

## CHAPTER 12 – PUBLIC HEALTH, SAFETY, AND WELFARE

### 12.01 EMERGENCY MANAGEMENT.

1. Policy and Purpose. The City Council finds and determines that the City should be prepared to adequately deal with potential emergencies and disasters of major size and destructiveness in order to (a) insure that preparations will be adequate to deal with those disasters, (b) generally protect the public health, safety, and welfare, and (c) preserve the lives and property of the citizens of the City. To accomplish these goals, the City Council finds and declares it necessary:
  - A. To establish a City emergency management organization responsible for planning and preparing for emergency government operations in time of disasters;
  - B. To provide for the exercise of necessary powers during emergencies and disasters;
  - C. To provide for the rendering of mutual aid between the City and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness functions; and
  - D. To comply with the provisions of Minnesota Statutes Section 12.25, which require each political subdivision of the state to establish a local organization for emergency management.
2. Definitions. The definitions in Minnesota Statutes Section 12.03 are hereby adopted and incorporated by reference. For the purposes of this section, “Emergency Management Forces” means the total personnel resources engaged in city-level emergency management functions pursuant to this section, including personnel from city departments, authorized volunteers, and private organizations and agencies.
3. Establishment of Emergency Management Organization. The City Council hereby creates within the City an emergency management organization which shall be under the supervision and control of a Director. The Director shall be appointed by the Mayor to serve for a term of one (1) year.
4. Powers and Duties of the Director. The Director shall have the authority and responsibilities assigned to him or her in Minnesota Statutes Section 12.25 and shall, subject to the approval of the City Council, have the following responsibilities:
  - A. The Director shall represent the City at any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions within the state for

reciprocal emergency aid and assistance in an emergency too great to be dealt with unassisted in accordance with the Minnesota Emergency Management Act of 1996, and shall present these agreements to the City Council for its action. These arrangements shall be consistent with State and federal emergency plans.

- B. The Director shall make studies and surveys of human resources, industries, resources, and facilities within the City as are necessary to (a) determine their adequacy for emergency management and (b) plan for their efficient use in time of emergency or disaster.
- C. The Director shall prepare a comprehensive general plan for the emergency preparedness of the City and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all City agencies and all emergency management forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified by the City Council. The Director shall coordinate the emergency management activities of the City so that they shall be consistent and fully integrated with federal and State emergency plans and correlated with emergency plans of Washington County and other political subdivisions within the State.
- D. In accordance with the State and City emergency plan, the Director shall institute training and public information programs, and shall conduct practice warning alerts and emergency exercises as may be necessary to ensure prompt and effective operation of the City emergency plan when a disaster occurs.
- E. The Director shall use the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all City departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the City's emergency management organization and to the Governor upon request. The head of each City department, in cooperation with the Director, shall be responsible for the planning and programming of those emergency activities as will involve the use of the facilities of the department.
- F. The Director shall, in cooperation with those City departments affected, assist in the organizing, recruiting, and training of emergency management forces, which may be required on a volunteer basis, to carry out the emergency plans of the City and State. To the extent that emergency management forces are recruited to augment a regular City department for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department.

- G. Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the City, and shall assist in establishing and conducting training programs as required to ensure emergency operational capability as provided by Minnesota Statutes Section 12.25.
  - H. The Director shall implement all orders, rules, and regulations issued by the Governor of the State of Minnesota with reference to emergency management.
  - I. The Director shall prepare and submit reports on emergency preparedness activities when requested by the City Council.
5. Local Emergencies. A local emergency may be declared pursuant to Minnesota Statutes Section 12.29, and the City may take those actions necessary to respond to the emergency as authorized in Minnesota Statutes, Chapter 12.

## **12.02 SOLID WASTE.**

1. Definitions. The following words and phrases are defined for the purposes of this Section:
- A. “Refuse” means all waste products which are wholly or partly composed of such materials as garbage, rubbish, waste materials, or any other such substance which may become a nuisance and/or a health hazard.
  - B. “Designated Recycling Program” means a program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, or controlled by the City of Mahtomedi.
  - C. “Commercial” means any business, firm, corporation, public or non-profit entity.
  - D. “Recycler” means an authorized recycler with which the City holds a valid recycling contract.
  - E. “Multiple Family Dwelling” means a dwelling containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.
  - F. “Recyclable Materials” means materials that are separated from refuse for the purpose of recycling.
  - G. “Residence” means any single family or two (2) family dwelling designed exclusively for occupancy by one (1) or two (2) families living independently of each other.

- H. “Scavenging” means the unauthorized collection of recyclable materials that have been set out by a person specifically for curbside recycling pickup.
- I. “Compost” means a mixture of decayed organic material.
- J. “Composting” means any above ground microbial process that converts yard waste to organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.
- K. “Garden” means a ground area for cultivation of flowers, vegetables, or shrubs
- L. “Rear Yard” means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building
- M. “Yard Waste” means grass/lawn clippings, leaves, weeds, garden, soft-bodied, small non-woody shrub trimmings or twigs that are 1/4 inch diameter or less, pine cones, and needles.
- N. “Refuse Hauler” means a person holding a valid license from the City for the purpose of collecting refuse.

2. Refuse.

- A. Disposal of Refuse. Every owner or occupant of a residence, or the owner, manager, or occupant of a multiple family dwelling or commercial building must contract for collection and disposal of refuse by a refuse hauler licensed to do business in the City.
- B. Preparation of Refuse for Disposal. Refuse must be prepared for disposal in the following manner:
  - i. Refuse must be drained of liquids, bagged, and placed in containers for collection by a licensed refuse hauler.
  - ii. Yard waste must be placed in bags or bundles not exceeding three (3) feet in any dimension and securely fastened to avoid spillage.
  - iii. No person shall place explosives, highly flammable materials, or hazardous waste in refuse containers.

C. Storage and Disposal of Refuse.

i. Storage of Refuse in Containers.

- a. Every person is responsible for the storage of all refuse accumulated at his or her residence or building. Such refuse shall be stored in a container fulfilling the requirements of this Section.
- b. Every owner of a multiple family dwelling and every occupant of a single family or two-family dwelling shall supply facilities for the sanitary and safe storage of waste.
- c. All refuse containers exceeding seventy-five (75) gallons in size and located on property used for multiple family residential purposes shall be contained within a building or within an area which has an impermeable floor surface and is screened within a ninety percent (90%) or greater opaque wooden or metal fence or masonry wall not less than six (6) feet in height having a gate or doorway which remains closed at all times except for access purposes.

ii. Container Requirements.

- a. Security. Refuse shall be stored in durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers with close fitting, fly-tight covers that have handles or bails to facilitate handling.
- b. Size. Refuse haulers shall provide variable volume/weight based service with a minimum of three (3) volume/weight based container options.
- c. Condition. All containers shall be maintained in such a manner as to prevent the creation of nuisances, pollution, insect breeding, or menaces to public health or safety. Containers that are broken or otherwise fail to meet the requirements of this provision must be replaced with acceptable containers.
- d. Exception. Yard waste may be stored in closed containers that do not meet the requirements of this provision.

iii. Placement. Every property owner or occupant shall maintain its refuse and recycling containers as follows:

- a. When an alley open to traffic is available, the container(s) for each premises abutting the alley shall be placed at the rear of the property next to the alley, or, in the alternative, shall be stored inside the dwelling unit or establishment.
- b. When no alley exists, the container(s) shall be stored inside the dwelling or establishment or at a point behind the front of the dwelling or establishment. For collection purposes, the container(s) shall be placed immediately behind the curb or street edge at the front property line after 5:00 p.m. the night before collection and shall be removed by 11:00 p.m. the day of collection.
- c. Exception. Nothing in this subdivision is intended to supersede any other requirement in the City Code for the placement, storage, and screening of refuse and recycling containers on commercial and multi-family properties. (Amended 10/08/02)

D. Collection of Refuse.

- i. Regulation of Collection. All refuse in the City shall be collected and removed under the supervision of the City Administrator. The City Administrator shall have the authority to make rules and regulations concerning days of collection, type and location of refuse containers, and other matters related to the collection of refuse as he or she deems necessary, provided such rules are not contrary to any of the provisions of this Section.
- ii. Collection Times and Scheduling. The collection of refuse shall be made only between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday. No collection shall be made on Sunday. Each licensed refuse hauler shall consent to and follow a schedule of pickups established by the City Administrator to limit area pickups to the same day of the week each week.

