

**CHAPTER 8****NUISANCES AND OFFENSES****8.101. Public nuisance defined.**

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

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public; or
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public, or
3. Is guilty of any other act or omission declared by law or this Chapter to be a public nuisance and for which no sentence is specifically provided.

**8.102. Public nuisances affecting health.**

Subdivision 1. The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Accumulations of manure, refuse, or other debris;
6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
8. All weeds or grass allowed to attain a height over 6 inches;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
10. All public exposure of people having a contagious disease.

Subdivision 2. Burial of Human Body. No person shall bury any human body within the limits of the City except in a public cemetery.

Subdivision 3. Offensive Trades. All offensive trades and businesses as defined by statute or by the ordinances of the City not licensed by the City shall be a nuisance against public health.

Subdivision 4. Menaces. All other acts, omissions of acts occupations and uses of property that are in fact a menace to the public health or the public safety shall be a nuisance against public health.

Subdivision 5. Penalty. Any person violating any provisions of, or creating and maintaining a nuisance described in subdivisions 1 through 4 shall be guilty of a

misdemeanor and subject to an administrative fine of \$50.00 for the 1<sup>st</sup> offence and \$100.00. for the 2<sup>nd</sup> offence if within one year.

**8.103. Public nuisances affecting peace and safety.**

Subdivision 1. The following are declared to be nuisances affecting public peace and safety:

- (1) All snow and ice not removed from public sidewalks (24) hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) All trees, hedges, billboards, or other obstructions that prevent people from having a clear view of all traffic approaching an intersection;
- (3) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (4) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (5) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (6) Waste water cast upon or permitted to flow upon streets or other public properties;
- (7) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring-of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation;
- (8) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (9) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials
- (10) The piling, storage, keeping or accumulation of old machinery, wrecked, inoperable or unlicensed vehicles, or equipment or parts or components, thereof, unusable inoperable equipment, cut and uncut, unusable lumber, pipes and other apparently worthless, discarded or uncared for material. This subparagraph does not permit the storage, or keeping of motor vehicles, farm machinery or other equipment or, the public streets or sidewalks.
- (11) Any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.
- (12) All other conditions or things which are likely to cause injury to the person or property of anyone.

Subdivision 2. Lurking or Loitering. No person shall lurk, lie in wait, or conceal himself in or about any building, yard, lot, street, or alley within the City with intent to do mischief, or to pilfer, or for any immoral purpose, or to commit any crime, or misdemeanor whatever, such acts to be prima facie evidence of such intent.

- Subdivision 3. Noise and Disturbing Peace. No person shall make, conntenance, or assist in making any noise, riot, disturbance, improper diversion, or assault, disturbing the public peace and order.
- Subdivision 4. Indecent Conduct. No person shall appear in any street or public or exposed place in a state of nudity or make any indecent exposure of his or her person, or perform or utter any obscene Or filthy act or any lewd or indecent, immoral, profane or insulting conduct, language, or behavior, or exhibit, sell, or offer for sale, any indecent, obscene, or lewd book or picture, or other thing, or exhibit, or perform any indecent, immoral, or lewd play or other representation.
- Subdivision 5. Disturbing Assembly. No person, firm, or corporation shall, without authority of the law, willfully disturb any assembly or meeting lawful in its character.
- Subdivision 6. Unlawful Assemblage. An assembly of two or more persons who assemble with intent to commit any unlawful act, or to carry out any purpose in such manner as to disturb the public peace, or being assembled, shall attempt or threaten, any act intending toward breach of the peace or an injury to persons or property, is unlawful.
- Subdivision 7. Refusing to Disperse. No person shall remain present at the place of an unlawful assembly after having been warned by a magistrate or officer to disperse unless as an officer or at the request of any such officer he shall assist in dispersing the same, or in protecting persons, or property or in arresting offenders.
- Subdivision 8. Expectorating. No person shall expectorate in or on any public building, conveyance, or sidewalk.
- Subdivision 9. Vagrants. The following persons are vagrants and no person shall be found doing any of the acts herein described:
1. Every male person who lives wholly or in part on the earnings of prostitution or who in any -public place solicits for immoral purpose.
  2. A common prostitute who shall be found wandering about the streets or loitering in or about any restaurant or lodging house.
  3. Every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent, or unlawful act, or for the purpose of enticing any male person into a house of prostitution or assignation, bed house, room, or other place for any unlawful purpose.
  4. Fortunetellers, and such other like imposters.
  5. A person known to be a pickpocket, thief, burglar, "yeggman", or confidence man, and having no visible or lawful means of support, when found loitering around any railroad depot, railroad yard, banking institution, broker's office, place

