

CHAPTER 7: NUISANCES, WEAPONS, PROHIBITIONS AND BLIGHT

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SECTION 700: NUISANCES

700.01 Public Nuisance Defined.

Subd. 1 Intention; Definition. Whoever by an act or failure to perform a legal duty intentionally does any one (1) or more of the following shall be 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.

700.02 Public Nuisances Affecting Health.

Subd. 1 Declaration of Nuisances. The following (although a nonexclusive list) are declared to be nuisances affecting health whether on public or private property:

- A. Deposit or 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 twenty-four (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 substance.
- E. Burning of prohibited material, with the exception of approved outdoor solid-fuel fired heating devices per Section 10.400.0800 of this Ordinance;
- F. Ponds or pools of stagnant water, except for city constructed collection ponds.
- G. All noxious weeds or other rank growth of vegetation.
- H. Any offensive trade or business as defined by statute and not operating under a lawful license.
- I. 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.

- J. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- K. All exposure of people having a contagious disease.

700.03 Public Nuisances Affecting Morals and Decency.

Subd. 1 Declaration of Nuisances. The following are declared to be nuisances affecting public morals and decency:

- A. Drinking of alcoholic beverages on public streets, parking lots or parks is prohibited except at organized events in which a permit has been obtained per *Chapter 6: Liquor and Beer* of the City's Ordinances.
- B. Public exposure by a person of his or her unclothed genital organs or public exposure by a woman of her unclothed breasts below an area at the top of the areola.
- C. Unlawful gambling devices, slot machines, punch boards and betting or bookmaking, and all apparatus used in those occupations, except otherwise authorized and permitted by federal, state, or local law.
- D. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
- E. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place.
- F. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

700.04 Public Nuisances Affecting Peace and Safety.

Subd. 1 Declaration of Nuisances. The following are declared to be nuisances affecting public peace and safety:

- A. 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.
- B. All unreasonable and unnecessary noises and unreasonable annoying vibrations.
- C. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds, except under conditions as are permitted by this code or other applicable law.

- D. Radio aerials or television antennae erected or maintained in a dangerous manner.
- E. 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.
- F. 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.
- G. Any barbed wire fence located less than six (6) feet above ground, except when used in agricultural districts to control animals provided the fence shall not be within three (3) feet of a public street, sidewalk or other public right-of-way, or when otherwise authorized by the City.
- H. All dangerous, unguarded machinery in any public place or so situated or operated on private property as to attract the public.
- I. Wastewater cast upon or permitted to flow upon streets or other public property.
- J. 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, the rank growth of vegetation among the items so accumulated or in a manner creating fire, health or safety hazards from the accumulation.
- K. 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.
- L. Any well, hole or similar excavation which is left uncovered or in another 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 four (4) feet in height with posts no more than six (6) feet apart, and must be illuminated with red or yellow lights from sunset to sunrise.
- M. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.
- N. 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 the substance.
- O. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
- P. Any gathering of people from which noise emanates of a sufficient volume so as to unreasonably 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 where a party or gathering

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is taking place, except persons who reside at that dwelling or have gone there for the sole purpose of abating the disturbance.

- Q. 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.
- R. All snow and ice not removed within twenty-four (24) hours after the snow has ceased falling from public sidewalks abutting a person's premises.
- S. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
- T. The allowing of rain water, ice or snow to fall from any structure onto any street or sidewalk.
- U. Use or possession of fireworks by any person, except as permitted by State law.
- V. Removal, damage or other interference with any barricade erected to protect any excavation, grading, paving, construction or other work.
- W. All other conditions, activities or things which are likely to cause injury to the person or property of anyone.

700.05 Noise Violations

Subd. 1 Declaration of Nuisances. The following are declared to be nuisances affecting public health, safety, peace, or welfare:

- A. 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 any specific restrictions provided in this ordinance).
- B. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
- C. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- D. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), 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 and regulations.

- E. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
- F. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproducing of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. This includes car audio systems that can be heard 50 feet away.

Subd. 2 Hourly restriction of certain operations.

