlawful gambling devices, slot machines, and punchboards.
- B. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
- C. The looking into or peeping through doors, windows or openings of private homes, without proper authority, commonly known as “window peeping”.
- D. All places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place.
- E. Any vehicle used for the illegal transportation of intoxicating liquor, for promiscuous sexual intercourse, or for any other immoral purpose or unlawful act.
- F. All indecent or obscene pictures, books, pamphlets, magazines, and newspapers and billboards.
- G. Graffiti and intentional defacing of property.
- H. Betting, bookmaking, and all apparatus used in such occupations.
- I. The drinking of intoxicating liquor or non intoxicating liquor on public streets or alleys except as may be authorized in special locations in conjunction with city recognized events or when going directly between one residence and another within the same block.

Sec. 640.04 Public Nuisances Affecting Peace and Safety. The following shall be declared to be nuisances affecting public peace and safety:

- A. All snow and ice not removed from public sidewalks 12 hours after the snow and ice has ceased to be deposited thereon.
- B. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection shall be reached.
- C. All limbs or trees which are less than 8 feet above the surface of any public sidewalk or 9 feet above the surface of any street.
- D. All wires which are strung less than 15 feet above the surface of the ground.
- E. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by law.
- F. All use or display of fireworks, except as provided by law.
- G. All unnecessary noises and annoying vibrations.

- H. All operation of any motor vehicle radio receiving set, tape player, compact disc player, paging system or any other device for the production or reproduction of sound in a distinctly and loudly audible manner so as to unreasonably disturb the peace, quiet and comfort of any person nearby or at a distance of 25 feet or more.
- I. All buildings and all alterations to buildings made or erected within the fire limits as shall be established by this Code in violation of the laws concerning materials and construction.
- J. Obstructions and excavations affecting the ordinary use by the public of streets, alley, sidewalks, or public grounds except under such conditions as shall be provided by ordinance.
- K. Radio and TV aerials strung or erected in any manner except those approved by City Council.
- L. 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 streets or sidewalks, except as permitted by the Council.
- M. All hanging signs, awnings, and other similar structures over streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by ordinance.
- N. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- O. All barbed wire fences which are located within three feet of any public sidewalk.
- P. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- Q. The distributing of handbills except as shall be provided by this Code.
- R. All other conditions or things which shall be liable to cause injury to the person or property of anyone.
- S. Any private land or premises upon which any junk or stock car, or any part(s) thereof, shall be unlawfully parked, kept, placed or stored unless the vehicle shall be kept within an enclosed garage or storage building.
- T. Throwing, placing, depositing, trash, lawn clippings, leaves, weeds, grass or other material in streets, gutters, vacant lots or on hillsides.

Sec. 640.05 Public Nuisance Prohibited. No person shall knowingly cause or create a public nuisance, or permit any public nuisance to be created, to be placed upon, or to remain upon any premises owned or occupied by him or her.

Sec. 640.06 Abatement. The Council shall enforce the provision of this Chapter, and may by resolution delegate to various officers or agencies power to enforce particular provisions of this Chapter, including the power to inspect private premises.

Whenever, in the judgment of the officer charged with enforcement, it shall be determined upon investigation that a public nuisance is being maintained or exists within the City, the officer shall notify in writing the person committing or maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove the conditions or remedy the defects. The written notice shall be served on the person committing or maintaining the nuisance, in person or by registered mail. If the premises are not occupied and the address of the owner shall be unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time shall be designated in the notice, but the maximum time for the removal of the nuisance after service of the notice shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service in the office of the Clerk setting forth the manner and time thereof.