E. Refuse Hauler License Licensing.

- i. License Required. It shall be unlawful for any person to collect refuse in the City without having first secured from the City Council a license to do so.
- ii. Application for License.
  - a. An applicant for a refuse hauler's license shall apply for the license on the form provided by the City Clerk.

- b. The applicant must agree to:
1. Follow a long-range plan of disposal in conformity with State pollution control agency regulations;
  2. Use tandem axels or flotation tires to reduce the per-axel weight of all trucks for collection of refuse;
  3. Provide maps of service routes configured so that customers on load-sensitive streets will be among the first served on such routes;
  4. Provide collection containers as required under this Section;
  5. Provide collection of yard waste to customers upon their request;
  6. Provide information that may be required of the City by county, metropolitan, state, or federal government requirements; and
  7. Provide a covered truck or wagon so constructed that the contents will not leak or spill from it in which all refuse collected shall be conveyed to an approved disposal facility. The truck or wagon used shall be kept clean and as free from offensive odors as possible.

iii. Insurance. An applicant for a refuse hauler license shall provide a certificate of public liability insurance in the amounts specified in this section for collecting refuse. Such insurance policy shall be subject to the approval of the City Administrator. The applicant must also provide a comprehensive general policy of liability insurance with minimum coverages as stated. At a minimum, the insurance policies shall conform to the following requirements:

- a. General liability in the following amounts:
1. Bodily injury per occurrence, or combined single limit, five hundred thousand dollars (\$500,000.00); and
  2. Property damage, two hundred and fifty thousand dollars (\$250,000.00).

- b. Auto liability in the following amounts:
  - 1. Property damage or combined single limit, five hundred thousand dollars (\$500,000.00); and
  - 2. Bodily injury in the following amounts:
    - A. Per person, two hundred and fifty thousand dollars (\$250,000.00); and
    - B. Per occurrence, five hundred thousand dollars (\$500,000.00).
- iv. Approval of License. The application shall be submitted to the City Clerk with the license fee as provided in the Fee Schedule. Upon finding that the applicant has complied with all the requirements of this Section and has paid the requisite license fee, the license shall be granted to the applicant.

F. Prohibitions.

- i. Accumulation. No person shall allow or permit any accumulation of refuse on their premises.
- ii. Littering. No person shall place, throw, or deposit any refuse in any street, alley, public or private property, or in any body of water, or in such a manner that it may be carried or deposited by the elements upon any public or private property located within the City with the exception of composting as permitted in Subpart G.
- iii. Burying of Refuse. No person shall bury any refuse on any public or private property except in an approved sanitary landfill.
- iv. Unauthorized Deposit of Refuse. No person shall deposit refuse into a refuse container owned by another without the other's permission.

G. Composting. Composting is permitted only in residential properties of up to four (4) dwelling units with the following conditions:

- i. Permitted Materials. Persons shall only use the following materials when engaged in composting: yard waste, straw, fruit and vegetable scraps, coffee grounds, egg shells, and commercially available composting ingredients. All composting materials, other than commercially available composting ingredients, must be generated from the site on which the composting is located. It is unlawful to use any other material for composting.

- ii. Composting Container Requirements. All composting materials shall be contained in a closed container constructed of wood, wire mesh, a combination of wood and wire mesh, or commercially fabricated compost bins designed to contain composting materials.
- iii. Composting Container Size. Composting on lots of ten thousand four hundred (10,400) square feet or less shall be conducted in containers which do not exceed a total of one hundred and fifty (150) cubic feet in volume and five (5) feet in height. Composting on lots greater than ten thousand four hundred (10,400) square feet shall be conducted in containers which do not exceed a total of two hundred and fifty (250) cubic feet in volume and five (5) feet in height.
- iv. Location. Composting containers shall be located in the rear yard of the property, and be at least two (2) feet from the property line and no closer than fifty (50) feet to any adjacent habitable building, other than the lot owner's own home.
- v. Maintenance. The compost must be periodically mixed and moistened to incorporate air, properly mix wet and dry material, to promote rapid biological degradation, to provide for adequate air circulation, and to prevent objectionable odors to adjacent properties.

3. Recycling.

- A. Rates. All residents shall pay a fee established by the City Council and listed in the Fee Schedule for the purpose of defraying the costs of providing a residential recycling program.
- B. Designated Residential Recycling Program. The City shall contract within one recycler for the collection of recyclables from all single family homes
- C. Commercial and Multiple Family Dwelling Recycling. The owner of a multiple family dwelling or a commercial building shall provide occupants of such buildings with the opportunity to recycle recyclable materials. Refuse haulers servicing commercial and multiple family dwellings shall provide monthly recycling services to the buildings that they service.

- D. Containers.
- i. Provision. Every person providing recycling services to a building in the City shall supply one or more containers sufficient to hold all recyclable materials which may accumulate between the times of collection at the building.
  - ii. Placement. All containers shall be located and stored in the same manner as refuse containers.
- E. Ownership of Recyclable Materials. All recyclable materials placed in an alley or at a curb for collection shall be owned by the person(s) or household(s) who placed the recyclable materials for collection by a recycler until the materials are collected by the recycler, at which time they become the property of the recycler.
- F. Scavenging.
- i. Purpose. This Subpart is designed to prevent the unauthorized collection of recyclable materials which are set out as part of a designated recycling program. Unauthorized collection or “scavenging” may reduce the volume of material collected as part of a designated program and thereby threaten the economic viability of the authorized program. Scavenging may also cause confusion among participating residents and thereby disrupt the publicity and educational processes of an authorized program.
  - ii. Unauthorized Collection. No person other than an authorized provider of recycling services shall take or collect recyclable materials set out for collection as part of a designated recycling program.
  - iii. Penalty. The first violation of this section shall constitute a petty misdemeanor. The second and subsequent violations shall be misdemeanors.

