

MUNICIPAL HOSPITAL

600.09 Repealing All Provisions of Existing Chapter 600.

Section 1. All of Chapter 600 of the City of Wheaton Municipal Code, consisting of Sections 600.01 through 600.08, be and hereby is repealed as of the Effective Date defined in Section 3 of this Ordinance.

Section 2. The Hospital Board created by Section 600.02, be and hereby is dissolved as of the Effective Date.

Section 3. This Ordinance shall be published and take effect from and after June 30th, 2011, which shall be the date the City of Wheaton transfers the assets and operations of the municipal hospital, also known as Wheaton Community Hospital & Medical Center, to MeritCare Wheaton Medical Center, a Minnesota nonprofit corporation.

NUISANCES

650 WEEDS, GRASS, BRUSH, ETC.

650.01 Unlawful Conditions.

It shall be unlawful for any owner, lessee, or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the City of Wheaton to permit or maintain on any such lot or land, or on or along the sidewalk, street, or alley adjacent to the same, any growth of weeds, grass, brush, or other rank vegetation to a greater height of 4 inches on the average, or any accumulation of dead weeds, grass, or brush. It shall also be unlawful for any such person or persons to cause, suffer, or allow poison ivy, ragweed, or other poisonous plants, or plants detrimental to health, to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weeds shall extend upon, overhang, or border any public place or allow to seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air.

650.02 Duty of Landowner.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush, or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section One.

650.03 Control by City.

If the provisions of the foregoing sections are not complied with, the City Council shall direct the city clerk to serve written notice upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails, neglects or refuses to cut and remove and to cause to be cut and removed such weeds, grass, brush or other vegetation within five days after service of such notice, exclusive of the day of service, or if no person can be found in the City of Wheaton who either is or claims to represent such owner, the City Council shall direct the city maintenance workers to cause such weeds, grass, brush and other vegetation on such lot or land to be cut and removed and the flat fee charges by the City Clerk-Treasurer to the County Auditor and shall thereupon become and be a lien upon the property on which such weeds, grass, brush and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land, and such charge shall be collected in the same manner as other real estate taxes.

650.04 Penalty.

Any person who shall neglect to cut and remove weeds, grass, brush or other vegetation as directed in this ordinance, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this ordinance or who shall resist or obstruct the City Council or employees of the City of Wheaton in the cutting and removal of weeds, grass, brush and other vegetation, shall, upon conviction thereof, be guilty of a misdemeanor, punishable pursuant to W.M.C. 005.05.

650.05 Definitions.

The word "person" as used in this ordinance shall mean and include one or more person of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued. The word "weed" as used in this ordinance shall be construed to mean and include not only such noxious weeds as have been designated by the commissioner of agriculture pursuant to Minnesota Noxious Weed Law 18.171, but also such useless and troublesome plants as are commonly known as weeds to the general public.

650.06 Prevention and Control of Shade Tree Diseases

Amended, see end of ordinance

All ordinances inconsistent herein or parts thereof inconsistent herewith are repealed upon passage and publication of this ordinance.

Subdivision 1. The City has determined that the health of the shade trees in the City of Wheaton is threatened by fatal diseases known as Dutch elm disease and oak wilt. It has further been determined that the loss of the shade trees growing upon public and private property would substantially depreciate the value of the property and impair the safety, good order, general welfare and convenience of the public. It is declared to the intention of the City to control and prevent the spread of these diseases and this Section is intended for that purpose.

Subdivision 2. Shade tree disease program.

It is the intention of the City to conduct a program of shade tree disease control pursuant to authority granted by Minnesota Statutes, section 18.023. This program is directed specifically at the control and elimination within the designated control district of Dutch Elm disease fungus and elm bark beetles, and of oak wilt fungus, and is undertaken at the recommendation of the Commissioner of Agriculture. The City Tree Inspector shall act as coordinator between the Commissioner of Agriculture and the City in the conduct of this program. The designated control district includes the area bonded by the City limits.

Subdivision 3. Nuisance Declared.

The following things are public nuisances whenever they are found within the designated control district.

- A. Any living or standing elm tree or part thereof infected to any degree with Dutch elm disease fungus, *Ceratocystis ulmi*, of which harbors any of the elm bark beetles, *Scolytus multistriatus* or *Hylorgopinus refipes*.
- B. Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material for which the bark has not been removed and burned except as herein provided. It shall not be considered a public nuisance to store firewood out of doors from September 15 to April 15 by permit issued by the City tree inspector only.
- C. Any living or standing oak tree or part thereof infected by any degree with oak wilt, *Ceratocystis Fagacearum*.

Subdivision 4. Abatement.

It is unlawful for any person to permit any public nuisance as herein defined to remain on any premises owned, leased, occupied, or controlled by him. Such nuisance may be abated in the manner prescribed by this section.