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

SECTION 650 – DISORDERLY CONDUCT

Sec. 650.01 Disorderly Conduct. No person shall do any of the following in a public or private place, knowing, or having reasonable grounds to know, that it shall, or shall tend to, alarm, anger or disturb others or provide an assault or breach of the peace:

- A. Engage in brawling or fighting;
- B. Disturb an assembly or meeting, not unlawful in its character;
- C. Engage in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others;
- D. Acts in a manner as to unreasonable annoy, disturb, interfere with, obstruct, or be offensive to another or others;

- E. Congregates with three or more together or near each other in any public street, or on any foot walk or sidewalk in the City so as to obstruct the free passage of foot passengers, and so standing refuses to move on immediately upon request to do so made by any member of the Council or police officers;
- F. Frequents or loiters about any place soliciting any person for the purpose of committing any crime against nature or other lewdness;
- G. Willfully and lewdly exposing a person or other lewdness;
- H. Hides, lies and waits, or conceals himself or herself in any house or building or upon any yard or premises in the City with intent to do mischief or commit any offense prohibited by the laws of this State or the ordinances of this City;
- I. Interferes with, obstructs, renders danger for passage, any lake, park, public square, street, alley or highway or any public place in the City;
- J. Interferes with and obstructs the fire department while engaging in fighting a fire;
- K. Stands or loiters in or about a doorway of any building, or sits upon the steps, window sill or railing of any building in such a manner as shall obstruct ingress and egress to and from each building, or to the unreasonable annoyance to the owner or occupant thereof, or the public in case of a public building;
- L. Whoever conceals his or her identity in a public place by means of a robe, mask, or other disguise unless incidental to amusement or entertainment, or because of religious or cultural beliefs.

A person doing any of the foregoing shall be guilty of disorderly conduct.

SECTION 660 – WEAPONS, EXPLOSIVES, AND FIREWORKS

Sec. 660.01 Definition. The words “pistol or revolver” as used in this Section, shall be construed as meaning any firearm with a Barrel less than twelve (12) inches in length.

Sec. 660.02 Exemptions. This Section shall not apply to police officers or other authorized personnel when using firearms or other weapons in the regular course of performing their duties.

Sec. 660.03 Discharge of Firearms and Detonation of Explosives.

Subd. 1 Firearms. It shall be unlawful for any person to shoot or discharge any gun, revolver, pistol or firearms of any kind or description, including BB guns, pellet and air guns, spring guns, or air or gas propelled guns, including CO2 guns within the City, whether the same be loaded with powder and ball, live ammunition or blank cartridges or any kind of explosive or propellant capable of throwing or projecting any missile, including bullets, pellets, BB7s, artillery shells, rockets or other missiles.

Subd. 2 Explosives. It shall be unlawful for any person in the City to have in his or her possession or to shoot, discharge or explode any preparation of potash, mixture of sulphur and saltpeter, nitroglycerin, dynamite, plastic explosive, fireworks, or any other kind of explosive material and all such acts shall be hereby prohibited, unless specifically authorized by permit issued by the department of public safety or by permit issued by the State Department of Conservation.

Sec. 660.04 Concealed Weapons. It shall be unlawful for any person within the City to carry or wear concealed about his or her person any pistol, BB, air or CO2 gun, dagger, switchblade knife, metal knuckles, blow gun, Bowie knife, razor or other dangerous or deadly weapon.

Sec. 660.05 Confiscation and Disposition of Weapons and Explosives.

Subd, 1 Confiscation. Any weapons or explosive materials duly adjudged by a court of competent jurisdiction to have been discharged, worn, or carried in the City in violation of any ordinance, law or regulation shall be confiscated by the City and the weapons or explosive materials shall be turned over to the director of public safety to be kept, sold or disposed of in the manner provided in this Section.

Subd, 2 Disposition. Any weapons or materials confiscated pursuant to this Section may be kept and used by the department of public safety if the same shall be adaptable to police purposes. The weapons and materials which shall be dangerous to reintroduce into channels of private sale or use, may in the discretion of the director of public safety be destroyed. The weapons or materials which may be safely placed into the hands of private owners may be sold by the director of public safety at public auction a sealed bid sale pursuant to at least two (2) weeks published notice of the sale.

Sec. 660.06 Bows and Arrows.

Subd. 1 General. Every person in the City who shall aim any bow and arrow, as defined in this Section, at or toward any human being, or who shall willfully discharge an arrow from a bow in any public place, or in any place where there is any person to be endangered, although no injury actually results, shall be guilty of a misdemeanor.

