CHAPTER VIII.
NUISANCES AND OFFENSES
PART 1. Nuisances

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CHAPTER 801: PUBLIC NUISANCE

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

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

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

3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

As amended May 2nd, 1994.

801.02 Public Nuisance Affecting Health. The following are hereby declared to be nuisances affecting health:

1) The growth of vegetation to a height greater than 6 inches tall, measured from its base at ground level to the tip of each stalk, stem, blade, or leaf, in areas established and groomed as lawn by the owners or occupants within the previous 24 months, except:

   a. Maintained and weeded gardens and the plants therein;

b. Trees and ornamental shrubs;

c. Wetlands and floodplains designated on the official zoning map;

d. Property where there has been only periodic mowing to control vegetation and weeds, and

e. Property adjacent to property on which vegetation has been allowed to grow naturally and unimpeded by human means for at least the prior 24 months.

2) Exposed accumulation of decayed or unwholesome food or vegetable matter;
3) All diseased animals running at large;
4) All ponds or pools of stagnant water;
5) Carcasses of animals not buried or destroyed within 24 hours after death;
6) Accumulation of manure, refuse, or other debris;
7) Privy vaults and garbage cans which are not rodent free to fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial waste, or other substances;
9) All noxious weeds and other rank growths of vegetation upon public or private property;
10) All public exposure of persons having a contagious disease;
Any offensive trade or business as defined by statute not licensed by the city board of health as defined by law.
11) The owner of any animal shall be responsible for the removal and clean up of any animal waste or excreta deposited by their animal(s) on public walks, streets, parks and recreation areas, or private property.
As amended April 6th, 1998.
As amended May 2nd 1994.

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

1) All gambling devices, slot machines, and punch boards;
2) Betting, bookmaking, and all apparatus used in such occupations;
3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, house of ill fame, and bawdy houses;
4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;

5) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

As amended May 2nd, 1994.

801.04 Public Nuisances Affecting Peace And Safety. The following are to be nuisances affecting public peace and safety:

1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
2) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
3) All wires and limbs of trees which are so close to the surface of all sidewalk or street as to constitute a danger to pedestrians or vehicles;
4) All unnecessary noises and annoying vibrations;
5) Obstructions and excavations affecting the ordinary use by the public or streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

801.04 Public Nuisances Affecting Peace And Safety (cont.)

6) Radio aerials or television antennas erected or maintained in a dangerous manner;
7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people together, obstructing traffic and the free uses of the streets or sidewalks;
8) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
9) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
10) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
12) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, branches/brush or other material, in manner conductive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated;
13) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;
14) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
15) The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance

which may injure any person or animal or damage any pneumatic tire when passing over the same;

16) The depositing, maintaining, permitting or failing to remove garbage, trash, rubbish, bottles, cans or other refuse on any property within the city, including large quantities of organic debris and materials which accumulated by other than natural means, except neatly maintained compost piles;
17) The piling, storing or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof, or other non usable debris;
18) Property in a residential district not seeded, sodded or other wise planted with a ground cover after any disturbance to the property caused by construction, grating or other activity;
19) The accumulation of any piles of wood which are not neatly stacked or stacked in some manner and secured in a stable manner to avoid collapse;
20) Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with City-approved construction plans within 180 days after the date the City building permit was issued.
21) Any construction materials, including piles of dirt, sand, and sod, left in the open on property more than sixty (60) days after construction has been completed or after a certificate of occupancy has been issued, whichever occurred first.
22) All other conditions or things which are likely to cause injury to the person or property of anyone.
23) Grass clippings must not be placed, dumped, thrown on to, blown by mower or leaf blower, or otherwise put on the street in a manner where grass could enter the storm sewer system.
24) Broken concrete blocks not placed in an orderly pile, broken concrete, broken up cement that has been used other than the purpose of which it was intended should not be prohibited as it may harbor rats, mice, snacks, and other vermin.
25) The emission of odor, smoke, burning of leaves, burning of household items or particulate matter to a degree that is detrimental to or shall endanger the health, safety, comfort, or general welfare of the public;

801.05 Violations. Any person, firm, corporation, or other entity found guilty of violation of this ordinance shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished by a fine of not more than $200.