Subdivision 5. Inspection and investigation

- A. The certified Tree Inspector, his agents or employees, shall inspect all premises and places within the designated control district as often as practicable to determine whether any conditions described herein exist thereon. They shall investigate and report incidents of infestation by Dutch elm disease, elm bark beetles, or oak wilt fungus to the Council.
- B. The certified tree inspector, his agents or employees may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them hereunder, after providing the owner, leasee, occupant, or person in control of the property with prior notice.
- C. The Certified Tree Inspector, his agents or employees after on-site inspection and investigation have revealed conditions indicating Dutch elm disease infestation or oak wilt infestation, shall notify the owner, lessee, occupant, or person in control of the property inspected by registered or certified mail of the existence of these conditions and of the tree or wood affected. Such notice shall be mailed within the five (5) days of the discovery of said condition. Such notice shall advise owner, lessee, occupant or person in control of the property inspected that the City will proceed with abatement of the nuisance immediately or within ten (10) days after receipt of the notice unless objection is made by said owner, lessee, occupant, or person in control of the property in question within such period. If objection is so made, or if the Certified Tree Inspector, his agents or employees, determine that it is otherwise warranted, a sample of the trees or wood in question shall be taken and sent to the Commissioner of Agriculture (Bureau of Plant Industry), State of Minnesota, for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner of Agriculture, within five (5) days of receipt of such diagnosis, the owner, lessee, occupant, or person in control of the property inspected shall be notified by registered or certified mail of the results of the diagnosis, and that abatement of the nuisance will proceed immediately or within ten (10) days after receipt of such results according to the provisions of the initial notice after the inspection.

Subdivision 6. Abatement of Shade Tree Nuisance

In abating the nuisances defined herein, the Certified Tree Inspector, his agents or employees, shall cause the infected tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease fungus, elm bark beetles, and oak wilt fungus. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed

by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for removal and disposal methods consistent therewith.

Subdivision 7. Abatement of Shade Tree Disease Nuisance or Private Property

Whenever the certified tree inspector, his agents or employees finds with reasonable certainty that the infestation defined in subdivision three (3) exists in trees or wood located on private property outside any public way in the designated control district, they shall notify by registered or certified mail, the owner, lessee, occupant, or person in control of such property on which the nuisance is found, of the infestation and direct the infestation shall be removed and burned, or otherwise effectively treated in an approved manner by such owner, lessee, occupant or person in control within ten (10) days after the receipt of such notice. The notice shall also state that if such nuisance shall not be abated by the owner, lessee, occupant or person in control within the time provided the owner, lessee, occupant or person in control may be charged in violation of this section for maintaining a nuisance in that city by and through its council may abate the nuisance and assess the costs against said property. If the owner, lessee, occupant, or person in control of any private premises upon which such a tree or wood is situated fails to have such tree or wood removed and burned or otherwise effectively treated immediately or within ten (10) days after receipt of notification by mail as prescribed herein the Certified Tree Inspector, his agents or employees shall proceed to have such tree or wood removed and burned or otherwise effectively treated, and any expense incurred by the City in so doing shall be a charge and lien upon the said property and shall be collected as a special assessment in the same manner as other specified assessments.

Subdivision 8. Collection of Assessment.

The amount of the expense for such abatement, and not reimbursed by the owner on or before September 1st of each year, shall be reported by the Certified Tree Inspector his agents or employees to the Council, and the Council shall assess and levy and cause to be collected the amount of such expense as a special assessment upon and against said premises and property upon which said nuisance existed in like manner as such other special assessments payable in one sum.

Subdivision 9. Interference Prohibited.

It is unlawful for any person to prevent or interfere with the certified tree inspector, his agents or employees while they are engaged in the performance of duties imposed by this Section.

Subdivision 10. Certified Tree Inspector.

The City Council may designate one or more persons who are certified by the Commissioner of Agriculture of the State of Minnesota as Certified Tree Inspector for the City.

Section 2. Violation of this ordinance is a misdemeanor.

**SUMMARY OF AMENDMENT TO
ORDINANCE NO. 650.06**

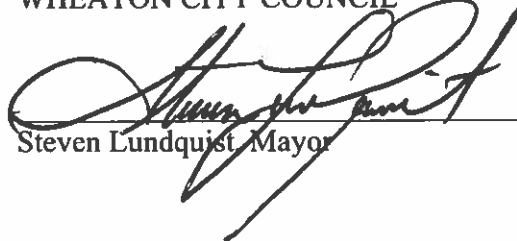
**AN ORDINANCE DEALING WITH THE PREVENTION AND CONTROL
OF SHADE TREE DISEASES IN THE CITY OF WHEATON**

In order to better protect shade trees from diseases in the City of Wheaton, the Wheaton City Council has amended its Ordinance dealing with the prevention and control of shade tree diseases to add several types of tree diseases to the list, including trees affected by emerald ash borer, as well as dead trees. The notification provisions and abatement procedures are also amended.

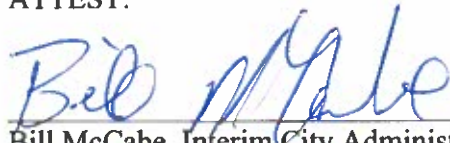
This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Wheaton City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 25th day of June, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:



Bill McCabe, Interim City Administrator

Legal Notice

SUMMARY OF AMENDMENT 25th day of June, 2026.
TO ORDINANCE NO. 650.06

AN ORDINANCE DEALING WITH THE PREVENTION AND CONTROL OF SHADE TREE DISEASES IN THE CITY OF WHEATON

WHEATON CITY COUNCIL
Steven Lundquist, Mayor

ATTEST:

Bill McCabe,
Interim City Administrator

(Publ. July 1, 2026)

In order to better protect shade trees from diseases in the City of Wheaton, the Wheaton City Council has amended its Ordinance dealing with the prevention and control of shade tree diseases to add several types of tree diseases to the list, including trees affected by emerald ash borer, as well as dead trees. The notification provisions and abatement procedures are also amended.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Wheaton City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this



KIM M. FRIDGEN
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan 31, 2031

PUBLICATION FEE:

90⁰⁰

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF TRAVERSE) SS

The below signed Michael P. Kremer, being duly sworn, on oath says he is the authorized representative of the newspaper known as The Wheaton Gazette and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50 percent of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75 percent of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the Village of Wheaton in the County of Traverse and it has its known office of issue in the Village of Wheaton in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the publisher of said newspaper or persons in his employ and subject to his direction and control during such regular business hours, and devoted exclusively during such regular business hours to the business of the newspaper and business related thereto. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966, and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed

Notice

herein attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for successive weeks; that it was first published on Wednesday, the 1 day of July, 2026 and was thereafter printed and published on every Wednesday to and including Wednesday, the 1 day of July, 2026 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit: abcdefghijklmnopqrstuvwxyz

Subscribed and sworn to before me this

day of

July, 2026

Notary Public, Traverse County, Minnesota

My Commission Expires:

1/31, 2031

AMENDMENT TO ORDINANCE NO. 650.06

AN ORDINANCE DEALING WITH THE PREVENTION AND CONTROL OF SHADE TREE DISEASES THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an existing Ordinance regulating the prevention and control of shade tree diseases in the City of Wheaton and how to abate violations of said Ordinance;
2. The Wheaton City Council believes that the Ordinance needs to be updated, particularly to include trees infected by the emerald ash borer; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amend its Ordinance covering the prevention and control of shade tree diseases in order to better protect shade trees with the City of Wheaton.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

1. That Wheaton City Ordinance Section 650.06 is hereby amended to read as follows:

"Subdivision 1. Nuisance Declared. To protect, preserve and conserve the value of public and private lands, and to promote the general welfare of the public and this community, it is necessary to protect, control and abate trees that create a public hazard. Trees that create a public hazard include dead trees, trees that are affected by Dutch elm disease and oak wilt fungus, and trees infected by other tree diseases and infestations regulated by the State Department of Agriculture pursuant to statute, rule, or commissioner's declaration. Therefore, the following conditions are hereby found and declared to be a public nuisance in the city:

- A. Any living or dead elm tree or part thereof infected to any degree with the Dutch elm disease fungus which currently includes: *Ceratocystis ulmi*, *Ophiostoma ulmi* or *Ophiostoma novo-ulmi* or which harbors any of the elm bark beetles, *Scolytus multistriatus*, *Hylurgopinus rufipes*, *Scolytus schevyrewi*, or emerald ash borer. It is appropriate to mitigate diseased elms throughout the year.
- B. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed or burned.
- C. Any living or dead oak tree or part thereof infected to any degree with the oak wilt fungus (*Bretziella fagacearum*). Oak trees infected by oak wilt are generally to be mitigated during dormancy (November to March) when the fungus cannot be transmitted.
- D. Any tree creating a current public danger whether the tree is on public or private property, and without regard for the cause of damage to the tree. A tree constitutes a current public danger when it may fall into a public right-of-way, utility facility, public trail corridor, park, or other public land.
- E. Any standing dead trees or dead brush.

Subdivision 2. Prohibition. No person shall permit any public nuisance, as defined in Subdivision 1, to remain on any premises owned or controlled by such person within the City.

Such nuisance may be abated in the manner prescribed by this chapter.

Subdivision 3. Tree Inspector Responsibility. The City's Tree Inspector and its authorized agents is authorized, empowered, and directed to take all actions and perform all duties prescribed by this Section. The Tree Inspector and its authorized agents are authorized and empowered to enter upon private premises with reasonable cause and at reasonable times and reasonable hours for the purpose of taking necessary action and performing the duties assigned to the Tree Inspector by this Section.

Subdivision 4. Inspections. All premises and places within the City shall be inspected as often as practical to determine whether any condition declared in Subdivision 2 to be a public nuisance exists thereon. All hazardous trees or dead standing trees creating a current public danger, and trees infected by Dutch elm fungus, the presence of elm bark beetles, or infected by the oak wilt fungus shall be promptly investigated.

Subdivision 5. General Abatement.

- A. *Diagnosis.* No action to remove, destroy and dispose or require the removal, destruction and disposal of elm trees, wood infected with Dutch elm disease, or oak trees infected by oak wilt fungus shall be taken until a reasonably certain diagnosis of the disease or infestation has been made. When such reasonably certain diagnosis has been made, the infected or infested tree or wood shall be removed, destroyed and disposed of in a manner which will effectively destroy and prevent as fully as possible the spread of the Dutch elm or oak wilt disease.
- B. *Presence of elm bark beetles or emerald ash borer.* When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch elm disease fungus is not then or thereafter diagnosed, the tree shall be mitigated in a manner which will effectively destroy and prevent as full as possible the spread of the elm bark beetle. When the presence of emerald ash borer has been discovered in or upon an ash tree that constitutes a current public danger, the tree shall be mitigated in a manner which will effectively destroy and prevent as full as possible the spread of the emerald ash borer. If such mitigation is not or, because of the extent of infestation, cannot be effective, the tree shall be removed, destroyed and disposed of.
- C. *Dead elm, oak, or Fraxinus spp. (ash) trees, logs, stumps, etc.* Standing dead elm trees, elm logs, branches, stumps, firewood or other raw material from which the bark has not been removed and which are not infected with Dutch elm disease fungus shall have the bark removed, destroyed and disposed of or shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle, Dutch elm disease, oak wilt, or the emerald ash borer. If such mitigation is not effective or, because of the extent of infestation, cannot be effective, the trees, logs, branches, stumps, firewood or other raw elm material shall be removed, destroyed and disposed of.
- D. *Specifications and procedures.* The City Council shall establish specifications and procedures for the removal, destruction and disposal of trees and wood infected with Dutch elm disease fungus, oak wilt fungus or emerald ash borer for treating live elm or Fraxinus (ash) trees infested with elm bark beetles or emerald ash borer, and for

removing, destroying and disposing of elm or Fraxinus (ash) bark and treating dead elm or Fraxinus (ash) trees, logs, branches, stumps, firewood and other raw elm material. Such specifications and procedures shall be consistent with current specifications and procedures designated or approved by the Commissioner of Agriculture and shall be provided at time of notification as defined in Subdivision 6.