### **12.03 PUBLIC NUISANCES.**

1. Public Nuisances Prohibited. A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this Section, a person that does any of the following is guilty of maintaining or creating a public nuisance:
  - 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; or

- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
  - C. Does any other act or omission declared by State law or this Section to be a public nuisance.
2. Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:
- A. Exposed accumulation of decayed or unwholesome food or vegetable matter not including composting in the manner permitted in Section 12.02(2)(G);
  - B. All diseased animals running at large;
  - C. All ponds or pools of stagnant water;
  - D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
  - E. Accumulation of manure, refuse, or other debris;
  - F. 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;
  - G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
  - H. All noxious weeds and other rank growths of vegetation upon public or private property;
  - I. All weeds or grass growing to a height greater than nine (9) inches;
  - J. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities; and
  - K. Any offensive trade or business as defined by Statute not operating under local license.
3. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:
- A. All gambling devices, slot machines, and punch boards, except as otherwise authorized and permitted by federal, State, or this code;

- B. Betting, bookmaking, and all apparatuses used in those occupations;
  - C. All houses kept for the purpose of prostitution; and
  - D. 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 gather, 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.
4. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:
- A. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
  - B. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
  - C. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
  - D. All unnecessary and annoying vibrations;
  - E. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this section or other applicable law;
  - F. Radio aerials or television antennae erected or maintained in a dangerous manner;
  - G. Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or 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 so situated as to endanger public safety, or not constructed and maintained as provided by this Code;
  - I. Allowing rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
  - 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 properties;
- L. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials 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 the placement of such materials in a manner creating fire, health, or other safety hazards from such accumulation;
- M. Any well, hole, or similar excavation that 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;
- N. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- O. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- P. The depositing of garbage or refuse on a public right-of-way or on any private property;
- Q. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel; and
- R. All other conditions or things that are likely to cause injury to the person or property of another.

5. Noise Violations.

- A. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace, or welfare:
  - i. Any violation of Section 12.06, Noise Pollution; and
  - ii. 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.

6. Nuisance Parking and Storage.

A. Declaration of Nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles or 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 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.

B. Unlawful Parking and Storage.

i. A person must not place, store, or allow the placement or storage of skateboard ramps 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.

ii. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

iii. A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless such parking complies with the following requirements:

a. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the City because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

b. Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

7. Inoperable Motor Vehicles.
  - A. Declaration of Nuisance. Any motor vehicle described in this section 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.
  - B. Inoperable Motor Vehicles. It shall be unlawful to keep, park, store, 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.
  - C. Screening. This subdivision does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley.
8. Enforcement of Nuisance Provisions. City officials may apply and enforce any provision of this Section relating to public nuisances within the City. 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.
9. Abatement of Nuisances.
  - A. Procedure. Whenever the peace officer or other designated City official determines that a public nuisance is being maintained or exists on a property in the City, the official shall notify the owner of record or occupant of the premises of such fact in writing and order that the 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 official shall report that fact to the City Council. Thereafter, the City 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 City Council, the City may seek injunctive relief by serving a copy of the City Council

order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

- B. 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 City official on the owner of record or occupant of the premises either in person or by certified mail. If the premises are 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 posting it on the premises.
- C. Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Subparts A and B of this Subdivision 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 the occupant or owner of the premises in writing 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 subpart A of this Subdivision 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.
- D. 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.
- E. Unlawful Parties or Gatherings. When a peace officer determines that a gathering is creating a noise disturbance as prohibited under Section 12.03(5)(A)(ii), the officer may 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 to do so by law enforcement. Every owner or tenant of the premises where the noise violation is occurring who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- F. Judicial Remedy. Nothing in this Section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

10. Recovery of Costs.

- A. 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 and attorney's fees. 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.
- B. Assessment. After notice and hearing as provided in Minnesota Statutes Section 429.061, if the nuisance is a public health or safety hazard on private property, 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 Minnesota Statutes Section 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.

**12.04 TREES.**

1. Purpose. The City Council finds and determines that to protect and promote the public health, safety, and general welfare of the citizens of the City of Mahtomedi, it is necessary to provide a comprehensive program to regulate the planting, care, maintenance, and removal of trees, including the trimming and treatment of trees on public right of ways. The City Council finds that the loss of many trees growing on public and private premises within the City would substantially depreciate the value of public and private property and impair the general welfare and convenience of the public. The City Council hereby determines that this Section is necessary to provide such regulation and to prevent and control the spread of tree diseases, insect vectors carrying diseases, and insect pests, and the resulting hazardous conditions which are declared to be a public nuisance.
2. Planting.
- A. Permitted Trees. It is lawful to plant only such species of trees within the public right of way as are designated by the City Council upon recommendation of the City Forester. It is unlawful to plant any other species or kind of tree within such right-of-way.

B. Planting Regulations. No trees shall be planted, placed, or allowed to remain in a public right-of-way in a position which the Tree Inspector determines in consultation with the engineer to be or to cause a traffic hazard or which will be planted so as to interfere with the City's use of its right of way, including in a manner that interferes or could interfere with utilities located within the right-of-way. Trees planted in a right-of-way must be planted in soil adequate to ensure proper growth in accordance with standards set by the Tree Inspector. No shrubs or herbaceous plant materials may be planted on a public right-of-way without the prior approval of the Tree Inspector. (1-19-21)

3. Trimming, Cutting, and Maintenance.

A. Duties of Private Owners. Any person responsible as owner for all trees, shrubs, or other herbaceous plant materials growing on private property abutting a public right-of-way shall have the following duties:

- i. To trim such trees, shrubs, and plants so that they do not to cause a hazard or in any respect interfere with persons using abutting public property, and do not interfere with the proper lighting or traffic conditions of public streets. Trees shall at all times be kept trimmed in such manner that the lowest branches shall not be less than ten (10) feet from the ground; and
- ii. To treat or remove any trees, shrubs, or plants determined by the Tree Inspector to be so diseased or insect ridden as to constitute a hazard to the trees, shrubs, or plants within the City.

B. Mutilation. No person shall (a) damage, cut, carve, or otherwise injure the bark of any tree, shrub, or plant on public property; (b) attach any rope, wire, or similar contrivance to any tree, shrub, or plant on public property unless such person receives the proper authorization of the Tree Inspector; or (c) in any other way injure or impair the natural beauty or usefulness of any tree, shrub, or plant located on public property.

4. Disease Control and Prevention.

A. Policy. The City Council declares its intention to conduct a program of tree, shrub, and plant pest control under authority of Minnesota Statutes Section 18G.13. The City Council hereby determines that the health of trees within the City is threatened by dutch elm disease, oak wilt, elm bark beetles, and other agents/vectors of epidemic diseases or insect pests of shade and evergreen trees, and therefore enacts this section to control, eliminate, and prevent such epidemic diseases and pest problems.

- B. Public Nuisances. The City Council hereby declares the following things, when found anywhere within the City, to be public nuisances:
- i. Any elm tree or part thereof infected to any degree with either of the two (2) species of Dutch Elm Disease fungi, *Ophiostoma ulmi* and *Ophiostoma novo-ulmi*, or which harbors any of the elm bark beetles.
  - ii. Any living or standing red or pin oak tree (*Quercus rubra* and *Quercus ellopsoidallis*), or part thereof, infested to any degree with oak wilt, fungus, or *bretziella fagacerarum*.
  - iii. Any dead elm or oak tree, or part thereof in an infectious stage, including branches, stumps, firewood, or other material from which the bark has not been removed and disposed of, that is infested to any degree with oak wilt, fungus, Dutch elm disease, *bretziella fagacerarum*, or other epidemic disease.
  - iv. Any ash tree (*Fraxinus* app.) or part thereof, infected to any degree with emerald ash borer (*Agilus planipennis*).
  - v. Any standing pine tree infected with pin bark beetles *Ips pini*, *Ips perroti* or *Ips grandicollis*.
  - vi. Any standing dead pine that has been dead under one and one-half years or any exposed pine slash or logs cut from live trees that have been dead under one and one-half years.
  - vii. Any tree species with other tree diseases and infestations regulated by the Minnesota Department of Agriculture pursuant to statute, rule or commissioner's declaration which removal or treatment is necessary for the protection, preservation and conservation of public and private lands and the investment and benefit therein, and to protect and promote the general welfare of the public and the community.
  - viii. Any tree or shrub deemed by the Tree Inspector as "hazardous." A hazardous tree is defined as having visible structural defects in the roots, stem, and/or branches or being in an environmental condition that may cause the tree or parts of the tree to fail; where if it fell would land within a public right-of-way or property owned by another person or entity.
  - ix. Any insect and/or pest that threatens the health of the shade trees,

including, but not limited to, gypsy moth, Asian long-horned beetle, and Emerald ash borer.