Subd. 2 Minors. No minor in the City under the age of fourteen (14) years shall handle or have in his or her possession, or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian any bow and arrow as shall be defined in this Section for hunting or target practice, or any other purpose. Every person violating any of the provisions of this Subsection or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

Subd. 3 Definition. A bow and arrow, for purposes of this Section, shall be hereby defined as a bowed shaft; of material such as metal, wood or plastic, the ends of which shall be pulled into bow formation by a string, cord, wire or any other type of material and used for the purpose of propelling an arrow by means of the power developed in pulling the string against the tension of the bow, provided that, the bow shall be rated at more than ten (10) pounds pull, and further provided that, the arrow used shall be pointed or shall be equipped with a pointed head of metal, plastic or other material capable of penetrating an object when propelled by the bow.

Sec. 660.07 Fireworks.

Subd. 1 State Firework Code Adopted. The provisions of MN Statute Chapter 624.20- 624.22 and 624.24 as applies to fireworks shall be hereby adopted and made part of this Chapter.

Subd. 2 Definition. The term Fireworks” shall mean any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, or other fireworks of like construction, and any fireworks obtaining any explosive or inflammable compound or any tablets or other device containing any explosive substance and commonly used as fireworks. The term “firework” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

Sec. 660.08 Sale Possession and Use of Fireworks Prohibited.

Subd. 1 Prohibition. It shall be unlawful for any person to offer, sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks within the City except as provided.

Subd. 2 Exceptions. Public displays of fireworks by Municipalities and licensed supervised public displays of fireworks by cities or other organizations shall be allowed.

Sec. 660.09 Officers May Seize Illegal Fireworks. The State Fire Marshall, or any sheriff, police officer, constable or contracted fire service shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation.

SECTION 670 – RESIDENTIAL LOTS AND YARDS

Sec. 670.01 Definition. Residential lots and yards shall meet the following standards:

- A. Residents own home.
- B. Side yard and parking area between residents own home and up to the neighbor’s home.
- C. Front yard space to street and back yard space to street or other barriers.
- D. Each resident has 3 feet of accessibility in neighbor’s yard for repairs and cleaning of home.

Sec. 670.02 Standalone Utility and Storage Sheds. *[Ordinance 2018-001 Published 8-1-18]*

- A. Shall be no larger than 144 square feet. All sheds must have a solid floor, with skid or joist sufficient to allow unit to be moved when necessary.
- B. Be in good condition or repairs.
- C. Exterior finished with metal, vinyl, siding, paint or stain and color to be compatible with home.
- D. Placed on lot 10 feet or more from neighboring home and minimum of 3 feet from retaining wall.
- E. Permits required for all sheds prior to placement with copy of site plan attached.
- F. One shed per lot
- G. If required for Park Maintenance, utility and storage shed can be moved by the Landfall Housing and Redevelopment Authority at their expense. If the Landfall HRA determines that a utility or storage shed cannot be moved because the utility or storage shed is in such a state of disrepair then the owner must repair the utility or storage shed or have it removed.
- H. There shall be no temporary structures allowed, for the storage of personal property or being used as a workshop, such as tents, lean-to’s enclosed shelters of any kind. **Exemption:** Camping tents will be allowed for one week. Screen tents and Sun tents used for recreational purposes must be maintained in good condition.
- I. Shed doors must fit tightly and remain closed at all time except when moving items in an out.

Sec. 670.03 Air Conditioners.

- A. Window air-conditioners shall be braced not propped up by supports on the ground, and shall be placed on the resident’s yard side of the home.
- B. Central air-conditioners shall be placed on the resident’s yard side of home.

Sec. 670.04 Animal Waste In Yards.

- A. Shall be picked up daily.
- B. Yards that have pet odors from urine and feces shall be sweet limed at least twice a year.

Sec. 670.05 Pets in Yards.

- A. Exterior animal cages, houses, or kennels shall be prohibited.
- B. No pets shall be tied up outside overnight.
- C. No pets shall be tied up outside when the owner is not at home.

Sec. 670.06 Lawns.

- A. Property owners shall water when necessary.
- B. No overnight watering shall be allowed.
- C. City of Oakdale watering ban shall be followed.
- D. Grass and any other non-ornamental vegetation shall not exceed 4 inches in height. *[Ordinance 2013-001 / 2-13-13]*
- E. Leaves shall be raked and bagged.
- F. Bagged leaves shall be deposited at a compost site or City’s spring or fall clean-up.
- G. All yards shall be of grass or seed except that other landscaping materials may be used for up to five percent (5 %) of the yard.