Subdivision 6. Abatement on Private Property.

- A. Whenever a nuisance, as defined in Subdivision 2, is found to exist on any private property within the City, the owner, lessee, occupant, or person in control of the property inspected shall be sent a written notice, by certified or registered mail, of the existence of these conditions and the tree or wood affected.
1. Such notice shall advise owner, lessee, occupant or person in control of the property inspected that the City will proceed with abatement of the nuisance immediately or within ten (10) days after receipt of the notice unless objection is made by said owner, lessee, occupant, or person in control of the property in question within such period. Said objection may only be made to challenge the finding that the tree in question is diseased.
 2. If objection is so made, or if the Tree Inspector determines that it is otherwise warranted, a sample of the trees or wood in question shall be taken and sent to the Commissioner of Agriculture (Bureau of Plant Industry), State of Minnesota, for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner of Agriculture.
 3. Within five (5) days of receipt of such diagnosis, the owner, lessee, occupant, or person in control of the property inspected shall be notified by registered or certified mail of the results of the diagnosis, and that abatement of the nuisance will proceed immediately or within ten (10) days after receipt of such results according to the provisions of the initial notice after the inspection.
- B. If the owner, lessee, occupant or person in control of the property upon which such a nuisance exists does not abate or eliminate the same within the timeline specifically outlined in the written notice, the City shall proceed to have such nuisance properly abated or eliminated.

Subdivision 7. Abatement of Tree Nuisance. In abating the nuisances defined in Subdivision 2, the Tree Inspector, city employees, or a contractor hired by the City, shall cause the infected tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease fungus, elm bark beetles, emerald ash borer, and oak wilt fungus. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota.

Subdivision 8. Cost of Abatement. If, pursuant to Subdivision 6, the Tree Inspector, City Council, or an entity acting under the direction of the City Council, orders the removal or abatement of such nuisance, the City Administrator shall report the cost of the removal or

abatement to the Council and the expense thereof, including reimbursement to the City for its costs of inspection and eradication.

- A. That a bill for said costs shall be issued by the City Administrator within thirty (30) days of the work performed by the Tree Inspector, city employees, or a contractor hired by the City.
- B. If the bill is not paid by October 1 of each year, the City Administrator shall cause said amount to be assessed against the lot or land as provided by Minn. Stats. § 429.101, and said assessment shall be a lien on the parcels and shall be returned with and collected in the same manner as other city taxes.

Subdivision 9. Transporting of Nuisance Wood to Any Location Except Approved Disposal Sites. No person shall transport within the city any bark bearing elm wood, EAB infested Fraxinus (ash) wood, or oak wood from oak wilt infected trees without having obtained a permit from the City Council. The City Council shall grant such permits only when the purposes of this chapter shall not be impaired or adversely affected.

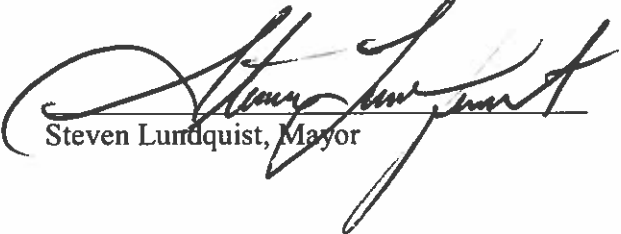
Subdivision 10. Interference. No person shall prevent, delay or interfere with the Tree Inspector, city employees, or a contractor hired by the City, while they are engaged in the performance of duties imposed by this chapter.

Subdivision 11. Tree Inspector. The City Council may designate one or more persons who are certified by the Commissioner of Agriculture of the State of Minnesota as Certified Tree Inspector for the City.

Subdivision 12. Violation. Failure of any owner or person in control of private property to abate or eliminate on such property a nuisance, as defined in this chapter, shall not constitute a violation of this chapter.

PASSED AND ADOPTED this 25th day of June, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Bill McCabe, Interim City Administrator

AMENDMENT TO ORDINANCE NO. 650

AN ORDINANCE DEALING WITH WEEDS, GRASS, AND BRUSH IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an existing Ordinance regulating the height of uncut weeds, grass brush, or other rank vegetation on some properties in the City of Wheaton and how to abate violations of said Ordinance.
2. The present allowable height for uncut grass of 4 inches appears to be too short, and there are some requested changes regarding the notification process and who can do the abatement work on behalf of the City; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to increase the height of allowable uncut weeds, grass brush, and other rank vegetation on properties from 4 inches to 6 inches, to clarify the notification process to property owners in violation of the Ordinance, and add who may do the abatement work on behalf of the City.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

1. That Wheaton City Ordinance 650.01 is hereby amended to read as follows:

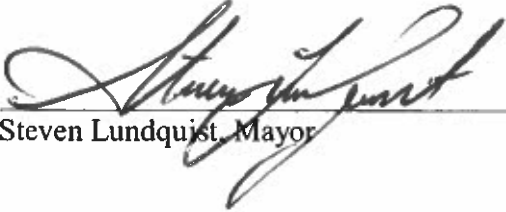
“It shall be unlawful for any owner, lessee, or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the City of Wheaton to permit or maintain on any such lot or land, or on or along the sidewalk, street, or alley adjacent to the same, any growth of weeds, grass rush, or other rank vegetation to a greater height of 6 inches on the average, or any accumulation of dead weeds, grass, or brush. It shall also be unlawful for any such person or persons to cause, suffer, or allow poison ivy, ragweed, or other poisonous plants, or plants detrimental to health, to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weeds shall extend upon, overhang, or border any public place or allow to seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air.”

