CITY COUNCIL
CITY OF WOODLAND
MEETING OF AUGUST 14, 2014

Agenda Item 6. C.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryne McCullum, City Clerk

SUBJECT: Consideration of Resolution No. 29-2014 concerning the addition of Policy No. 3-3 relating to showcase events

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Background

At the May 12, 2014 meeting, the Council reviewed a draft ordinance document that stated regulations on showcase events that is currently used by the City of Deephaven. After discussion at that meeting, the Council agreed that additional discussion should occur on the subject and asked that it be placed on the June agenda.

On June 9, 2014, the Council reviewed a draft ordinance regarding showcase events. The Council agreed that the proposed ordinance should address only showcase type events and it should also clearly define regulations relating to allowed activities and those that would not be allowed.

At the July 14, 2014 meeting, Mayor Doak suggested that the Council consider a City Council *policy* rather than an ordinance amendment. This is because the current ordinance addresses most, if not all, of the concerns related to showcase events including parking, noise, nuisance, vehicle weight restrictions, etc. The ordinances are attached to the policy to reinforce the message that showcase sponsors must abide by the City's rules. Mayor Doak indicated that a policy statement may be more appropriate because the public hearing approach would not address the real problems presented by the events, but would and merely pose a hurdle for the sponsor. By adopting this approach, the City simply asks sponsors to be responsible for protecting the public and obeying the City's ordinances.

Also at the July 14, 2014 meeting, the City Council generally agreed with the policy and asked that a resolution be placed on the August agenda for adoption.

Recommendation
Adopt Resolution No. 29-2014 adding City Council Policy No. 3-3 relating to showcase events.

CITY OF WOODLAND

Meeting Date: August 14, 2014
Motion:

Resolution No. 29-2014
Second:

RESOLUTION NO. 29-2014 ADDING CITY COUNCIL POLICY NO. 3-3 RELATING TO SHOWCASE EVENTS

WHEREAS, the City of Woodland has experienced some difficulties with special events such Parade of Homes and similar events throughout the City; and

WHEREAS, the City Council finds that the current ordinance addresses most, if not all, of the concerns related to showcase events including parking, noise, nuisance, vehicle weight restrictions, etc.; and

WHEREAS, in accordance with the policy, all showcase events and sponsors will be subject to all City ordinances, including, but not limited to, Ordinance Section 500, Vehicular Traffic and Parking; Ordinance Section 455, Noise; and Ordinance Section 415, Nuisance, copies of which are attached to the policy and made part thereof.

NOW,THEREFORE BE IT RESOLVED that the City Council of the City of Woodland, Minnesota hereby adopts Policy No. 3-3 relating to showcase events.

ADOPTED BY the Woodland City Council on August 14, 2014 upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Councilor Carlson				
Councilor Massie				
Councilor Newberry				
Councilor Rich				

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By:_____
James S. Doak, Mayor

I, Kathryne A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on January 13, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 14th day of August, 2014.

Attest:_____
Kathryne A. McCullum, City Clerk

CITY OF WOODLAND
COUNCIL POLICIES

CHAPTER 3 – PUBLIC SAFETY

POLICY 3-3 – SHOWCASE EVENT POLICY

PURPOSE

The purpose of this Policy is to establish standards to promote public health and safety, while minimizing undesirable effects associated with the showcasing of residential property to the general public.

DEFINITIONS

The term Showcase Event means the opening of a residential property for viewing by the general public for the purpose of marketing goods or services for commercial or charitable purposes. The term Showcase Event shall not include an open house in connection with the sale of a residential property by a private owner. Examples of Showcase Events shall include, but shall not be limited to, the Parade of Homes, Remodeler's Showcase, Luxury Home Tour, or other similar events.

POLICY

(a) The Showcase Event will not endanger public health and safety or compromise the general welfare of Woodland residents or visitors to the City.