Sec. 670.07 Clotheslines. *[Ordinance 2018-002 Published 8-1-18]*

- A. Hanging of clothes shall be permitted only on a retractable/collapsible clothesline and collapsed by dusk on the same day.
- B. Hanging of any other wet article(s) on deck railings, fences, trees or bushes is not allowed.
- C. Placement of one clothesline in yard.

Sec. 670.08 Firewood. *[Ordinance 2019-002 Published 2-27-19]*

The storage of firewood in the City of Landfall is not allowed at any time for any purpose.

Sec. 670.09 Fences.

Definition(s) for the purposes of this section:

Fence Definition: A wood, vinyl or metal fence consisting of posts spaced no more than 8’ apart and solid, non-flexible, horizontal or criss-cross rails, that extend between posts, of the same type material as the fence and posts, with pickets of like material that do not exceed 4’ in height as measured from the grade, spaced no greater than 6” apart along the width of the overall fence.

- A. Privacy fences shall not be permitted. Snow, sand and/or roll-up/flexible types of fencing of any material shall not be permitted. All fences shall have 30% or more see-thru visibility.
- B. City Issued Permits are required for all fences. City Staff shall inspect for compliance with this section and final approval of the City Administrator. No fees will be collected for fence permits.
- C. Fences shall be a Picket, Decorative Metal, Invisible Pet, Post and Rail, or Chain Link fence, all fences shall be made of wood (treated, stained, painted or pressure treated), vinyl or metal (white or color to match home or earth tones as sold) not to exceed 4 feet in height; finials or other similar decorative caps may be used on posts and may add no more than 6” to the height of any post on which they are present. All fences must have a gate made of like materials, or an opening of at least 2’ for accessibility, with the finished side of the fence facing outward.

Notwithstanding any other placement of any fence, no person shall install any permanent fence or fence structure so as to restrict replacement or removal of a home on a lot.

- D. Fences must be properly maintained and in good condition, including painting and repair. *[Ordinance 2017-001 4/27/17]*

Sec. 670.10 Waste and Recycle Containers.

- A. All garbage containers shall be fly tight, rodent-proof and have lids.

- B. Containers shall be screened from view of the street and placed where least visible from the front of the home or business.
- C. On trash removal day, all containers shall be replaced to their proper place by evening.

Sec. 670.11 Outside Storage of Personal Property including Materials or Goods. [Ordinance 2018-003 published 9-26-18]
 All Personal Property, Materials and Goods shall be stored within the home or storage shed. No items shall be permitted to be stored on top of, beside or under the home (See Exemption), porch/deck, addition or on trailers. One ladder may be stored outside in a safe and secure manner.

Items allowed in yards or patios: ANYTIME – Patio Furniture and Bar-B-Que grill/smoker. SUMMER – Kiddie pool, kiddie outdoor furniture, kiddie bikes/toys and seasonally appropriate yard accoutrements.

Exemptions: a.) Building materials or equipment being actively used in construction for time stated on building permit and b.) Limited storage is allowed under the home for non-flammable items that can be secured, do not block access to utilities and allow the home to be properly and securely skirted.

Sec. 670.13 Landscaping and Gardens.

- A. Improving yards shall be encouraged, by adding trees, landscaping and gardens.
- B. Before digging due to underground lines, pipes, etc., approval shall be obtained from the management or call Gopher State One Call.

Sec. 670.14 Utilities.

- A. Lots shall be equipped with:
 1. Gas and electric meter and lines.
 2. Phone lines.
 3. Cable Lines.
 4. Water riser with heat tape.
 5. Sewer Connection.

- B. Residents shall be responsible for proper installation of their home and utilities per State and local codes.

Sec. 670.15 Swimming Pools, Spas and Trampolines.

Subd. 1 Purpose / Intent. The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of Landfall Village, Washington County, Minnesota through the regulation of swimming pools, spas and trampolines.

Given the limited amount of yard space in each residential lot and the limited uses of property allowed in the commercial District, the City has determined that a regulation regarding swimming pools, spas and trampolines is necessary.