- A. Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.
- B. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 9:00 p.m. on any weekday or between the hours of 8:00 a.m. and 8:00 p.m. on any weekend or holiday.
- C. Construction activities. No person shall engage in or permit any construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.
- D. Exception for emergency work. Noise created exclusively in the performance of emergency work to preserve the health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this section for a period not to exceed twenty-four (24) hours after the work is commenced. Persons responsible for the work shall inform the Sheriff's Department of the need to initiate the work or, if the work is commenced during nonbusiness hours of the city, at the beginning of business hours of the first business day thereafter. Any person responsible for the emergency work shall take all reasonable actions to minimize the amount of noise.
- E. Radios, music devices, paging systems, and the like. The operation of any device referred to in subdivision 1:F between the hours of 10:00 p.m. and 7:00 a.m. in a manner so 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 a violation of this section.
- F. Schools, churches, hospitals, etc. No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or

unduly annoys its occupants or residents and when conspicuous signs indicate the presence of institution.

Subd. 3 Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

700.06 Reduction or Elimination of Blighting Factors and Nuisance Parking and Storage

Subd. 1 Purpose. This section shall be intended to prevent, reduce or eliminate blighting factors within the City and to provide penalties for the violation of this provision.

Subd. 2 Blighting Factors Prohibited. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this section if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the City owned, leased, rented or occupied by the person.

Subd. 4 Causes of Blight. The following conditions have been found by the Council to create the blighting conditions to be prohibited by this section.

- A. Existence of Uninhabitable or Unsightly Dwelling. In any area the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended. This subsection also applies to houses that have badly chipping paint, loose shingles or broken windows, or other exterior significant defects, including but not limited to damaged vinyl siding, stucco, or other damaged exterior finishes.
- B. Existence of Vacant Dwelling. In any area the existence of any vacant dwelling, garage or other out building unless the buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance of the building by vandals.
- C. Existence of Uninhabitable or Unsightly Commercial or Industrial Buildings. In any area the existence of any structure or part of any structure, which because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a commercial or industrial location, or useful for any other purpose for which it was intended. This subsection also applies to commercial or industrial structures with badly chipping paint, loose shingles or broken windows, or other exterior significant defects, including but not limited to damaged vinyl siding, stucco, or other damaged exterior finishes. Any broken or cracked windows shall be repaired or replaced in a reasonable timeframe. A plan shall be established and agreed upon by the affected property owner and City Staff for the repair of

the broken, cracked, or boarded up windows within thirty (30) days. The grounds shall be kept free of any debris, trash and refuse. All refuse shall be contained in suitable collection containers kept free from infestation and shall be removed weekly.

- D. Existence of Poisonous Vegetation and Tall Grass. In any area the existence of any noxious or poisonous vegetation, such as poison ivy, ragweed or other poisonous plants or any weeds, grass over six (6) inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood. Platted, but undeveloped property within a platted development that is within twenty feet (20') of a roadway, sidewalk, sold or developed property shall be maintained to below the six inch (6") maximum, as should any entrance(s) to the development. Otherwise, the platted, but undeveloped property shall be maintained below eighteen inches (18"). In no circumstances shall there be existence of poisonous vegetation. Certain nature areas, designated park or cemetery areas, agricultural land uses, wetland or shoreland areas, railroad rights-of-way, steep slopes and undeveloped portions of the City's Technology Park may be exempted from this Section of the Ordinance at the discretion of the Zoning Administrator.

Subd. 4 Nuisance parking and storage.

- A. Declaration of nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles, and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views or Fire Department access on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns. This subsection shall not apply to authorized building construction activities, except for Fire Department access which shall be maintained at all times.
- B. Unlawful parking and storage. A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line. The parking and storage location shall meet all other setbacks of the zoning district as well.
- C. Storage of junk. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles; unused stoves or other appliances stored in the open; remnants of wood, decayed, weathered or broken construction materials no longer suitable for sale as approved building materials; metal, pipe, forms, steel, or other material or cast off material of any kind; including all materials used in conjunction with a business, outside on

residential property, whether or not the same could be put to any reasonable use; unless shielded from public view.