xiii Any other epidemic diseases or plant pests of shade trees. (1-19-21)

C. Abatement. It is unlawful for any person to permit any such nuisance as defined in Subpart B of this Subdivision to remain on any premise owned or controlled by such person within the City. Such nuisance may be abated as follows:

i. *Notice*. Whenever the Tree Inspector finds with reasonable certainty that a public nuisance as defined in this section exists in any tree, shrub or wood in any public or private place in the City, the owner shall be notified in writing and ordered to remove or treat the nuisance in a manner approved by the Tree Inspector. The owner has up to 20 days to advise staff of their course of action to remove or treat the tree, along with an additional 20 days to actually remove or treat the nuisance, unless additional time is granted by the Tree Inspector or the designated forestry personnel. If the owner cannot be contacted, the City shall send notice by certified mail to the last known address of the owner of record. In the event of an imminent danger of infestation of epidemic diseases in shade trees, the Tree Inspector shall notify the owner of record as soon as practicable.

ii. *Abatement*. If the owner fails to comply with the order, the Tree Inspector may order the abatement of the nuisance and the owner shall be responsible for all costs of such abatement. In abating the nuisances defined in this Section, the Tree Inspector shall cause the nuisance tree, shrub or wood to be removed, burned, debarked, trenched or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease and pests. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures as may be established by the Commissioner of Agriculture.

iii. *Assessment*. In the event the City abates the nuisance, and the owner fails to pay for the cost of such abatement upon receipt of an invoice from the City, the costs shall be assessed against the benefiting property as provided in Minnesota Statutes, Ch. 429.

iv. *Records*. The Tree Inspector shall keep a record of the costs of abatements ordered under this Subsection and shall report to the Council 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. (1-19-21)

D. Inspection. The Tree Inspector or an authorized agent shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Subpart B of this Subdivision exists

thereon. The Tree Inspector shall investigate all reported instances of infestation by Dutch elm fungus, elm bark beetles, oak wilt disease, or similar diseases or pests. The Tree Inspector may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this section. Whenever necessary to determine the existence of Dutch elm disease, oak wilt, or other disease or infestation of pests in any tree, the Tree Inspector may remove or cut specimens from the any tree he or she believes to be a public nuisance, in such manner as to avoid permanent injury to the tree and may forward such specimen to the Minnesota Department of Agriculture, the University of Minnesota Plant Disease Clinic, or a similar organization, for analysis to determine the presence of such nuisance. (5-29-90)

- E. Spraying or Injection. Whenever the tree inspector determines that any tree or plant within the city is infected with or infested with a plant pest or disease, the Tree Inspector may require the property owner to cause the tree or plant and all nearby trees or plants to be treated with an effective pesticide, or may cause such trees or plants on public property or in the right-of way to be so treated. Spraying or injecting activities shall be conducted in accordance with the technical and expert opinions and plans of the Commissioner of Agriculture. (1-19-21)
- F. Storage or Transportation of Wood. It is unlawful for any person to store or dispose within the City any diseased or infested bark bearing elm wood or oak wood without having obtained a written permit from the Tree Inspector.
- G. Financing. The cost of implementing and administering the disease control and prevention program authorized by this section may be defrayed by levying a tax on the taxable property within the City pursuant to Minnesota Statutes Section 18G.13.
- H. Records. The Tree Inspector shall keep a record of the costs of any abatements or other corrective action performed under this section, and shall report such information monthly to the City Council.
- I. Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the Tree Inspector while the Tree Inspector is engaged in the performance of duties imposed by this section.

## **12.05 MINIMUM HOUSING STANDARDS.**

- 1. Purpose. The purpose of this Section is:

- A. To maintain a quality character and stability of residential areas;
- B. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, of persons occupying buildings;
- C. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings;
- D. To provide minimum standards for light and ventilation, necessary to health and safety;
- E. To prevent the overcrowding of buildings by providing minimum space standards for each occupant;
- F. To provide minimum standards for the maintenance of existing residential buildings and to prevent slum and blight; and
- G. To preserve the value of land and buildings throughout the City of Mahtomedi.

2. Scope. This Section shall apply to every owner-occupied dwelling and every rental dwelling and its premises used in whole or in part as a home or residence, or as an accessory structure thereof. Dwelling units constructed prior to the enactment of this Section on, February 21, 1996, shall comply with said regulations if the violation poses a threat to the health, safety, and general welfare of the occupant(s). Dwelling units constructed on or after the enactment of this Section on, February 21, 1996, shall conform to all requirements of this Section. This Section establishes minimum standards for erected owner occupied, rental, or leased dwelling units, accessory structures, and related premises.

Where, in a specific case, any provisions of the State Building Code apply, the provisions of the State Building Code shall be applied, and the minimum housing standards shall not be applied.

3. Liability. This section shall not be construed to relieve from or lessen the responsibility of any owner or occupier of any building, dwelling unit, or structure for any damages to persons or property caused by defects, nor shall the City or its agents and employees be held as assuming any such liability by reason of the inspections authorized by this Section or any permits or certificates issued under this Section.

4. Disputes. With respect to rental disputes, and except as otherwise specifically provided by the terms of this Section, it is not the intention of the City to intrude upon the contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be

receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Section.

5. Definitions. The following definitions shall apply in the interpretation and enforcement of this Section:

- A. “Accessory Building or Use” means a subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or principal use.
- B. “Adequate” means of good quality and/or quantity approved by the Compliance Official.
- C. “Apartment Complex” means two (2) or more multiple family dwellings grouped in one location, held by owner as herein defined.
- D. “Approved” means acceptance by the Compliance Official.
- E. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
- F. “Compliance Official” means the Code Enforcement Officer of the City or his/her duly authorized assistant. (3/27/00)
- G. “Dwelling” means a building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings; either owner occupied or rental; but not including hotels and motels, boarding or lodging houses, nursing homes, house trailers, or mobile homes.
- H. “Dwelling Unit” means any room or group of rooms located within a dwelling which forms a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation.
  - i. “Multiple Family” means a building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently but sharing hallways and main entrances or exits.
  - ii. “Single Family” means a dwelling unit designed exclusively for occupancy by one (1) family.
    - a. “Attached” means a dwelling unit which is joined to one another by a party wall.



- N. “Infestation” means the presence within or around the dwelling of insects, rodents, or other pests.
- O. “Kitchen” means a space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.
- P. “Occupant” means any person (including owner or operator) living, sleeping, cooking, and eating in a dwelling unit or living and sleeping in a rooming unit.
- Q. “Operator” means the owner or his agent who has charge, care, control, or management of a building, or part thereof, in which a dwelling or dwelling units are leased.
- R. “Or Any Part Thereof” means whenever the words "dwelling," "dwelling unit," "rooming unit," "premises," "hotel," "motel," or "structure" are used in this Section, they shall be construed as though they were followed by the words "or any part thereof."
- S. “Owner” means any person who holds title or is in actual possession of, or has charge, care, or control of any dwelling or dwelling unit within the city or an employee or agent of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this section to the same extent as the owner.
- T. “Permissible Occupancy” means the maximum number of person permitted to reside in a dwelling or dwelling unit.
- U. “Plumbing” means all of the following supplied facilities and equipment in a dwelling: gas piping, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.
- V. “Premises” means a platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure, or other structure thereon.
- W. “Public Hall” means a hall, corridor, or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one (1) dwelling unit.