(b) The Showcase Event will not cause undue traffic hazards and congestion, or promote illegal vehicle parking

(c) The Showcase Event will not impose an excessive financial or staffing burden on the City or cause inconvenience to its residents. The Showcase Event shall not cause damage to private or public property, parks, including streets, rights-of-way, or other public property.

(d) The Showcase Event and its sponsors will be subject to all City ordinances, including, but not limited to, Ordinance Section 500, Vehicular Traffic and Parking; Ordinance Section 455, Noise; and Ordinance Section 415, Nuisance, copies of which are attached hereto and made part thereof.

PROCEDURE

(a) The following items shall be submitted to the City 30 days prior to an event:

1. A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s) and the location of all proposed on-site and off-site signage.

2. Proposed shuttle pick-up points and shuttle routes to the showcase property and a description of the size and gross weight of the vehicles employed.

3. The specific procedure that will be followed during the Showcase Event to ensure that attendees' vehicles will not be illegally parked.

4. A letter of approval from the Police Department stating that all of their conditions have been met.

5. A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amount of at least $500,000 for injury of one person, $500,000 for injury of two or more individuals, and $50,000 for property damage. The city, its agents and employees must be named as additional insured.

6. The name, telephone number, and address of the persons who are sponsors of the Showcase Event.

7. The name and telephone number of the person or persons who will be on-site and specifically responsible for the operation of the Showcase Event,

8. A written statement of understanding that all City ordinances will be complied with including, but not limited to, Ordinance Section 500, Vehicular Traffic and Parking; Ordinance Section 455, Noise; and Ordinance Section 415, Nuisance.

(b) The applicant shall execute the following certification:

1. I hereby certify that the information is true and correct.

2. I understand and agree that the approval for the Showcase Event must comply with the City's ordinances.

3. The Showcase Event will not endanger the health, safety or general welfare of the public; and

4. The Showcase Event will not cause undue traffic hazards, congestion or parking shortages; and

5. The Showcase Event will not impose an excessive burden on the City or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

6. I understand that a permit for the showcase event may be revoked or suspended at any time by the Police Chief or the City Council for any ordinance violation.

_____

Applicant Signature Date

Adopted by City Council on August 14, 2014
Resolution No. 29-2014

SECTION 500 VEHICULAR TRAFFIC AND PARKING

500.01 Highway Traffic Regulation Act. Chapter 169 of the Minnesota Statutes, as amended, known as the Highway Traffic Regulation Act, is adopted as a traffic ordinance regulating the use of streets and is incorporated and made a part of this Code as completely as if set out in full in this Code.

500.02 Unnecessary Exhibition of Speed. No person may operate a motor vehicle with unnecessary exhibition of speed on any street or other public or private driveway, parking lot or way within the City limits. Prima facie evidence of unnecessary exhibition of speed is any of the following: (a) unreasonable squealing or screeching sounds emitted by tires; (b) the throwing of sand or gravel by tires; (c) unreasonable skid, sway or slide upon acceleration or stopping.

500.03. Load Restrictions. No truck in excess of 18,000 pounds gross weight per axle shall travel on any street within the City, unless a permit has been obtained from the Zoning Administrator or their authorized agent. The permit fee is established in Chapter 3 of this code. Said permit shall be issued subject to such restrictions and conditions as the Zoning Administrator deems appropriate, including the posting of a cash deposit or performance bond to guarantee the repair of any damages resulting use of the City roadways.

Exempted vehicles. The provisions of this Section shall not apply to the following vehicles: emergency vehicles; trucks owned or operated by the City; school buses, when engaged in transporting pupils to or from school; trucks owned or operated by utility companies, when engaged in the construction or repair of utility company facilities; and refuse collection vehicles, when engaged in the collection of refuse from homes within the City, Septic pumping and repair service vehicles and well drilling and repair vehicles.