2. That Wheaton City Ordinance 650.03 is hereby amended to read as follows:

“If the provisions of the foregoing sections are not complied with, the City Council shall direct the City Administrator to serve written notice upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails, neglects or refuses to cut and remove and to cause to be cut and removed such weeds, grass, brush or other vegetation within five days after the date of such notice, or if no person can be found in the City of Wheaton who either is or claims to represent such owner, the City Council shall direct the city maintenance workers or a contracted employee to cause such weeds, grass, brush and other vegetation on such lot or land to be cut and removed and the flat fee charges by the City Clerk-Treasurer to the County Auditor and shall thereupon become and be a lien upon the property on which such weeds, grass, brush and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land, and such charge shall be collected in the same manner as other real estate taxes.”

PASSED AND ADOPTED this 11th day of July, 2024.

WHEATON CITY COUNCIL



Steven Lundquist, Mayor

ATTEST:



Amy Olson, City Administrator

AMENDMENT TO ORDINANCE NO. 650.03

AN ORDINANCE DEALING WITH WEEDS, GRASS, AND BRUSH IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an existing Ordinance regulating the height of uncut weeds, grass brush, or other rank vegetation on some properties in the City of Wheaton and how to abate violations of said Ordinance;
2. The Wheaton City Council believes that the enforcement provisions of the Ordinance are in need of updating, in order to allow property owners/occupants to be aware of the need to ensure that their weeds, grass, brush, and other vegetation are in compliance; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amend its weeds, grass, and brush Ordinance in order to better inform Wheaton residents of the consequences if they fail to comply with the terms of this Ordinance.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

1. That Wheaton City Ordinance 650.03 is hereby amended to read as follows:

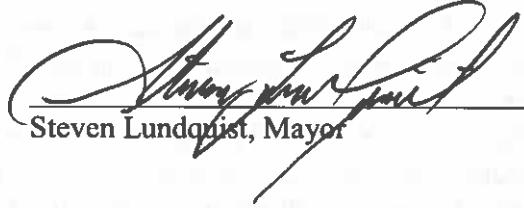
"If the provisions of the foregoing sections are not complied with, the City Council shall direct the City Administrator to serve written notice upon the owner, lessee, occupant or any person having the care or control of any such lot or land to comply with the provisions of this Ordinance.

1. The written notice shall contain the following information:
 - a. That the owner, lessee, occupant, or any other person having the care or control of the lot or land shall have five days from the date of the notice to cause to have cut and removed the weeds, grass, brush, or other vegetation at issue.
 - b. That if the owner, lessee, occupant, or other person fails to have the weeds, grass, brush, or other vegetation at issue cut and removed within that five-day period, the City Administrator shall direct city maintenance workers or a contracted employee to cause such weeds, grass, brush, or other vegetation to be cut and removed.
 - c. That a flat fee shall be charged to the owner if the City's maintenance workers or a contracted employee is needed to cut and remove the weeds, grass, brush, or other vegetation at issue, and what that flat fee amount is.
 - d. That a bill for said flat fee shall be issued by the City Administrator within thirty (30) days of the work performed by the City's maintenance workers or contracted employee.
 - e. That if the flat fee is not paid by October 1 of each year, the City Administrator shall cause said flat fee to be assessed against the lot or land as provided by law. The City Administrator shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements.

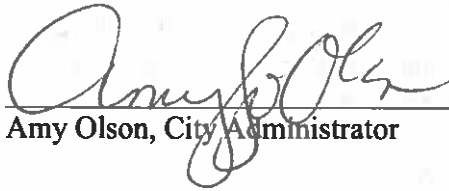
2. Only one written notice is needed to be sent each year to an owner, lessee, occupant or any person having the care or control of any such lot or land.”

PASSED AND ADOPTED this 12th day of January, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

SUMMARY OF ORDINANCE NOS. 650.03 & 652.02

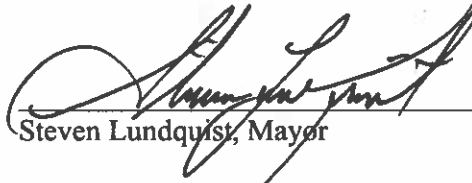
**A SUMMARY OF AN ORDINANCE DEALING WITH
ABATEMENT OF OVERGROWN GRASS AND OVERHANGING TREES
WITHIN THE CITY OF WHEATON**

In order to allow a more orderly process smoother process to abate overgrown grass and overhanging trees, the Wheaton City Council has established the following abatement procedure: a written notice shall be sent giving the owner, lessee, occupant, or any other person having the care or control of the property, giving them either five days (overgrown grass) or thirty days (overhanging tree) from the date of the notice to have said overgrowth abated. Failure to do so shall cause the City to have said overgrown grass or overhanging tree cut and removed by city maintenance workers or a contracted employee, with a flat fee charged to the owner of the property. A bill for said flat fee shall be issued by the City Administrator within thirty (30) days of the work performed, and if the flat fee is not paid by October 1 of each year, the City Administrator shall cause said flat fee to be assessed against the lot or land as provided by law. The City Administrator shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements. Additionally, for overgrown grass, only one such notice shall be sent to a property each year.