- D. Maximum number of vehicles. Vehicles that are parked or stored outside must be on a paved or graveled parking surface or driveway area. Exceptions shall be made for no more than one (1) vehicle per property when the winter parking ordinance is in effect.
- E. Vehicles in front yard. Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area. Exceptions shall be made for no more than one (1) such vehicle per property when the winter parking ordinance is in effect.
- F. Recreational vehicle (RV), off-road vehicle, watercraft, dune buggies, etc. storage. Recreational vehicles, watercraft, and other articles stored outside on residential property must be owned and licensed by a person who legally resides on or owns that property. In parking these vehicles, the setbacks for the zoning district shall be met, and they shall not be parked in the front yard, except on the driveway.
- G. Motor vehicles, general. Any motor vehicle described in this subdivision shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.
 - 1. Storage of Junk Automobiles. The storage upon any property of junk automobiles, unless stored in a garage or similar structure, shall be considered blight. For the purpose of this section, the term "junk automobiles" shall have the definition assigned to it by Minn. Stat. § 168B.011, Subd. 3, as it may be amended from time to time, and shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore, not intended for future use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts. A classic car or pioneer car, as defined in Minn. Stat. § 168.10, as it may be amended from time to time, shall not be considered a junk automobile within the meaning of this section. Vehicles on the premises of junk yards and automobile graveyards, which are defined, maintained and licensed in accordance with Minn. Stat. § 161.242, as it may be amended from time to time, or which are licensed and maintained in accordance with local laws and zoning regulations, shall not be considered junk automobiles within the meaning of this section.
 - 2. Inoperable motor vehicles. It shall be unlawful to keep, park, store, raise, prop, or abandon any motor vehicle that is not in operating condition, partially dismantled,

used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time. This subsection shall exclude one recreational/hobby vehicle per property parked on a driveway or hard surfaced parking area for a period of up to ninety (90) days.

3. Screening. This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

- H. Storage of Unused Petroleum Tanks. In any area the storage upon any property of unused petroleum tanks. For the purpose of this section, the term "unused petroleum tank" shall include any petroleum tank, part of a petroleum tank or former petroleum tank, stored in the open, which is not currently in use and is either (1) unusable or inoperable because of lack of, or defects in, component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore, not intended for future use as a petroleum tank; or (4) being retained on the property for possible use of salvageable parts.

700.07 Drug Paraphernalia. (Ord #18-08 adopt 5-31-18 pub 6-14-18)

Subd. 1 Purpose. The purpose of Section 700.07 is as follows:

- A. To protect and promote the public health, safety and general welfare by prohibiting the possession, manufacturing, delivery and advertisement of drug paraphernalia within the City.
- B. To deter the use of controlled substances within the City by controlling certain paraphernalia associated with their use and manufacture.
- C. To reduce the availability of drug paraphernalia in order to prevent their availability from inducing, promoting, suggesting or increasing the public acceptability of controlled substances.
- D. This section is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow.

Subd. 2 Definitions.

The term "drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes, Chapter 152 or this section. It includes, but is not limited to:

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- A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived.
- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- C. Isomeric devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance.
- D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- F. Diluents and adulterants such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use or designed for use in cutting controlled substances.
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining, marijuana.
- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding-controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenteral injecting controlled substances into the human body.
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 6. Miniature cocaine spoons, and cocaine vials.
 7. Chamber pipes.
 8. Carburetor pipes.
 9. Electric pipes.
 10. Air driven pipes.
 11. Chillums.
 12. Bongs.
 13. Ice pipes or chillers.
- M. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.
- N. The terms *controlled substance*, *manufacture*, *marijuana*, and *person* are defined as specified in Minn. Stat. § 152.01, as it may be amended from time to time.

Subd. 3 Prohibited Paraphernalia

- A. Prohibited Use: It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Minnesota statutes as may be amended from time to time.
- B. Prohibited Delivery: It is unlawful for any person to sell, deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Minnesota statutes as may be amended from time to time.
- C. Prohibited Advertising: It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where

one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Subd. 4 Evidence of Paraphernalia

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use.
- B. Prior convictions, if any, of any owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
- C. The proximity of the object, in time and space, to a direct violation of this section.
- D. The proximity of the object to controlled substances.
- E. The existence of any residue of controlled substances on the object.
- F. Direct or circumstantial evidence of the intent of an owner, or anyone in control of the object, to deliver it to persons whom the owner or person in control of the object knows, or should reasonably know, intend to use the object to facilitate a violation of this section 700.07; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- G. Instructions, oral or written, provided with the object concerning its use.
- H. Descriptive materials accompanying the object that explain or depict its use.
- I. National and local advertising concerning its use.
- J. The manner in which the object is displayed for sale.
- K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- L. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- M. The existence and scope of legitimate uses for the object in the community.
- N. Expert testimony concerning its use.

Subd. 5 Penalties: Any person who violates this section is guilty of a misdemeanor.