- of public amusement, auction room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly.
6. A person engaged in practicing or attempting any trick or device to procure money or other thing of value, if such trick or device is made a public offense by the law of this state, or any person engaged in solicitations, procuring, or attempting to solicit or procure money or other things of value by falsely pretending and representing himself to be blind, deaf, dumb, without arms or legs, or to be otherwise physically deficient or to be suffering from any physical defect or infirmity.
  7. Any person not blind over sixteen years of age, and who has not resided in the county in which he may be for a period of six months, and not leaving visible means .to maintain himself, lives without employment or wanders about and begs or goes from door to door or places himself in the streets, highways, or public passages to beg or receive alms.
  8. Any person who by word of mouth or in writing advocates or teaches in the City, or is about to advocate or teach therein, or habitually advocates or teaches, or is engaged in whole or in part in the occupation, whether for gain or gratuitously, of advocating, advising, or teaching the duty, necessity, or propriety of crime or of violence as a means of accomplishing industrial or political ends.
  9. Any person, who by word of mouth or in writing, advocate or teaches in the City, or is about to advocate or teach therein, or habitually advocates or teaches, or is engaged in whole or in part in the occupation, whether for gain or gratuitously of advocating, advising, or teaching the violation or disregard of any duty or obligation imposed by any statute of this state or of the United States, upon any person or class of persons.

Subdivision 10. **Penalty.** Any person violating any provision of Section 8.103., Subdivision 1 through 10, shall be guilty of a misdemeanor and subject to an administrative fine of \$50.00 for the 1<sup>st</sup> offence and \$100.00 for the 2<sup>nd</sup> offence if within 1 year.

#### **8.104. Offenses Against Morality and Decency.**

Subdivision 1. **Minor Using Tobacco.** No person under the age of 18 years shall smoke or use cigarettes, cigars, or tobacco in any form on any public road, street, alley, park, or other lands used for public purposes or in any public place of business; and no person, firm, or corporation shall furnish any cigarettes, cigars, or tobacco in any form to any such minor person, nor shall any person, firm or corporation permit any such minor person to frequent any premises owned, held or managed by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form.

Subdivision 2. **Lottery Tickets.** No person, firm, or corporation shall sell, give, or in any way whatever furnish or transfer to or for another, any ticket, chance, share, or interest in, or any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share of interest in, or dependent upon the event of a lottery. Nor shall any person, firm, or corporation by writing, printing,

circular letter, or in any other way advertise or publish "an account of any lottery. Nor shall any person, firm, or corporation conduct or take part in any lottery.

- Subdivision 3. Gambling. No person, firm, or corporation shall engage in any gambling with cards, dice, gaming tables, or any other gambling device, nor shall any person, firm, or corporation allow any premises to be used for gambling or have the use of any gambling device.
- Subdivision 4. Obscene Literature. No person, firm, or corporation shall bring or cause to be brought, or buy, sell, advertise, give away, offer, show, exhibit, post, distribute, design, copy., draw, photograph, print, etch, engrave, cut, carve, make public, utter, or otherwise prepare or assist in preparing or receive subscriptions for any indecent or obscene picture book, pamphlet, or magazine.
- Subdivision 5. Penalty. Any person violating any provision of Section 8.104. Subdivisions 1 through 4 shall be guilty of a misdemeanor and subject to an administrative fine of \$50.00 for the 1<sup>st</sup> offence and \$100.00 for the 2<sup>nd</sup> offence if within 1 year.