- X. “Refuse” means all putrescible and nonputrescible waste, decomposed matter and solids including garbage and rubbish.
  - Y. “Rental Dwelling or Dwelling Unit” means a dwelling or dwelling unit let for rent or lease.
  - Z. “Repair” means to restore to a sound and acceptable state of operation, serviceability, or appearance.
  - Aa. “Rodent” means a mouse, rat, squirrel, or beaver or similar mammals.
  - Bb. “Rodent Harborage” means any place where rodents can live, nest, or seek shelter.
  - Cc. “Rooming House” means a building that is the primary residence of the owner and in which a room or group of rooms are provided by the owner, for compensation, to adult persons and their children, not related by blood, marriage, or adoption to the owner.
  - Dd. “Rooming Unit” means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.
  - Ee. “Rubbish” means all nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials.
  - Ff. “Safety” means the condition of being relatively free from danger and hazards which may cause accidents or disease.
  - Gg. “Substandard Dwelling” means any dwelling which does not conform to the minimum standards established by the City Code or the laws and regulations of the State of Minnesota.
  - Hh. “Supplied” means paid for, furnished by, provided by, or under the control of the owner, operator, or agent of a dwelling.
6. Responsibilities of Owners. No owner shall lease any dwelling or dwelling unit to another person unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable City Code provisions and the laws and regulations of the State of Minnesota.
  7. Minimum Housing Standards; Rooming Houses, Hotels and Motels. Every provision of this Section which applies to dwellings or dwelling units shall also

apply to rooming houses, hotels, and motels, except to the extent that any such provision may be found in conflict with the laws and regulations of the State of Minnesota.

8. Maximum Density, Minimum Space, Use and Location Requirements. Except for owner-occupied dwelling or dwelling units, every dwelling or dwelling unit shall comply with the following requirements:
  - A. Permissible Occupancy. The maximum permissible occupancy of any dwelling or dwelling unit shall be determined as follows:
    - i. Dwelling Area. For first occupant, two hundred (200) square feet of habitable room floor area shall be required; for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor area must be provided.
    - ii. Sleeping Area. In every dwelling unit of two (2) or more rooms, every room designated as a bedroom or actually used for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space exclusive of walls and partitions.
  - B. Minimum Floor Area. Every dwelling unit shall have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area. Other habitable rooms, except kitchens, shall have area of not less than eighty (80) square feet.
  - C. Ceiling Heights. In order to qualify as a habitable room, the room must have a clear ceiling height of not less than seven (7) feet except that in attics or top-half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven (7) feet over at least one-half of the floor area. In calculating the floor area of such rooms in attics or top-half stories, only those portions of floor area of the room having a clear ceiling height of five (5) feet or more may be included.
  - D. Room Access. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be gained only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, cellar, or to the exterior of any dwelling or dwelling unit.
9. Basic Equipment and Facilities. No person shall occupy or lease to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping,

cooking, and eating therein, which does not provide or comply with the following requirements:

- A. Kitchen Facilities. Within every dwelling or dwelling unit there shall be an area where food may be stored, prepared and/or cooked, which contains the following:
- i. An approved kitchen sink in good working condition and property connected to an approved water supply and waste system which provides, at all times, an adequate amount of heated and unheated running water with a pressure of not less than eight (8) P.S.I. at the point of discharge, and which is connected to an approved sewer system.
  - ii. Cabinets and/or shelves, for the storage of eating, drinking, and cooking equipment and utensils and/or food which does not require refrigeration, providing a minimum of forty-five (45) cubic feet of storage plus an additional fifteen (15) cubic feet per occupant in excess of one (1). Cabinets, shelves, countertops, and tables used for the storage and preparation of foods shall have a hard non-absorbent surface which is easily cleanable and that will not impart toxic or deleterious effects to foods.
  - iii. A cook stove and oven for the preparation of food, and a refrigerator for the safe storage of food, at or below forty (40) degrees Fahrenheit, properly installed with all necessary connections. Such items need not be installed when a dwelling or dwelling unit is not occupied and when the occupant is expected to provide these items at occupancy, in which case, space and connections for their installation and operation shall be provided.
- B. Bathroom Facilities. Every dwelling or dwelling unit shall contain a non-habitable room which affords privacy to a person within said room and which is equipped with toilet facilities, sink, and bathtub or shower in good working condition, properly connected to an approved sewer and approved water system, meeting the following minimum specifications:
- i. Toilet facilities shall include a flush water closet, in good working order, connected to a water supply of not less than eight (8) P.S.I. and an approved drainage system. The flush water closet shall be constructed of a smooth porcelain or equal arterial finish without cracks or other deficiencies. The room shall be provided with natural ventilation by means of windows openable to the exterior. The openable area must not be less than one-twentieth (1/20) of the floor area of the room. In lieu of such openings mechanical

ventilation shall be installed to provide five (5) air changes per hour.

- ii. The sink may be in the same room as the flush water closet, or within close proximity to the door leading directly into the toilet room. The sink shall be connected to an approved water supply system that will provide at all times heated and unheated water at a pressure of not less than eight (8) P.S.I. at the point of discharge. The sink shall be connected to an approved drainage system.
- iii. The bathtub and/or shower shall be in good working condition. It shall be located in a room with a tight fitting door containing a privacy lock or latch. The bathtub and/or shower may be in the same room as the flush water closet or in a separate room. Ventilation shall be provided the same as required in rooms containing flush water closets. Heated and unheated water shall be provided from an approved water supply system at not less than eight (8) P.S.I. at the point of discharge and shall be connected to an approved drainage system.

C. Electric Circuits, Outlets and Fixtures. Every dwelling or dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner required by the ordinances of the City or by the laws and regulations of the State of Minnesota. The minimum capacity of such electric service and the minimum number of outlets and fixtures shall be as follows:

- i. Dwelling units shall have at least the equivalent of sixty (60) ampere, three-wire electric service per dwelling unit;
- ii. Dwelling units shall have at least one (1) branch circuit for each six hundred (600) square feet of dwelling unit floor area;
- iii. Every habitable room shall have at least one (1) floor or wall type electric duplex convenience outlet and in no case less than two (2) such electric duplex convenience outlets provided, however, that one ceiling or wall-type light fixture may be supplied in lieu of one (1) required electric duplex convenience outlet;
- iv. Every flush water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling or wall type electric light fixture. Every bathroom, kitchen,

and laundry room shall contain at least one (1) electric duplex convenience outlet;

- v. Every public hall and stairway in every multiple family dwelling shall be lighted by natural or electric light at all times. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling a lighting system which may be turned on when needed, instead of full time lighting. Effective illumination in all public halls and stairways shall be a minimum of one (1) foot candle power at the floor level.
- vi. A convenience switch for turning on a light in each dwelling unit shall be located near the point of entrance to each unit.
- vii. If it is determined by the Compliance Official and/or the Electrical Inspector that the existing service is overloaded or in a state of disrepair, it shall be replaced by not less than a one hundred (100) ampere service.

C. Thermal Standards. All dwellings and dwelling units shall have heating facilities which are properly installed and which are maintained in safe and good working order. Heating shall be supplied to all habitable rooms, bathrooms, and flush water closet compartments within each dwelling unit and common space. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Unvented appliances and portable heating equipment including, but not limited to, electric, catalytic, equipment employing a fire in the use of liquid or gas fuel shall not be considered as heating facilities.