500.04. Seasonal weight restrictions. During the spring of each year, the Zoning Administrator will set a period of time, typically from March 1 to May 1, restricting the travel of vehicles in excess of 8,000 pounds gross weight per axle on any street within the City, unless a permit has been obtained from the Zoning Administrator or their authorized agent. The permit fee is established in Chapter 3 of this code. Said permit shall be issued subject to such restrictions and conditions as the Zoning Administrator deems appropriate, including the posting of a cash deposit or performance bond to guarantee the repair of any damages resulting the use of the City roadways. The dates and duration of the City's seasonal weight restrictions shall be as set by the Zoning Administrator. The only vehicles exempted from the provisions of this Section shall be those enumerated in Section 500.03.a.

The application must be in writing and the applicant must show good cause for the permit. In addition, the application must specifically describe the vehicle or vehicles, loads to be moved, particular streets for which the permit is requested and the period of time for which the permit is requested. If a permit is issued, limitations and conditions of operation of the vehicle or vehicles may be prescribed to prevent undue damage to streets. The permit must be carried in the

vehicle to which it refers and the vehicle will be open to inspection by any police officer or authorized agent of the Chief of Police.

500.05 Parking Regulations.

Subd. 1. On-Street Parking. Except as expressly provided in Subd. 4 below, no person may park or leave unattended any vehicle on any public street in the City.

Subd. 2. No U Turns. No person may turn a vehicle so as to reverse its direction on a curve or hill where the vehicle cannot be seen by the driver of a vehicle within 1,000 feet approaching from either direction, or in any places designated by Council resolution as no U-turn zones.

Subd. 3. Vehicles Prohibited in Parks. No person may stop, park or operate a motorized vehicle, or ride a horse, except in compliance with the directions of a police officer, on park property or other public grounds within the City. Bicycles may be operated on park property or public lands except where signs prohibit their operation.

Subd. 4. Temporary On-Street Parking Permit. Upon request of a resident holding an event for which the resident has insufficient private parking to accommodate the expected number of guests, the Chief of Police may, but is not required to, issue a special parking permit allowing roadside parking, in designated permit parking zones subject to the following conditions:

(a) The permit will specify the designated permit parking zone and the date and hours parking will be permitted.

(b) Cars may be parked only in the specific area or areas designated in the permit.

(c) Cars must at all times be parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. If heavy snowfall or other conditions prevent off-pavement parking or otherwise make roadside parking unsafe, the Chief of Police will cancel the permit. The City has no obligation to plow snow from parking zones.

(d) A resident granted a permit will post (and remove upon expiration of the parking permit) temporary signs clearly designating the permitted parking areas or provide an attendant or attendants to show guests where parking is and is not permitted, and will take all other steps required by the Chief of Police as a condition of the parking permit or that are otherwise necessary to insure that guest parking complies with the requirements of this Section 500.05.

(e) Contractors with major construction or remodeling projects in the City may secure a monthly parking permit for a specified zone, providing that such monthly permit shall not apply to the hours for which any other permit under this subdivision is issued.

Subd. 5. 24-hour Parking. No person may leave any vehicle on any public street for a consecutive period of more than 24 hours.

Subd. 6. Prohibited Parking After Snowfall. No person may park or leave unattended any vehicle on any public street, within the designated parking zones, in the City after two inches or more of snow has fallen until the street has been completely plowed. In addition to any other penalties imposed for violation of this Section, the Chief of Police is authorized to cause any vehicle parked or left unattended in violation of this Section to be towed from the street at the expense of the owner of the vehicle.

Subd. 7. Permitted Parking Without Permits. Parking is permitted along the north and south sides of Maple Hill Road without a permit, provided cars are parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. Snow regulations designated in Subd. 6 will apply to Maple Hill Road.

Subd. 8. Temporary No Parking Areas. The Chief of Police or his designee may designate temporary no parking areas within the City and may provisionally post these areas with a "NO PARKING" sign.

500.06. Penalty. Any violation of a provision of Section 500 or of the statutes adopted by reference in Section 500.01 is a misdemeanor except violations of the parking regulations in Section 500.05, which are a petty misdemeanor, and except as provided in Minnesota Statutes, Sections 169.89 and 169.891 regarding petty misdemeanors

SECTION 455 NOISE CONTROL

455.01 GENERAL NOISE STANDARDS

Subd. 1. Incorporation by Reference. The MPCA Noise Rule, Chapter 7010.010 through 7010.008, and all amendments thereof and supplements thereto are hereby referred to, adopted, incorporated by reference, and made a part of this Section 455. A current copy shall be available for public inspection through the City Clerk's Office.