### **8.105. Curfew for Minors**

- Subdivision 1. Minors Under 15 Years of Age. No minor under the age of 15 years shall loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, and public buildings, places of amusement, entertainment, or refreshment, vacant lots, or other unsupervised places between the hours of 11:00 p.m. and 5:00 a.m. the following day. However, the provisions of Section 8.105. Subdivision 1 shall not apply to such minor when accompanied by his or her parent, guardian, or other having the charge of the minor or when the minor is upon some necessary errand by permission or direction of his or her parents, guardians, or other adult person having the care and custody of the minor. That permission shall be in writing and signed by the parent or guardian or other person having the care and custody of the minor.
- Subdivision 2. Minors Between 15 and 18 Years of Age. No minor between 15 and 18 years shall loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, and public buildings, places of amusement, entertainment, or refreshment, vacant lots, or other unsupervised places in between the hours of 12:00 midnight and 5:00 a.m. the following day. However, the provisions of this section shall not apply to such minor when accompanied by his or her parent, guardian, or other having the charge of the minor or when the minor is upon some necessary errand by permission or direction of his or her parents, guardians, or other adult person having the care and custody of the minor. That permission

shall be in writing and signed by the parent or guardian or other person having the care and custody of the minor. .

- Subdivision 3. Parent Responsibility. No parent, guardian, or other adult having the care and custody of a minor under the age of 15 years of age shall permit the minor to loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, and buildings, places of amusement, entertainment, or refreshment, vacant lots, or other unsupervised places between the hours of 11:00 p.m. and 5:00 a.m. of the following day. The provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or when the minor is upon some necessary errand by permission of his or her parent, guardian, or other adult person having the care and custody of the minor.
- Subdivision 4. Places of Amusement. No person, firm, or corporation operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor under the age of 18 years to remain in such place during the hours prohibited by this code. The provisions of this code shall not apply when such minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.
- Subdivision 5. School Nights. The mayor, upon the request of the superintendent of public schools of the City may designate certain nights during the school year as "school nights" at such times as said schools shall be engaged in athletics, musical, dramatic, or social activities for the benefit or entertainment of its students. The provisions of Subdivisions 1 through 4 of Section 8.105. shall not apply to any student under the age of 18 years of age or to his parents, guardian, or other adult person having the care and custody of such minor who is lawfully going to, attending, or returning from any such school function on any designated "school night" or youth night.
- Subdivision 6. Penalty. Any person violating any provision of Sections 8.105. Subdivisions 1 through 5, shall be guilty of a misdemeanor and subject to an administrative fine of \$50.00 for the 1<sup>st</sup> offence and \$100.00 for the 2<sup>nd</sup> offence if within 1 year.

### **8.106. Duties of City Officers.**

The police department, and/or other designated official) shall enforce the provisions of this Chapter relating to nuisances affecting public safety. The police department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

### **8.107. Abatement.**

Subdivision 1. Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City council; notice of City council order; and notice of motion for summary enforcement hearing shall be given as set forth below:

1. Notice of violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.
2. Notice of council hearing. Written notice of any City council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of council hearing, notice of council hearing shall be served by posting it on the premises.
3. Notice of City council order. Except for those cases determined by the City to require summary enforcement, written notice of any City council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).
4. Notice of Motion for summary enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

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

Subdivision 3. Emergency procedure; summary-enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably

endanger public health, safety or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the council meeting to consider the question of summary enforcement. The City council shall determine whether or not the condition identified in the notice to the owner or, occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 above, and may order that such nuisance be immediately terminated or abated. if the nuisance is not immediately terminated or abated, the City council may order summary enforcement and abate the nuisance.

Subdivision 4. Immediate abatement. Nothing in Section 8.107. of this Chapter shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

### **8.108. Recovery of cost.**

Subdivision 1. Personal liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Clerk-Administrator or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Clerk-Administrator.

Subdivision 2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds and grass on private property or outside the traveled portion of streets, or unsound or, insect-infected trees, the Clerk-Administrator shall, on or before November 1<sup>st</sup> next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat, 429,101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the council may determine in each case.

### **8.109. Penalty.**

Any person convicted of violating any provision of this Chapter is guilty of a Misdemeanor and shall be punished by a fine not to exceed \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case and any administrative fines specifically mentioned in this chapter.