As amended April 6th, 1998.

CHAPTER 802 TREE DISEASE

802.01 Declaration Of Policy. The city council of Winthrop determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch Elm and Oak Wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of those diseases and this ordinance is enacted for that purpose. ***As amended May 2nd, 1994.***

802.02 Forester.

Subdivision 1. Position Created. The position of forester is hereby created.

Subdivision 2. Duties Of Forester. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of Dutch Elm Disease and Oak Wilt Disease and other epidemic diseases of shade trees. He/She shall recommend to the council the details of a program for the control of such disease; and perform the duties incident to such a program adopted by the council. ***As amended May 2nd, 1994.***

802.03. Epidemic Disease Program. It is the intention of the council of Winthrop to conduct a program of plant pest control pursuant to all the powers of this city including the authority granted by Minnesota Statutes Section 18.022.

This program is concentrated on, but not limited to, the control and elimination of Dutch Elm Disease fungus; elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the commissioner of agriculture. The forester shall act as coordinator between the commissioner of agriculture and the council in the conduct of this program. ***As amended May 2nd, 1994.***

802.04. Nuisance Declared.

Subdivision 1. Trees Constituting Nuisances. The following, whenever they may be found within the City of Winthrop:

1) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm fungus Ceratocystis Ulmi (Buisman) Moreau or which harbors any of the elm bark beetles Scolytuks Multistriatus (Eichh.) or Hylungopinus Rufipes (Marsh).

802.04 Nuisance Declared (cont.)

2) Any dead elm tree or part thereof, including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
3) Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus.
4) Any dead oak tree or part thereof which, in the opinion of the forester constitutes a hazard, including but not limited to, logs, branches, stumps, roots, firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.

5) Any other shade trees with an epidemic disease.

Subdivision 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by him within the city. Such nuisances may be abated in the manner prescribed by this part. ***As amended May 2nd, 1994.***

802.05. Inspection And Investigation.

Subdivision 1. Annual Inspection. As often as practicable, the forester shall inspect all public and private premises within the city which might harbor any plant pest as defined in Minnesota Statutes Section 18.46, Subdivision 13 to determine whether any condition described in Section 802.04 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.

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

Subdivision 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm, oak wilt, or other infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be recommended by the commissioner. Except as provided in Section 802.07, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.
As amended May 2nd, 1994.

802.06. Abatement Of Dutch Elm Disease Nuisance. In abating a nuisance defined in Section 802.04, the forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases including Dutch elm disease and

oak wilt disease. He shall also take such steps as are necessary to prevent root graft transmission of the disease. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture. ***As amended May 2nd, 1994.***

802.07 Procedure For Removal Of Infected Trees And Wood.

Subdivision 1. Action By Forester. Whenever the forester finds with reasonable certainty that the infestation defined in Section 802.04 exists in any tree or wood in any public or private place in the city, he/she shall proceed as follows:

1) If the forester finds that the danger of infestation of other elm, oak or other trees is not imminent because of the dormancy of the infected trees he/she shall make a written report of his/her finding to the council which shall proceed by a) abating the nuisance as a public improvement under Minnesota Statute Chapter 429 or b) abating the nuisance as provided in Subdivision 2 of this section.
2) If the forester finds that danger of infestation of other elm, oak or other trees is imminent, he/she shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than fourteen (14) days from the date of mailing such notice. The forester shall immediately report such action to the council, and after the expiration of the time limit in the notice he may abate the nuisance.

Subdivision 2. Action By Council. Upon receipt of the forester's report required by Subdivision 1, paragraph 2, the council shall by resolution order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work day labor or by contract.

Subdivision 3. Record. The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

Subdivision 4. Assessment. On or before September 1 of each year the clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this ordinance. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 229.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes. ***As amended May 2nd, 1994.***

802.08. Spraying Elm Trees.

Subdivision 1. When To Spray. Whenever the forester determines that any elm tree or elm wood within the city is infected with Dutch elm fungus, he may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate or fungicide or both. Activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans of the commissioner of agriculture and under the supervision of the commissioner and his agents whenever possible.