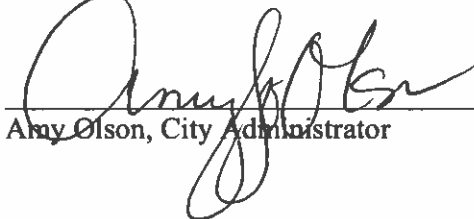
This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Wheaton City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 12th day of January, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

NUISANCES

651 OBSTRUCTING STREETS

651.01 Permit for Certain Activities.

That no person shall encumber or obstruct any street, sidewalk, alley or other public place without first getting permission from the city clerk's office.

651.02 Dumping in Streets Forbidden.

That no person shall throw or deposit, or permit to be deposited or thrown, any snow, grass clippings, leaves, rubbish of any kind, or landscaping material, on or into any street, sidewalk, alley, or public ground of the city.

651.03 Removal of Sand, Gravel, Etc.

No person shall dig or carry away or consent that the same shall be done, any earth, sand, or gravel from any street, alley or public grounds of the city, unless by instruction of the public works supervisor.

651.04 Moving Buildings.

No person shall remove or cause to be removed, any building through any street, without the permission of the City Council.

651.05 Ditches and Bridges.

No person shall make any ditch, drain, or bridge across any street, alley or public ground in said city, so as to injure the same or obstruct its passage.

651.06 Building.

No person shall build or place any building, in whole or in part, upon any street, alley, sidewalk, or other public place within said city.

651.07 Horses.

No person shall at any time fasten any horse or horses, in such a manner that the horse, vehicle, reins or lines shall be an obstacle to the free use of the sidewalk or crossing.

651.08 Awnings and Signs.

No person shall build, place or suffer to remain any awnings, sign or other thing whatever, over or above any sidewalk or street in the village, unless the bottom of the same shall be at least 8 feet above such sidewalk, and 15 feet above such street, and fastened in a perfectly secure manner.

651.09 Riding or Skating on Sidewalks.

No person or persons shall ride or drive any horse, mule or other animal upon or across any sidewalk, or ride any bicycle or vehicle, or skate with either ice, or roller skates, or rollerblades, upon any sidewalk in the city of Wheaton and said sidewalks shall not be used by any person whatever for other than pedestrian purposes, except that roller skating, roller blading, and bicycle riding shall be permitted on sidewalks within the City except on the

sidewalks of Broadway from 13th Street to 9th Street, and except on the sidewalks of 10th Street and 11th Street between First Ave. No. and First Ave. So.

651.10 Roller-skating.

No roller-skating or rollerblading shall be permitted on State Highways #75 or Highway #27 within the city limits.

651.12 Penalty.

Violation of any provision of this ordinance shall be a misdemeanor punishable pursuant to W.M.C. 005.05.

AMENDMENT TO ORDINANCE NO. 652.02

AN ORDINANCE DEALING WITH OVERHANGING TREES IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an existing Ordinance regulating the minimum height for branches to overhang into city street;
2. The present provisions do not adequately provide notice to Wheaton residents about the consequences for failure to abide by that regulation.
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amend its Ordinance in order to ensure that Wheaton residents know what is expected of them when it comes to regulating the minimum height of branches to overhang into city streets.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

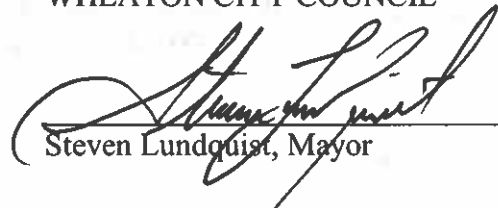
1. That Wheaton City Ordinance 652.02 is hereby amended to read as follows:

“If the provisions of the foregoing sections are not complied with, the City Council shall direct the City Administrator to serve written notice upon the owner, lessee, occupant or any person having the care or control of any such lot or land to comply with the provisions of this ordinance. The written notice shall contain the following information:

1. That the owner, lessee, occupant, or any other person having the care or control of the tree with overhanging branches shall have thirty days from the date of the notice to cause to have said overhanging branches trimmed to the required height.
2. That if the owner, lessee, occupant, or other person fails to have the overhanging branches or other vegetation at issue cut and removed within that thirty-day period, the City Administrator shall direct city maintenance workers or a contracted employee to cause such overhanging branches to be cut and removed.
3. That a flat fee shall be charged to the owner if the City’s maintenance workers or a contracted employee is needed to cut and remove the overhanging branches at issue, and what that flat fee amount is.
4. That a bill for said flat fee shall be issued by the City Administrator within thirty (30) days of the work performed by the City’s maintenance workers or contracted employee.
5. That if the flat fee is not paid by October 1 of each year, the City Administrator shall cause said flat fee to be assessed against the lot or land as provided by law. The City Administrator shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements.

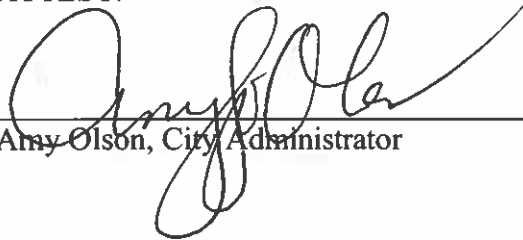
PASSED AND ADOPTED this 12th day of January, 2026.