**8.110. Abatement of weeds and Grass on private property.**

(a) It is unlawful for any owner or occupant of any lot or parcel of land in the City to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six (6) inches.

(b) Procedure. If any such owner and/or occupant fails to comply with this height limitation and has not, within seven (7) days after notice given by the City Administrator, complied, the City shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The Notice shall be given by first class mail to the owner at the address on the most recent County Tax Statement and to the occupant at the last known address. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the City. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

**8.111. Abatement of waste and junk on private property.**

(a) It is unlawful for any owner or occupant of any lot or parcel of land in the City to allow the piling, storage, keeping or accumulation of old household appliances, machinery, wrecked, inoperable or unlicensed vehicles, or equipment or parts or components, thereof, unusable inoperable equipment, trash, unusable lumber, pipes and other apparently worthless, discarded or uncared for material.

(b) It is also unlawful for such owner and/or occupant to permit the storage or keeping farm machinery and other equipment or inoperable and/or unlicensed motor vehicles on the public streets or sidewalks.

(c) Procedure. If any such owner and/or occupant fails to comply with this regulation and has not, within seven (7) days after notice given by the City Administrator, complied, the City shall cause such waste or junk to be removed to a proper disposal site or land fill and the expenses thus incurred shall be a lien upon such real estate. The Notice shall be given by first class mail to the owner at the address on the most recent County Tax Statement and to the occupant at the last known address. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the City. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

Environmental ControlAir Pollution**8.201. Air Pollution Control Regulation 8 Adopted by Reference.**

Air pollution control regulation 8, adopted by the Minnesota Pollution control agency as amended is hereby adopted by reference pursuant to Minnesota Statutes, Section 471.62 as amended from time to time. Pursuant thereto one copy of said regulation 8 shall be marked

"official copy", and kept on file in the office of the Clerk-Administrator for use and examination by the public.

**8.202. Open-Burning Prohibited.**

There shall be no open burning of any type in the City of Hendricks except in designated areas of the city park and compground.

**8.203. Penalty.**

Any person, firm, or corporation who violates any of the provisions of the regulations adopted in Section 8.201. or of Section 8.202. shall be guilty of a misdemeanor.

Water Pollution

**8.301. Stagnant Water.**

No person shall allow existing on any property owned-by him or her, any pond, pool or vessel of stagnant water in which mosquitoes may breed.

**8.302. Penalty.**

Any person violating any provision of Section 8.301. shall be guilty of a misdemeanor and subject to an administrative fine of \$50.00 for the 1<sup>st</sup> offence and \$100.00 for the 2<sup>nd</sup> offence if within 1 year.

Control of Dutch Elm Disease

**8.401. Forester.**

Subdivision 1. Position created. The position of forester is hereby created within the City.

Subdivision 2. Duties of the Forester. The duties of the forester shall be the responsibility of the city maintenance supervisor. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of Dutch elm disease. He shall recommend to the council the details of a program for the control of Dutch elm disease, and perform the duties incident to such a program adopted by the council.

**8.402. Dutch Elm Disease Program.**

Subdivision 1. It is the intention of the council to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes 1961, Section 18.022, as amended from time to time. This program is directed specifically at the control and elimination of Dutch elm disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The forester shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

**8.403. Nuisances Declared.**

- Subdivision 1. The following things are public nuisances whenever they may be found within the City.
- A. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Coratocystis Ulmi*. (Bagaman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rupipes*. (Marsh).
  - B. Any dead elm tree or part thereof, including legs, branches, stumps, firewood, or other material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
- Subdivision 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Section 8.403. Subdivision 1 to remain on any premises owned or controlled by him within the City. Such nuisances may be abated in the manner prescribed by this code.

#### **8.404. Inspection and Investigation.**

Subdivision 1. Annual Inspection. The forester shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Section 8.403. of this code exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetle.

Subdivision 2. Entry on Private Premises. The forester or his authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this code.