SECTION 705: WEAPONS

705.01 Concealed Weapons; Manufacture of Weapons. No person shall carry any dagger, firearm or other sharp or dangerous weapon concealed about one's person without a legal permit. No person shall manufacture, sell, give away or have in the person's possession for sale or use, any instrument or weapon of the kind usually known as a sand club or metal knuckles.

705.02 Endangering Lives. It shall be unlawful for any person to aim any gun, pistol, revolver or other firearm, whether it is loaded or not, at or toward any human being. It shall be unlawful to wilfully discharge any firearm, air gun or other weapon, or throw any deadly weapon, in any public place or any place where there is any person who is to be endangered.

705.03 Discharge Over Roads. It shall be unlawful for any person to discharge any firearm, air gun, air rifle or bow and arrow, upon, over or across any public road or while within the limits of the right-of-way of any public road or railroad right-of-way.

705.04 Discharging in City Limits. Except as otherwise specifically authorized, it shall be unlawful to discharge any firearm within the City. However, the Sheriff of Pine County may issue special permits for specified times to residents of platted areas to use firearms to control animal pests when no better means are available. This section shall not apply to the A-O (Agricultural Open-Space) District of Pine City, nor shall it apply to approved, indoor shooting ranges.

705.05 Lawful Use. Nothing in this section shall be construed to prohibit the firing of any gun, pistol or other firearm when done in the lawful defense of person, family or property or in necessary enforcement of law. Nor shall this section apply to any lawfully designated firing range within the City.

SECTION 710: PROHIBITED ACTS

710.01 Disturbing Meetings. No person shall unreasonably disturb, interrupt or disquiet any lawful assembly in any way whatsoever.

710.02 Jumping or Diving from the Bridges. Jumping or diving into the Snake River from any bridge crossing Snake River is prohibited. Violation of this subsection shall be a petty misdemeanor.

710.03 Postings. No person shall put up any hand bill, advertisement, poster, show bill or other sign on any property, including utility poles, without permission from the owner of the property. Any postings put up in the city shall also be in compliance with the city's outdoor sign ordinance.

710.04 Smoking in Prohibited Areas. There shall be no smoking in parks that are designated tobacco-free or outside of designated smoking areas within any city park.

710.05 Unauthorized Graffiti. No person shall, without permission, mark with paint, dye or other similar substance, on real or personal property such as buildings, fences, transportation

equipment, or other structures; or etch or scratch the surfaces of such real or personal property, any of which markings, scratchings, or etchings are visible from the premises open to the public (Ref. Minnesota § 617.90).

710.06 Skateboarding in Prohibited Areas or in a Careless, Reckless or Negligent Manner.

- A. Skateboarding on Private Property. No person shall ride a skateboard on any private property within the city without the prior permission of the owner or occupant of the private property.
- B. Skateboarding on Public Property. No person shall ride a skateboard on any of the following public property situated in the city: Library property; Pine Government Center property; Pine City Fire Department property; Pine City Public Works Building property; Voyageur Bottle Shop parking lot; Robinson Park; and any cemetery.
- C. Use in a Careless, Reckless or Negligent Manner. No person shall ride a skateboard in any careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the safety of any person or property of any other person.

SECTION 715: DUTIES OF CITY OFFICERS

715.01 City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

SECTION 720: ABATEMENT PROCEDURE

720.01 Procedure. The owner and occupant of any property upon which any of the public nuisances, causes of blight or blighting factors set forth in this ordinance is found to exist, shall be notified by City Staff to remove or eliminate the nuisance, causes of blight or blighting factors from the property within ten (10) days after service of the notice upon the owner or occupant of the affected property. First, Staff shall attempt to contact the property owner in a manner other than writing and all contacts will be documented. If Staff is unsuccessful in attempting to contact the property owner, a written notice shall be mailed to the last known address of the owner, and if the premises are occupied, to the premises.

Subd. 1 Extension of Timeline. City Staff may allow an extension of the timeline mentioned in Subdivision A in cases of extenuating circumstances.

720.02 Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

720.03 Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions 720.01 and 720.02 of this section 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 peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 720.01 of this section and may order that the 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.

720.04 Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

720.05 Unlawful parties or gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

720.06 Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

SECTION 725: RECOVERY OF COST

725.01 Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, 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 city clerk or other city official 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 city clerk.

725.02 Assessment. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, 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 on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, 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 Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SECTION 730: PENALTY

730.01 Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SECTION 735: SEVERABILITY

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

SECTION 740: EFFECTIVE DATE

740.01 This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this 17th day of December, 2014.

Attested:

Mayor

City Administrator