Subd. 2. Definitions. Except as provided in this Section, words or phrases used in this Section 455 and defined in the rules of the Minnesota Pollution Control "Agency Noise Section, Chapter 7010, shall have the meanings given in those rules.

(a) A-Weighted. A specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting and characteristics and tolerances are those given in American National Standards Institute § 1.4-1983, Section 5.1.

(b) Cut-Out or By-Pass. Mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the system including all exhaust system sound attenuation components.

(c) dB(A). A unit of sound level expressed in decibels (dB) and A-weighted.

(d) Exhaust System. Combination of components which provides an enclosed flow of exhaust gas from engine parts to the atmosphere.

(e) L10. The sound level, expressed in dB(A) which is exceeded 10% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.

(f) L50. The sound level, expressed in dB(A) which is exceeded 50% of the time for a one-hour period, as measured by test procedures approved by the Director of the MPCA.

(g) MPCA. Minnesota Pollution Control Agency

(h) Noise Control Officer. The Noise Control Officer shall be the person appointed as such by the Woodland City Council.

Subd. 3. Maximum Noise Levels by Receiving Land Use Districts. No person shall operate or cause to be operated any source of noise in such a manner as to create a noise level outdoors, as measured from the property line, exceeding the dB(A) limits set forth in the following Table:

DAY (7 A.M.-10 P.M.)		NIGHT (10 P.M. - 7 A.M.)	
Sound Level	Maximum	Sound Level	Maximum
L10	65 dB(A)	L10	55 dB(A)
L50	60 dB(A)	L50	50 dB(A)

455.02 Exemptions. The levels prescribed in the Table in Section 455.01 above do not apply to noise originating on public streets and alleys, but such noise shall be subject to other ordinances

455.03 Noises Prohibited.

Subd. 1. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following paragraphs.

Subd. 2. Home, Audible and Signaling Devices, Etc. No person shall sound any signaling device on any vehicle (i) except as a warning of danger, or (ii) in violation of Minn. Stat. § 169.68.

Subd. 3. Engine Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws, regulations and this Section 455.

No exhaust system on any engine shall be modified, altered, or repaired in any manner, including the use of a muffler cut-out or by-pass, that shall amplify or otherwise increase noise above that emitted by the device as originally equipped.

Subd. 4. Radios, Phonographs, Televisions, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, television, paging system, machine or other device for production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such device between the hours of 10 P.M. and 7 A.M. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violations of this subdivision.

Subd. 5. Social Gatherings. No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.

A violation of this subdivision shall be deemed to be the act of the owner of the residential dwelling unit wherein it occurs as well as the persons on the premises who violate the subdivision except that the owner of the dwelling unit occupied by other shall be liable only for those violations occurring after a written notice of the violation of this subdivision shall have been received.

Subd. 6. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production of reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public for any purpose whatsoever.

Subd. 7. Human Noise. No person shall engage in yelling, shouting, screaming, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, in or on any residential property.

Subd. 8. Animal Noises. It shall be unlawful for any owner to fail to exercise proper care and control over his or her animals to prevent them from engaging in excessive noise such as to bark excessively, continuously or untimely. Failure on the part of the owner or custodian to prevent his or her animals from engaging in excessive noise shall subject the owner or custodian to the penalty hereinafter provided.

The phrase "to bark excessively, continuously, or untimely" includes, but is not limited to, the creation of any noise by any dog which can be heard by any

person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

455.04 Hourly Restriction For Certain Operations

Subd. 1. Domestic Power Equipment. No person shall operate a garden or lawn tractor, power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill, or other similar domestic power maintenance equipment except between the hours of 7 A.M. and 8 P.M. on any week day or between the hours of 9 A.M. and 6 P.M. on weekends. Snow removal equipment is exempt from this provision.