E. Doors and Door Locks. All dwellings or dwelling units shall be equipped with safe, functioning locking devices on exterior doors. Dwellings shall be furnished with door locks as follows:

- i. For the purpose of providing safety, on all new multiple family dwelling construction, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of a locked building entrance or foyer doors. Dead bolt latch type door locks shall be provided with lever latches or door knobs on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.

- ii. All existing multiple family dwellings which contain security systems must retain said system unless it is replaced with an upgraded system. The operation of these security systems shall be maintained for use.
  - iii. Every door that is designed to provide egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a dead locking bolt that can not be retracted by any pressure. An approved latch and dead bolt shall be provided that shall be openable from the inside without the use of a key or special knowledge or effort. Said door shall also contain a peep hole for security purposes.
  - iv. Entry doors for single family and two (2) family residences shall not contain double keyed dead bolt locks.
- F. Storm and Screen Doors and Windows. All exterior doors and windows of dwellings or dwelling units shall be equipped with screens, storm doors, and storm windows. The owner of the dwelling or dwelling unit shall be responsible for providing and hanging all screens and storm doors and storm windows whenever the same are required under the provisions of this section, except where there is written agreement otherwise between the owner and occupant.
- G. Minimum Standards For Light and Ventilation. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
- i. Habitable Room. Except where there is supplied some other device affording adequate ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of ten (10) percent of the floor area of the room or ten (10) square feet. One half (1/2) of the required window area shall be openable.
  - ii. Uninhabitable Room. Every bathroom and flush water closet shall contain a minimum of one and one half (1-1/2) square feet of openable windows or a mechanical ventilation system providing five (5) air changes per hour.
- H. Dwelling Unit Access and Identification. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit. A safe and unobstructed means of egress shall be provided

from each dwelling unit directly to the exterior or to a corridor leading directly to the exterior. Individual unit entries need to be clearly marked with a unit or identification number. The numbers shall not be less than four (4) inches in height and must be of a contrasting color to the base on which they are placed.

- I. Dwelling Identification. All dwellings shall have proper house and building numbers attached per Chapter 11 of the City Code.
  - J. Fire Prevention. City ordinances and laws and regulations of the State of Minnesota, including the Uniform Fire Code, are applicable to all dwelling and dwelling units covered by this Section. All rental properties shall also meet the following life safety criteria:
    - i. Every bedroom located in a basement of a rental property shall have an egress window which complies with the current Minnesota State Building Code.
    - ii. Rental dwelling units shall have smoke detectors installed in every bedroom and in areas that provide access to bedrooms. Smoke detectors used to comply with this provision shall be hardwired, or long life battery operated detectors (10 years).
    - iii. Every rental dwelling unit shall have carbon monoxide detectors installed as required by Minnesota Statutes Section 299F.050. Carbon monoxide detectors shall be either hard wired into electrical wiring, directly plugged into an electrical outlet, or battery powered.
    - iv. Every rental dwelling unit shall be provided with at least one, 1A 10BC fire extinguisher. The fire extinguisher shall be readily accessible to the occupant at all times.
10. Maintenance of Property. The following minimum maintenance standards are applicable to all dwelling units within the City:
- A. Sanitary Maintenance. Every occupant of the dwelling or dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
  - B. Maintenance of Shared or Public Areas. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

- C. Maintenance of Occupied Areas. Every occupant of a dwelling unit shall maintain in a clean, sanitary, and safe condition that part or those parts of the dwelling or dwelling unit and premises thereof that he or she occupies and controls.
- D. Storage and Disposal of Refuse. Every occupant of a dwelling unit shall store and dispose of all refuse in a clean, sanitary, and safe manner.
- E. Storage and Disposal of Garbage and Rubbish. Every owner of a multiple family dwelling shall supply facilities for the sanitary and safe storage and/or disposal of rubbish and garbage. All garbage or refuse containers exceeding seventy-five (75) gallons in size and located on property used for multiple family residential purposes shall be contained within a building or within an area which has a impermeable floor surface and is screened within a ninety percent (90%) or greater opaque wooden or metal fence or masonry wall not less than six (6) feet in height having a gate or doorway which remains closed except for access purposes.

In the case of one-family or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities.

- F. Rodent Harborage in Occupied Areas. No occupant of a dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit.
- G. Rodent Harborage in Public Areas. No owner of a dwelling containing two (2) or more dwelling units shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about shared or public areas of a dwelling or its premises.
- H. Prevention of Food for Rodents. No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.
- I. Pest Extermination. Every occupant of a dwelling unit in a dwelling or every occupant of a rooming unit in a rooming house containing more than one (1) unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by the failure of the owner to maintain a dwelling or rooming house in a reasonable rodent proof or reasonable vermin proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or rooming units, or in the shared or public parts of any dwelling or rooming house, extermination thereof shall be the responsibility of the owner. Whenever

extermination is the responsibility of the owner, the extermination must be performed by a licensed pest control contractor.

- J. Heating Capability. In every dwelling unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degrees Fahrenheit, or such lesser temperature required by law, shall be maintained at a distance of three (3) feet above the floor and three (3) feet from exterior walls in all habitable rooms, bathrooms, and flush water closet compartments. Heat shall be provided from September 1 through May 31 or from the time that the average daily temperature falls below sixty-eight (68) degrees Fahrenheit to such time that the average daily exterior temperature exceeds sixty-eight (68) degrees Fahrenheit or whichever is more restrictive.
- K. Windows, Doors and Screens. Every window, screen, exterior door, and other exterior openings shall be substantially tight and shall be in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of opening without any special knowledge or effort. Those windows located within six (6) feet of the adjacent grade shall contain a latching mechanism for security. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents entering the building. Every openable window or other devices required for ventilation shall be supplied with 16-mesh screens during the insect season. The mesh screen, if reinstalled on an annual basis, should be installed by May 1.
- L. Floors, Interior Walls and Ceilings. Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruded, or rotted flooring materials. Every interior wall and ceiling shall be free of holes and cracks or loose plaster and shall be maintained in a tight, weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be allowed. Every toilet room and bathroom floor surface shall be covered with a smooth non-absorbent material that is easily maintained in a clean and sanitary condition.
- M. Basement Floors. Interior floors or basement, cellars, and other areas in contact with the soil, shall be paved with concrete or other impervious material approved by the Compliance Official.
- N. Foundations, Exterior Walls and Roofs. The foundation, exterior walls, and exterior roof shall be kept in sound condition and repair to protect against the entrance of water, vermin, rodents, and other exterior elements. The foundation shall support the building at all points. The foundation's

walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the exterior spaces of the dwelling. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces shall be coated to inhibit rust and corrosion. The roof and flashings shall be tight with no defects which admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged into the sanitary sewer system in a manner that creates a public nuisance.

- O. Stairways, Porches and Balconies. Every stairway, inside or outside of a dwelling and every porch or balcony, shall be kept in a safe condition and sound repair. Every stairway, step, stoop, porch, and balcony shall be free of deterioration and/or loose or rotting supports. Stairways more than three (3) risers and serving individual dwelling units and all other stairs of two (2) or more risers shall have handrails located thirty (30) to thirty-eight (38) inches measured vertically from the nose of the stair tread to the top of the handrail. Stairs requiring a forty-four (44) inch width must have handrails on both sides. Every porch and/or balcony, which is thirty (30) inches or more above adjacent grade or more than three (3) risers high, shall have a guardrail thirty-six (36) inches above the floor. All handrails, balustrades and guardrail shall be firmly fastened and maintained in good condition. No stairway, porch, or balcony shall settle out of its intended position or pull away from the supporting or adjacent structures. With exception of spiral or winding stairways, the treads and risers of every flight of stairs shall be uniform in depth and height. All stairways shall be capable of supporting a live load of one hundred (100) pounds per square foot.
- P. Exterior Lighting. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining illumination in all exterior parking lots, stairways, and walkways consistent with the requirements of this Code. At all exterior entryway, lighting shall be

provided which provides a minimum of .5 foot candles measured at a distance of five (5) feet from the entry door.