WHEATON CITY COUNCIL



Steven Lundquist, Mayor

ATTEST:



Amy Olson, City Administrator

SUMMARY OF ORDINANCE NOS. 650.03 & 652.02

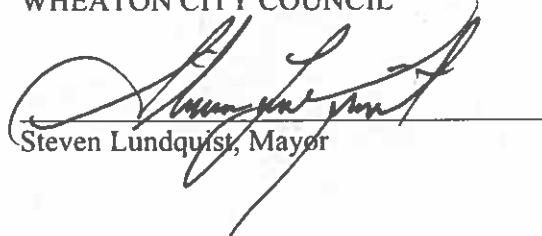
**A SUMMARY OF AN ORDINANCE DEALING WITH
ABATEMENT OF OVERGROWN GRASS AND OVERHANGING TREES
WITHIN THE CITY OF WHEATON**

In order to allow a more orderly process smoother process to abate overgrown grass and overhanging trees, the Wheaton City Council has established the following abatement procedure: a written notice shall be sent giving the owner, lessee, occupant, or any other person having the care or control of the property, giving them either five days (overgrown grass) or thirty days (overhanging tree) from the date of the notice to have said overgrowth abated. Failure to do so shall cause the City to have said overgrown grass or overhanging tree cut and removed by city maintenance workers or a contracted employee, with a flat fee charged to the owner of the property. A bill for said flat fee shall be issued by the City Administrator within thirty (30) days of the work performed, and if the flat fee is not paid by October 1 of each year, the City Administrator shall cause said flat fee to be assessed against the lot or land as provided by law. The City Administrator shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements. Additionally, for overgrown grass, only one such notice shall be sent to a property each year.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Wheaton City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 12th day of January, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

NUISANCES

652 OVERHANGING TREES

652.01 Right of Way.

All trees in the City of Wheaton standing in the City right of ways or the branches of which overhang into the streets shall be trimmed so that no branches, or part thereof, shall hang in the right of way nearer than eight feet above the ground or 14 feet above the improved street or alley.

652.02 Complaints.

Upon any complaint being made to the Public Works Supervisor, any violation of section 1 of this ordinance, he shall visit the premises on which it is claimed such trees are untrimmed and if he finds said complaint well founded he shall cause said trees to be trimmed in accordance with said Section 1 and report the cost of the labor performed in connection therewith to the City Council and the City Council shall cause the same to be included in the taxes against the lot or lots on which said trees are standing or if standing in the street, shall cause the same to be included in the taxes against the lot fronting on the side of the street where said trees stand.

NUISANCES

653 INTERFERENCE WITH RADIO AND TV RECEPTION

- 653.01** It shall be unlawful to operate in the City of Wheaton, any radio or television equipment for broadcasting or receiving in such manner as to cause electrostatic or electro-magnetic waves to radiate from its antenna in such a manner as to result in interference with radio or television reception.
- 653.02** It shall be unlawful to operate within said City any vibrating battery charger, or any other apparatus, or equipment, excluding x-ray machines, in such manner as to cause preventable electrostatic or electromagnetic waves to be radiated therefrom in such manner as to interfere with radio or television reception.
- 653.03** It shall be unlawful to use any violet ray machine, x-ray machine, electric vibrator or any other device, apparatus, instrument or machine causing an electric interference that cannot be prevented by radio or television receiving sets, between the hours of 6 p.m. and 12 o'clock midnight except when it may be necessary in making x-ray pictures and examinations in emergency cases.
- 653.04** It shall be the duty of the City Police of said city to enforce the provisions of this ordinance and for that purpose he shall have the authority to enter upon the premises of and inspect all equipment in said city referred to in the three previous sections of this ordinance.
- 653.05** The Mayor of the City is hereby empowered to from time to time to employ at the expense of the City, a competent person to investigate causes of interference with radio and television reception within the City.
- 653.06** Penalty: Violation of any provision of this ordinance shall be a misdemeanor punishable pursuant to W.M.C. 005.05.

NUISANCES

655 MISCELLANEOUS NUISANCES

655.01 If any person or persons within the limits of the City of Wheaton shall permit or suffer on his, her or their premises or on premises of which he, she or they may be the occupant or occupants, any nuisance either by exercising any unwholesome or offensive trade, calling or business or by having, or suffering or permitting any building, outhouse, sewer, sink or any putrid or any unsound beef, pork, fish, hides or any skins, or any putrid carcass or any other unwholesome substance or thing whatever, to be or remain on premises of which he, she, or they shall be owner or owners, occupant or occupants until by offensive or ill stench or otherwise, they or any of them shall become offensive, hurtful or dangerous to the neighborhood, it shall be the duty of the City Clerk to give notice to such person, or persons, to remove such nuisance forthwith and if the owner or owners, such occupant or occupants, of premises on which any nuisance shall be situated, shall neglect or refuse to remove the same for the space of twenty four hours after such notice shall have been given, he, she or they, on conviction thereof shall be guilty of a misdemeanor punishable pursuant to W.M.C. 005.05.

655.02 If any person or persons shall, after notice as aforesaid, permit any such nuisance to remain which shall be manifestly dangerous or improper, it shall be lawful for the city police to remove and abate such nuisance, either by draining the premises or by filling them up forthwith, under the direction of the City Council, the person or persons permitting the same to remain as aforesaid, shall on conviction thereof be guilty of a misdemeanor or punishable pursuant to W.M.C. 005.05, and shall be liable to pay the cost of removal of said nuisance.

PROVIDED: That the City Council may, at the time of the abatement of any such nuisance, or at any time within thirty days thereafter, direct an assessment to be made on the lot or lots from which such nuisance shall be removed, sufficient to pay all the expenses of removing the same which said assessment shall be inserted in the tax roll and be levied and collected and it shall be a bar to the recovery of the same by any proceedings before the district court, but shall not prevent the recovery of any fines or costs under this chapter, to which any person or persons may have become liable for creating such nuisance or suffering the same to remain after notice.