Subd. 2. Construction Activities. No person shall engage in or permit construction activities involving the use of any electric, diesel, or gas powered machine or other power equipment except between the hours of 7 A.M. and 6 P.M. week days or between the hours of 9 A.M. and 6 P.M. any weekends.

455. 05 Exception For Emergency Work. Noise created exclusively in the performance of emergency work preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore public service or eliminate a public hazard shall be exempt from the provisions of this Section for a period not to exceed 48 hours after the work is commenced. Persons responsible for such work shall inform the Noise Control Officer of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise and the duration thereof.

455.06 Portable And Stationary Power Generators.

Subd. 1. Noise from public and private portable and stationary power generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.

455.07 Powers And Duties of Noise Control Officer.

Subd. 1. Administration Officer. The noise control program established by this Section 455 shall be administered by the Police, Noise Control Officer, Building Inspector, Zoning Coordinator and City Clerk.

Subd. 2. Noise Impact Statements. The Noise Control Officer may require any person applying to the City for a change in zoning classification, permit, license for any structure, operation, process, installation, or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the officer. Each such statement shall be reviewed to ascertain whether the granting of such change would result in the violation of any provision of this Section. Reviews of noise impact statements shall be made by

the Zoning Coordinator, and Planning Commission (if appropriate), and recommendations shall be made to the City Council.

Subd. 3. Other Powers and Duties. The Noise Control Officer shall exercise such other powers and perform such other duties as are reasonable and necessary to enforce the provisions of this chapter.

455.08 Enforcement and Penalties.

Subd. 1. When the Noise Control Officer, after appropriate testing has been done, determines that a noise exceeds the maximum sound level permitted under this Section or otherwise constitutes a nuisance, the Noise Control Officer shall give written notice of the violation of the owner or occupant of the premises where the noise originates, and order such persons to correct or remove each specified violations within such reasonable time as is prescribed in the notice.

In all other cases, the Noise Control Officer or a City law enforcement officer may demand immediate termination of the excessive noise. Failure to adhere to such demand shall subject the violator to appropriate criminal enforcement of such violation.

Subd. 2. Penalties. Any person violating this Section shall be guilty of a misdemeanor and in addition shall be subject to injunctive enforcement which the City may pursue through a court of competent jurisdiction or state administrative agency as may be appropriate. Each day that a violation continues shall constitute a separate violation.

SECTION 415 NUISANCES

415.01 Definitions

Subd. 1. Public Nuisance Defined. Whoever by an act or failure to perform a legal duty intentionally does any one or more of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(a) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.

(b) Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public.

(c) Commits any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Construction activity shall include, but not be limited to:

(a) Clearing, dredging, excavating, and grading of land.

(b) The use or movement of manual tools, or any kind of electric, diesel or gas powered equipment and construction materials or supplies commonly employed in building, excavation, or roadway construction.

(c) The delivery, organization, or distribution of building materials or equipment associated with building, and

(d) The congregating of workers outdoors at or near the construction site, except where workers remain in their vehicles.

Subd.3. Commercial property maintenance activity shall include, but not be limited to:

(a) The use of manual, power and maintenance equipment, lawn mowers, chain saws, leaf blowers, tractors, commercial vehicles, excavation equipment, generators, and compressors.

(b) Deliveries of landscaping supplies and equipment, and

(c) The gathering together of workers on site.

415.02 Public Nuisances Affecting Health. The following are declared to be nuisances affecting health:

(a) Exposed accumulation of decayed or unwholesome food, vegetable matter, meat, fish, excrement, manure, refuse, debris, or other offensive substance.

(b) Diseased animals running at large.

(c) Carcasses of animals not buried or destroyed within 24 hours after death.

(d) Pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

(e) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

415.03 Public Nuisances Affecting Morals and Decency. The following are declared to be nuisances affecting public morals and decency:

(a) Drinking of alcoholic beverages on public streets, parking lots or parks.