- Q. Removal of Snow and Ice. The owner of a multiple family dwelling or dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three (3) inches or more, or successive snowfalls accumulating to a depth of three (3) inches or more, shall be removed from parking lots and driveways within twenty-four (24) hours after cessation of the snowfall. Individual snowfalls of one (1) inch or more, or successive snowfalls accumulating to a depth of one (1) inch or more, shall be removed from steps and walkways within eight (8) hours after cessation of the snowfall.
- R. Driving and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants consistent with the requirements of this Code. All multiple family dwellings of eight (8) dwelling units or more shall provide stop signs at all driveway exits leading to the public right-of-way.
- S. Fence Maintenance. Every fence shall be constructed in a substantial, workman like manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise allowed to become and remain in a state of disrepair so as to be or tend to be which is dangerous by reason of its construction or state of disrepair or is otherwise injurious to the public health safety and welfare is a nuisance; and any such fence which has become or tends to be a nuisance shall upon order of a competent court be repaired or removed as necessary to abate the nuisance caused.
- T. Accessory Structure Maintenance. It shall be the responsibility of the property owner to ensure that:
- i. Every exterior wall, foundation, and roof of any accessory building or structure shall be reasonably watertight, weather tight, and rodent proof and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears or breaks of deteriorated plaster, stucco, brick, wood, and other material.
  - ii. All exterior wood surfaces other than decay resistant woods, shall be protected from the elements of decay by painting or other protective covering treatment. A protective surface of an accessory building or structure shall be deemed to be out of repair

if more than twenty-five (25) percent of the exterior surface area is unpainted or paint blistered. The surface shall then be repainted. If twenty-five (25) percent or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall then be repaired.

- U. Grading and Drainage. Every yard, court, passageway, or other portions of the premises on which a dwelling is erected, shall be graded and drained consistent with Chapter 11 of the City Code.
  - V. Yard Cover. Every yard of a premises on which a dwelling is erected shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and/or related decorative materials consistent with Chapter 11 of the City Code.
11. Discontinuance of Services or Facilities. Except as authorized by the laws and regulations of the State of Minnesota, no owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Section, to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruptions as may be necessary while actual repairs or alterations are in process.
  12. Enforcement and Inspection Authority. The Compliance Official, who is the Code Enforcement Officer of the City, or his/her authorized assistant, shall administer and enforce the provisions of this Section and is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this section has been or is being committed. Inspections shall be conducted during reasonable daylight hours, except in the case of an emergency or when a night time inspection is required, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling or dwelling unit.
  13. Inspection Access. Any owner, occupant, or other person in charge of a dwelling unit may refuse to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this section, whereupon the Compliance Official may seek a court order or warrant authorizing such inspection.
  14. Unfit for Human Habitation.
    - A. Any dwelling or dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation by the Compliance Official. Whenever any dwelling or dwelling unit has been

declared unfit for human habitation, the Compliance Official shall order same vacated within a prescribed time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.

- B. It shall be unlawful for such dwelling or dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such dwelling or dwelling unit.
15. Secure Unfit and Vacated Dwellings. The owner of any dwelling or dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant, shall make the same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling which is unsecured at the doors, windows, and other exterior openings shall be deemed to be a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this Section.
16. Hazardous Building Declaration. In the event that a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed time, the dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.
17. Compliance Order. Whenever the Compliance Official determines that any dwelling or dwelling unit, or the premises surrounding any of these, fails to meet the provisions of this Section, the Compliance Official may issue a compliance order setting forth the violations of the section and ordering the owner, occupant, operator, or agent to correct such violations. This compliance order shall:
- A. Be in writing.
  - B. Describe the locations and nature of the violations of this section.
  - C. Establish a prescribed time of the correction of such violation and notify of appeal recourse.
  - D. Be served upon the owner or his or her agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
    - i. Served personally, or
    - ii. Sent by registered mail to the last known address, or

- iii. Upon failure to effect notice through (i) and (ii) above by posting at a conspicuous place in or about the dwelling which is affected by the notice.
18. Right of Appeal. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this Section, such person may appeal the compliance order to City Administrator within five (5) days after service of the compliance order. Such appeals must be in writing specifying the grounds of appeal. The City Administrator shall review said request and either approve or deny the appeal. If the appeal is denied by the City Administrator, the applicant may appeal the decision to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for appeal, must be accompanied by a filing fee of sixty (\$60.00) dollars in cash or cashier's check, and must be filed with the City of Mahtomedi within five (5) days after service of the City Administrator's ruling. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.
19. Board of Appeals Decision. Upon at least five (5) business days a written notice will be sent to the appellant of the time and place for hearing the appeal and within thirty (30) days after said appeal is filed, the City Council shall hold a hearing thereon, taking into consideration any advice and recommendation from the Compliance Official and the City Administrator. The City Council may reverse, modify, or affirm, in whole or in part, the compliance order and the City Administrator's ruling. The Council may order return of all or part of the filing fee if the appeal is upheld.
20. Restrictions on Transfer or Ownership. It shall be unlawful for the owner of any dwelling or dwelling unit, upon whom a pending compliance order have been served, to sell, transfer, mortgage, lease, or otherwise dispose thereof to another person until the provisions of the compliance order has been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling or dwelling unit who has received notice of a compliance order shall be bound by same without further service of notice upon him or her and shall be liable to all penalties and procedures provided by this section.
21. Penalties. Any person who violates any provision of this Section or who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, is guilty of a misdemeanor.
22. Alternative Sanctions. Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Compliance Official determines that any dwelling or dwelling unit or the premises surrounding any of

these fails to meet the requirements set forth in this section, the Compliance Official may issue a citation, summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant. (2/12/96)

## **12.06 NOISE POLLUTION CONTROL AND LIMITS ON HOURS OF CONSTRUCTION ACTIVITY.**

1. Findings and Purpose. The Council finds that noise pollution is injurious to human health and welfare and should be prohibited within the City and also finds that construction activities need to be regulated such that noise which emanates from construction sites does not unreasonably disturb the health, comfort, peace, and repose of neighboring property owners and occupants. The regulations established herein are intended to reasonably control noise pollution within the City, to reasonably control the hours within which construction activities may take place, and to penalize persons who violate these regulations.
2. Adoption. The City hereby adopts and incorporates by reference the Minnesota Pollution Control Agency (“MPCA”) rules as set forth in Chapter 7030 of the Minnesota Rules, and the definitions in Minnesota Statutes Section 116.06.
3. Definitions. The following definitions shall be applied in the interpretation and enforcement of this Section:
  - A. “Construction” means any site preparation, assembly, erection, repair, alteration, demolition, or similar activity, including, without limitation, (a) the activities of excavation, filling, cement work, masonry, framing, drilling, sanding, shingling, siding, landscaping, and clearing, (b) the moving or removal of structures, utilities, surfaces, natural growth, and other property, (c) the use and operation of tools, appliances, equipment, machinery, motors, generators, engines, air compressors, saws, jackhammers, and other devices which emit audible noise that are used in any such activities; or (d) similar activities.
  - B. “Commercial Contractor” means a person, who pursuant to a written or oral contract providing for compensation, performs construction or causes construction to occur.
  - C. “Emergency” means an occurrence or set of circumstances involving actual or imminent physical injury or property damage which demands prompt action.
  - D. “Property Boundary” means a line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person.