Subd. 2 Definitions. For the purposes of this ordinance, the following shall mean:

Swimming Pool – Any structure of inert and enduring material such as concrete, masonry, metal or other impervious material containing an artificial body of water for swimming, diving or recreational bathing.

Private Residential Swimming Pool – Any swimming pool for a single family residence, the use of which is limited by family members or their invited guests.

Public Swimming Pool – Any swimming pool, other than a private residential swimming pool, for collective use by numbers of person for swimming or bathing, operated by any person whether as owner, lessee, licensee, or concessionaire, regardless of whether a fee is charged, and all facilities incident thereto.

Kiddie Swimming Pool – A temporary structure made out of plastic or other material that is no larger than five feet in diameter and a maximum of twelve inches in height.

Trampoline – A trampoline is a device consisting of a piece of taut, strong fabric stretched over a steel frame using many coiled springs. People bounce on trampolines for recreational and competitive purposes.

Subd. 3 – Restrictions and Allowances. No public or private residential swimming pool or trampolines are allowed within the city limit except a Kiddie Swimming Pool.

Subd. 4 Civil Penalty. The City may assess an administrative fine for the violation of this ordinance. The violation for the administrative penalty shall be established by the City Council and shall not exceed \$300.00.

Subd. 5 Criminal Penalty. The City may charge any person violating this ordinance with a misdemeanor, which is punishable by a \$1000.00 fine or imprisonment of 90 days, or both.

Subd. 6 Injunctive Relief. If an individual fails to remove a swimming pool, spa or trampoline after being provided with written notice, the City may seek injunctive relief or take any other legal action as it deems appropriate.

CHAPTER 6 CHANGE RECORD:

Sec. 670.06 regarding Lawns. Amend Point D to include “and any other ornamental vegetation”. Change is intended to reflect that all lawns and areas covered in vegetation shall not exceed 4 inches in height unless the herbaceous cover is ornamental in nature, e.g., flowers and flowering plants intended for ornamental purposes and not incidental (weeds). Ordinance 2013-001 adopted 2-13-13.

Sec. 670.09 regarding Fences. Amend Point B to change from Planning Commission to Park Manager and add new Point D addressing fence serviceable condition. Change is intended to reflect that the City would like to regulate all fences in conjunction with the HRA Park Manager and require the same to be kept in serviceable condition once constructed. Ordinance 2013-002 adopted 2-13-13.

Sec. 670.09 regarding Fences. Amend Point B to change responsibility from Park Manager to Planning/finance Commission. Change is intended to reflect that the City would like to regulate all fences in conjunction with the City’s Planning / Finance Commission’s recommendation. Ordinance 2013-006 adopted 5-8-13.

Sec. 670.09 regarding Fences. Delete existing code in entirety and replace with new code requirements. Ordinance 2017-001 4/27/17

Sec. 670.02 regarding Sheds. Amend to show footage as 144 Square Feet, sheds to have a solid floor, with skid or joist sufficient to allow unit to be moved when necessary, exterior finished with metal, vinyl, siding, paint and color compatible with home, placed on lot minimum of 3 feet from retaining wall, permits required for all sheds prior to placement with copy of site plan attached, and shed doors must fit tightly and remain closed at all times except when moving items in and out. Ordinance 2018-001 adopted 7-16-18 / published 8-1-18

Sec. 670.07 regarding Clotheslines. Amend to show clothesline to be collapsed by dusk on same day, hanging of any other wet article(s) on deck railings, fences, trees or bushes not allowed and one clothesline in yard. Ordinance 2018-002 adopted 7-16-18 / published 8-1-18

Sec. 670.11 regarding Outside Storage. Amended to reflect the City’s policy regarding Outside Storage on lots in the City. Ordinance 2018-003 Adopted 8-20-18 / published 9-26-18

Sec. 670.12 regarding Storage of Personal Property. Sec. 670.12 is revoked to reflect the changes in the City’s policy regarding Outside Storage on lots in the City as reflected in new Code 670.11. Ordinance 2018-004 adopted 8-20-18 / published 9-26-18.

Sec. 670.08 regarding Firewood. Sec. 670.08 is revised and modified to reflect storage of firewood in the City is not allowed. Ordinance 2019-002 Adopted 2-19-19 / published 2-27-19