(b) Public exposure by a person of his or her unclothed genital organs, or public exposure by a woman of her unclothed breasts.

415.04 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety and shall be enforced by the police department and, or the zoning coordinator:

(a) Construction activity, as defined in Section 415.01, Subd. 2, and commercial property maintenance activity as defined in Section 415.01, Subd. 3, at any time other than the hours of 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays and no such activity is permitted on Sundays or on the following public holidays: New Year's Day, Memorial Day, Independence

Day, Labor Day, Thanksgiving Day and Christmas Day. Noise from equipment used during the removal of snow and generators and equipment used during power outages or other emergencies shall be exempt from the restrictions under this subsection.

(b) Use of any public or private street or easement for fishing.

(c) 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.

(d) All unnecessary noises and annoying vibrations.

(e) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.

(f) Radio aerials or television antennae erected or maintained in a dangerous manner.

(g) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk.

(h) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as required by this Code.

(i) Any barbed wire fence.

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

(k) Wastewater cast upon or permitted to flow upon streets or other public property.

(l) Accumulations in the open of discarded or disused machinery, household furniture and 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 or which endangers the health, safety or welfare of the public or adversely affecting the peaceful enjoyment of neighboring properties.

(m) The leaving of any unused ice box, refrigerator or other box or appliance, with a door on it which will effectively exclude air when shut, in any public place or on any private property.

(n) Any well, hole or similar excavation which is left uncovered, or in such other condition as to constitute a hazard. Any construction in or adjacent to any street or sidewalk must be secured by a metal or wooden fence at least 4 ½ feet in height with posts no more than 6 feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.

(o) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.

(p) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.

(q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

(r) Any gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person may visit or remain in or about a residential dwelling wherein such a party or gathering is taking place, except persons who reside at that dwelling or have gone there for the sole purpose of abating the disturbance.

(s) The parking, storing or keeping on any public or private property of any automobile or truck which is not currently licensed under the laws of the State or other state or federal law, excluding, however, vehicles kept within a fully enclosed garage or other building, and excluding impounded vehicles held by the City.

(t) All other conditions or things which are likely to cause injury to the person or property of anyone.

(u) Use or possession of fireworks by any person.

(v) Aiding, abetting, facilitating or causing the escape of a person by force or fraud from the custody of a police officer.

(w) Removal, damage or other interference with any barricade erected to protect any excavation, grading, paving, construction or other work.

(x) The first 30 feet back from the public right-of-way upon any property which exists noxious weeds as defined in Minnesota Statutes, Section 18.77, Subd. 8 or poisonous vegetation such as poison ivy, or weeds, grass, brush or other plants which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

(y) The length of grasses commonly used in lawn areas including blue grass, fescue or rye grass blends of similar grasses shall not exceed eighteen (18) inches in length, excluding grasses on steep slopes or adjoining ponds, wetlands and lakes.

415.05 Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer may issue a citation for the violation and/or may give written notice to the owner or occupant of the premises of that fact and order that the nuisance be terminated and abated. The notice may be served in person or by mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. If such order is given, it will specify the steps to be taken to abate the nuisance and the time, within which the nuisance is to be

abated. If the notice is not complied with within the time specified, the enforcing officer will report that fact to the Council. The Council may then, after notice to the owner or occupant and an opportunity to be heard, provide for abatement of the nuisance by the City. The notice will be served in the same manner as notice by the enforcing officer is served and will be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days must elapse between the day of posting and the hearing. The giving of such notice and the abatement of the nuisance by the owner will have no effect on the City's ability to prosecute the owner or occupant of the property for violation of this ordinance.

415.06 Recovery of Cost.

Subd.1. Personal liability. The owner of premises on which a nuisance has been abated by the City is 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 or other official designated by the Council will prepare a bill for the cost and mail it to the owner. The bill will be immediately due and payable at the office of the Clerk.

Subd.2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks or paths, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk will, on or before September 1 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 Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The Council may then assess the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.