655.03 It shall be the duty of the police department to report to the City Council the existence of any nuisance whatever in said city, and to perform such other acts relative to the same, according to the general or special regulation prescribed relative thereto, and the Chief of Police is hereby required to notify the city attorney of any violation of this chapter.

655.04 Section 1: Definitions: For the purpose of this Ordinance the following terms shall have the following meaning as defined below:

SUBSECTION A: "junk vehicle" means any vehicle which is in an inoperable condition, partially dismantled, serves as a source of repair or replacement parts, or is used for the sale of parts thereof.

SUBSECTION B: "unlicensed vehicle" means any motor vehicle including snow mobiles not having attached in the manner prescribed by law a currently valid license as issued by any State, province³ or nation.

SUBSECTION C: "public nuisance" means any act or omission which endangers the safety, health, morals, comfort or repose of persons within the City.

Section 2: Parking or storage of junk vehicles, unlicensed vehicles prohibited.

No person shall park or store or allow to be parked or stored any junk vehicle, any unlicensed vehicle, any household furnishings or appliances or items of a similar nature at any place in the City unless the aforementioned items are (a) within the confines of a lawfully erected building, or (b) on the property of a business which operates primarily to repair motor vehicles, for a period of time not exceeding six (6) months."

Section 3: Public nuisance declared.

The parking or storage of any item in violation of Section 2 above shall constitute a public nuisance and shall be abated within thirty (30) days after written notice to abate the same has been given by the city Clerk or any authorized person or representative of the City of Wheaton Police Department.

Section 4: Removal by City assessment.

Items parked or stored in violation of these Ordinances and not abated within the time period prescribed may be removed by the City. The cost of removal by the City shall be calculated and shall be certified to the County Auditor who shall levy said costs as a special assessment against the property from which removed.

Section 5: Penalty.

Any person interfering with any City employee in the performance of his duties under this ordinance shall be guilty of a misdemeanor and any person violating any provision of these Sections shall be guilty of a misdemeanor.

AMENDMENT TO ORDINANCE NO. 655

AN ORDINANCE DEALING WITH PUBLIC NUISANCES IN THE CITY OF WHEATON

Findings.

1. There have been several complaints regarding activities by residents of the City of Wheaton which constitute a public nuisance.
2. The existing Ordinance does not contain a provision which effectively deals with these public nuisances.
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amend the existing Ordinance in order to better be able to deal with public nuisances within the City of Wheaton.

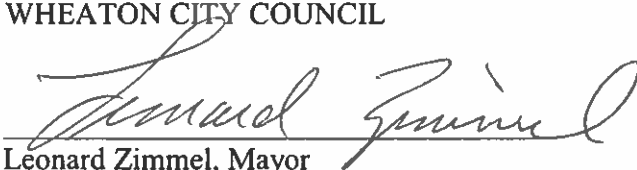
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. That Wheaton City Ordinance 655 is hereby amended to add the following provisions:

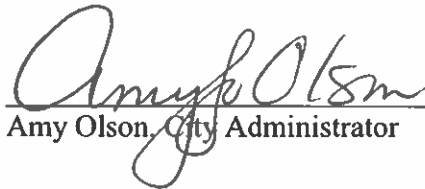
“655.05 Any residential home that has had its water and/or electricity shut off for longer than seven (7) days is hereby declared to be a public nuisance and deemed unliveable, as said condition constitutes a health hazard to anyone residing in or visiting said home. Any and all residents must immediately move out until water and/or electricity has been re-established. If all residents have failed to move out after receiving written notice from the City, the City shall proceed in accordance with the procedures contained in Ordinance No. 570.03 - 570.04 and seek a judicial order evicting the residents from said home.”

PASSED AND ADOPTED this 25th day of April, 2019.

WHEATON CITY COUNCIL


Leonard Zimmer, Mayor

ATTEST:


Amy Olson, City Administrator

Motion: Rikimoto
Seconded: Lanter
Published: 4-15-19
Passed: 4-25-19

656 GARAGE SALES

656.01

Definition.

A “garage sale” is a sale of household or personal articles (including, but not limited to, furniture, tools, clothing, household appliances, toys, books, sports equipment) held at (1) the primary residence of the seller of the articles offered for sale, (2) in the case of a multifamily sale, at the primary residence of one of the individuals owning the articles offered for sale, or (3) property owned, rented, or leased by a charitable or political organization, and owned by the seller. The term “garage sale” includes, but is not limited to, rummage sales, yard sales, and moving sales. The term “garage sale” does not include swap shops.

656.02

Restrictions and Prohibitions

Garage sales shall comply with the following conditions:

1. Any garage sale shall be conducted solely within the boundaries of the property owned or occupied by the occupant who is conducting the sale.
2. There shall be no more than three garage sales conducted at any one premises during any period of 12 calendar months.
3. No garage sale shall be conducted during any part of more than four consecutive days, including setup.
4. No garage sale may be conducted before 7:00 a.m. or after 8:00 p.m.
5. Any related signage shall be limited to the premises and to other residential property, provided permission from the property owner is obtained, and shall be removed at the termination of the sale. Signs shall be limited to four square feet.
6. Items for sale shall be removed from the yard within 24 hours of the conclusion of the sale.
7. Swap shops are not deemed garage sales and are expressly prohibited.

656.03

Exceptions

This chapter shall not apply to any sale under court order, nor to any bona fide auction sale, nor to a sale of farm or garden products by the person producing same.

656.04

Penalty

It is unlawful for any person to conduct a garage sale in violation of any of the

provisions of this chapter. A violation of this chapter is a misdemeanor.”