- E. “Sound Instrument” means a radio, television, phonograph, stereo system, drum, musical instrument, loud speaker, public address system, sound amplifier, paging system, or other device which produces, reproduces, or amplifies sound.
  - F. “Vibration” means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given point of reference.
  - G. “Weekday” means any day Monday through Friday which is not a legal holiday under federal or State law.
3. Adoption by Reference. The Minnesota Pollution Control Agency standards adopted pursuant to Minnesota Statutes Chapter 116, describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, as such standards now exist and are hereafter amended or adopted, including the standards established in Minnesota Rules, Chapter 7030 (hereinafter referred to as the “MPCA Standards”), are hereby adopted and incorporated by reference.
4. Maximum Noise Levels. No person shall make, cause to be made, or permit another person over whom they have responsibility or control to make or cause to be made any noise which exceeds the noise standards and limits set forth in the MPCA Standards.
5. Prohibitions.
- A. General Prohibition. No person shall make, or cause to be made, or permit another person over whom they have responsibility or control while on property they own or legally possess, to make any noise audible across a property boundary which constitutes noise pollution. This general prohibition is not limited by the specific prohibitions contained in the following paragraphs.
  - B. Exceeding State Standards. No person shall make or operate, or cause or permit to be operated, any source of noise in such a manner as to create noise on any receiving land use within the City, when measured at or within the property boundary of the receiving land use, which exceeds the noise limits established for such land use in the MPCA Standards. Notwithstanding the foregoing, a household unit located on property which is zoned for non-residential use shall be deemed to be within Noise Area Classification 2 under the MPCA Standards.
  - C. Motor Vehicles.

- i. No person shall operate, sell, or modify a motor vehicle and/or its parts in violation of Section 7030.1010 of the Minnesota Rules.
  - ii. Motor Vehicle Horns, Audible Signaling Devices. No person shall sound a motor vehicle horn, siren, whistle, or any other audible signaling device, except as a warning of danger.
  - iii. Exhaust. No person shall discharge, or permit the discharge of, exhaust from any internal combustion engine, steam engine, motor vehicle, motorboat or other vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, which is in good repair, and which is in compliance with all applicable laws and regulations.
- D. General Prohibitions. No person shall engage in the following activities between 10:00 p.m. and 7:00 a.m. within areas zoned for residential use or property used for residential, school, church, library, hospital, or nursing home purposes, if the activities produce noise pollution.
- i. Sound Instruments. No person shall operate or play, or permit to be operated or played, a sound instrument;
  - ii. Loading and Unloading. No person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans, refuse dumpsters, or similar objects;
  - iii. Servicing and Repair. No person shall construct, service, or repair motor vehicles, motorboats, or other motorized equipment; and
  - iv. Power Tools and Equipment. No person shall operate or permit the operation in the outdoor atmosphere of (a) a mechanically powered saw, sander, drill, grinder, or other power tool; (b) a power lawn mower, trimmer, or other garden or landscape tool; or (c) a chainsaw, snowblower, tractor, or similar power equipment or device.
- E. Non-Emergency Signal Devices. No person shall operate or sound or permit the operation or sounding of any signal from a stationary bell, chime, siren, whistle, or similar device intended for use primarily for non-emergency purposes (i) between the hours of 10:00 p.m. and 7:00 a.m., or (ii) at any other time for more than thirty (30) seconds in any period of sixty (60) minutes.
- F. Emergency Signal Devices. Except for emergency purposes or for testing, no person shall intentionally operate, or sound, or permit the operation or sounding in the outdoor atmosphere of any fire, burglar, motor vehicle, or

civil defense alarm, siren, whistle, horn, or other emergency signaling device. This Subdivision shall not apply to normal use of backup alarms on vehicles.

- G. Vibration. No person shall operate or permit the operation of any machine, engine, or device which creates a sustained vibration which is above the vibration perception threshold of an individual person of normal sensitivities across the property boundary of the source. This Subdivision shall not apply to the use of motor vehicles on public streets and highways, or construction occurring on public streets and highways.
- H. Explosives, Firearms, Fireworks. The use, discharge, or firing of explosives, firearms (except by public safety officers), or fireworks is prohibited at all times and places, unless the person engaging in the same obtains a permit from the City.
- I. Exception. The prohibitions contained in this Subdivision shall not apply to the emission of sound for the purposes of altering persons to the existence of an emergency or imminent danger, or in the performance of work intended to prevent or eliminate an emergency or dangerous condition, or in connection with an event or activity for which a permit has been issued by the City.
- J. Prohibition of Commercial Construction Activity During Certain Times.
  - i. No person shall permit construction activity by a commercial contractor, and no commercial contractor shall engage in construction, which produces noise or sustained vibration which is perceptible across a property boundary within the City (“construction activity”), except between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 7:00 a.m. and 6:00 p.m. on Saturdays. No construction activity may occur on Sundays or on federal or State holidays. (6-20-06)
  - ii. Permits. Commercial contractors may file a written application with the City requesting authorization to engage in construction activity within the prohibited hours or days. The application must demonstrate (a) that an emergency exists requiring construction activity within the prohibited hours or days, or (b) that a substantial economic loss will result on account of events or circumstances beyond the control of the applicant unless extended hours of construction activity are allowed. The City shall process the application in the same manner as it processes an application for a building permit.

Upon a finding that an emergency exists, the City Building Official may issue a permit authorizing the contractor or his or her agent to engage in construction activity at a specific location during any hour of any day until

the emergency ceases or until forty-eight (48) hours has passed. If the City Building Official determines that an emergency continues more than forty-eight (48) hours, he or she may renew the permit for successive forty-eight (48) hour periods.

Upon a finding that as a result of events or circumstances, substantial economic loss and/or substantial disruption to businesses and residents will result from compliance with Section 12.06(5)(J)(i) the City Building Official may issue a permit authorizing the contractor or his or her agent to engage in construction activity at a specific location for specific hours on (a) weekdays between 7:00 p.m. and 9:30 p.m., (b) Saturdays between 6:00 p.m. and 8:30 p.m., (c) Sundays and holidays between 1:00 p.m. and 5:00 p.m., and/or (d) any day of the week from 7:00 p.m. to 7:00 a.m. for no more than five (5) nights from May 1<sup>st</sup> to September 30<sup>th</sup> of each year.

6. Abatement Order. Abatement of a nuisance under this Section shall be pursuant to Section 12.03.

## 12.07

### **REMOVAL OF SNOW AND ICE (COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS)**

1. Removal of Snow and Ice. The owner of property in a commercial and/or industrial zoning district (including any business and/or mixed use zoning district) shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three (3) inches or more, or successive snowfalls accumulating to a depth of three (3) inches or more, shall be removed from parking lots and driveways within twenty-four (24) hours after cessation of the snowfall. Individual snowfalls of one (1) inch or more, or successive snowfalls accumulating to a depth of one (1) inch or more, shall be removed from steps and walkways within eight (8) hours after cessation of the snowfall.
2. Applicable Enforcement Regulations. A same or similar snow and ice removal provision can be found in Chapter 12, Section 12.05 Minimum Housing Standards, Subdivision 10., Q. which are property maintenance regulations applicable to the owners of property improved with residential dwellings. Therefore, the Chapter 12, Section 12.05 Minimum Housing Standards, Subdivisions 17 through 22 shall be applicable to and used for the enforcement of the above-referenced Section 12.07, Subdivision 1, for the uniform enforcement of said snow and ice removal regulations.