Subdivision 3. Diagnosis. The forester shall, upon finding conditions indicating dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 8.405. no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

#### **8.405. Procedure for Removal of Infected Trees and Wood.**

- Subdivision 1. Whenever the forester finds with reasonable certainty that the infestation defined in section 8.403. exists in any tree or wood in any public or private place in the City he shall proceed as follows:
- A. If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his finding to the council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 (as amended from time to time) or (2) abating the nuisance as provided in Section 8.403. Subdivision 2 of this section.
  - B. If the forester finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 5

days from the date of mailing of such notice. The forester shall immediately report such action to the council, and after the expiration of the time limited by the notice he may abate the nuisance.

- Subdivision 2. Upon receipt of the forester's report required in Section 8.405. Subdivision 1 part A, the council shall by resolution order the nuisance abated. Before action is taken or, such resolution, the council shall publish or post notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published or posted once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At such hearing or adjournment thereof the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modification as it considers desirable and provide for the doing of the work by day labor or by contract.
- Subdivision 3. The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the Clerk-Administrator all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.
- Subdivision 4. On or before September 1 of each year the Clerk-Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this code. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 (as amended from time to time) and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

**8.406. Spraying Elm Trees.**

- Subdivision 1. Whenever the forester determines that any elm tree or elm wood within the City is infected with dutch elm fungus, he may spray or treat all nearby high value elm trees, with an effective elm bark beetle destroying concentrate of fungicide or both. Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commission and his agents whenever possible.
- Subdivision 2. The notice provisions of Section 8.405. apply to spraying and treatment operations conducted under this section.

**8.407. Transporting Elm Wood Prohibited.**

No person shall transport within the City any bark-bearing wood without having obtained a permit from the forester. The forester shall grant such permits only when the purposes of this code will be served thereby.

**8.408. Interference Prohibited.**

No person shall prevent, delay, or interfere with the forester or his agents while they are engaged in the performance of duties imposed by this code.

**8.409. Penalty.**

Any person, firm, or corporation violating any provision of sections 8.407. to 8.408. shall be guilty of a misdemeanor.

Junk Cars

**8.501. Definitions.**

The following words and terms wherever they occur in this Chapter are defined as follows:

- (a) “Person” Person means a. natural person, firm, association partnership or corporation, and any agent of any the aforesaid.
- (b) “Junk Car” Junk car means any motor vehicle which is in such an unsafe condition so as to endanger any person or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by Minnesota Statutes Chapter 169 (as amended from time to time) or is equipped in any manner in violation of Minnesota Statutes Chapter 169 (as amended from time to time) or which is partially dismantled, or which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the State of Minnesota by the State of Minnesota.

**8.502. Parking and Storage.**

No person shall park, keep, place, or store or permit the parking or storage of a junk car on a public street or alley, or on any private lands or premises which he owns, occupies, or controls unless it shall be within a building on such private premises. Legitimate body and car repair businesses located in areas zoned commercial within the City or body and car repair businesses with current legal nonconforming uses shall be excepted from this section of this Chapter provided, however, that such businesses are required to fence the outside areas where such vehicles are stored from public view from adjacent public thoroughfares.

**8.503. Repair, Servicing or Maintaining.**

No person shall service, repair, replace parts or do maintenance work on a junk car on a public street nor on any private lands or premises unless it shall be within a building on such private premises.

**8.504. Violation.**

Any person who violates this Chapter is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Seven hundred (\$700.00) dollars or by imprisonment in the County Jail for not more than ninety (90) days, or both, plus the costs of prosecution in either case and any administrative fines specifically mentioned in this chapter..

Misdemeanors and  
Offenses

**8.601. Penalty for Misdemeanor.**

Any person found guilty of conduct defined as a misdemeanor in any provision of this code shall, upon conviction thereof, be punished by a fine not to exceed \$700 or imprisonment for 90 days or both, unless a lesser penalty is prescribed by the provision. Where any Minnesota Statute adopted by reference as part of this code prescribes a lesser penalty than that prescribed herein, such lesser penalty as required by the statute shall prevail.

**8.602. Criminal Code of 1963 Adopted.**

The provisions of Minnesota Statutes 1974, Chapter 609 (as amended from time to time), known as the criminal code of 1963, one copy of which is on file in the office of the Clerk-Administrator are hereby adopted as an ordinance relating to criminal offenses committed within the City, and are hereby made a part of this code as if fully set forth herein, except to the extent that the application of said statute is otherwise modified by the provisions of this code.