Subdivision 2. Notice. The notice provisions of Section 802.07 apply to spraying and treatment operations conducted under this Section.
As amended May 2nd, 1994.

802.09. Sale, Storage And Transport Of Elm Wood And Red Oak Wood (if applicable) Is Prohibited.

Subdivision 1. It is unlawful for any person to transport, store or sell with the city any bark-bearing elm wood (or red oak wood infected with oak wilt) without having obtained a permit from the City Forester. Such permits shall be granted only where the sale, storage or transport of such wood will not result in the spread of shade tree disease within the designated control area or violate state statutes or city ordinances relating to such activity.

Subdivision 2. Firewood storage permits for bark-bearing elm wood may be granted only for the period from September 15-April 1 and apply only to wood cut within the designated control area after September 15.

Subdivision 3. Any such wood sold, stored or transported contrary to the provisions of this Section must be removed and properly disposed of at the owner's expense with 24 hours of receipt of removal notice. Any such wood not so removed may be seized and destroyed by the City and all costs incurred assessed against the owner. ***As amended May 2nd, 1994.***
As amended January 5th, 1981.

802.10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the forester or his/her agents while they are engaged in the performance of duties imposed by this ordinance. ***As amended May 2nd, 1994.***

CHAPTER 803. OFFENSES: WEAPONS & FIREARMS

803.01 Use Of Weapons.

Subdivision 1. Restrictions. No person except a police officer in the performance of duty shall, within the city, discharge any gun, pistol, or firearm of any description or carry any such weapon unless it is dismounted or broken apart or carried in a case in such manner that is cannot be discharged. This subdivision does not prevent the carrying of a handgun within the city under a permit subject to the restrictions imposed by law.

Subdivision 2. Air Rifles, Sling Shots. No person within the city shall use or discharge any air rifle or sling shot.

Subdivision 3. Offense By Parents, Guardians. It is unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit such person to violate any provision of this section. ***As amended May 2nd, 1994.***

CHAPTER 804. WEED CONTROL

804.01 The word "weeds" as used in this ordinance shall mean and include noxious weeds**,** defined as "annual, biennial, or perennials plant that are injurious to public health, the environment, public roads, crops, livestock, or other property and also such useless and troublesome plants as are commonly known as weeds to the general public. The word "weeds" shall also be constructed to include all rank vegetable growth, which exhales unpleasant or obnoxious odors, and also high and rank vegetable growths that may conceal filthy deposits.

804.02 The Mayor of the City of Winthrop shall act as the weed inspector. All police officers, full-time city employees and council members are appointed as deputy weed inspectors. All weed inspectors shall have the power and duty to enforce this ordinance and issue citations and notices as designated herein.

804.03 Any weeds or grass growing upon any lot or parcel of land in the City of Winthrop to a greater height than 6 inches or which have gone or about to go to seed, and any poison ivy, rag weed or other poisonous plants, detrimental to health, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the city.

This nuisance shall be enforced as provided for in the Administrative Citation Ordinance provided for elsewhere in the City code and as otherwise indicated in this ordinance.

804.04 Upon failure of the owner, occupant or agent to comply with the provisions of said notice and after the expiration of ten (10) days, the said weed inspector shall proceed to cause such weeds or grass to be cut and removed, and determine the cost thereof and charge the owner of the premises therewith and shall, not later than the first day of October of each year certify to the county auditor, the amounts so charged against said premises, lots or parcels of land together with a description of the premises and the name of the supposed owner, and such charge shall be collected and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien on said premises until fully paid; provided further, that where no owner, occupant or agent can be found, or when unknown, then said weed inspector may proceed without the service of said notice. ***As amended May 2nd, 1994.***

804.05 A general notice for noxious weed control or eradication will be published by the City Clerk on or before May 15 of each year and at other times as the weed inspector directs. The published notice will be considered legal and sufficient notice of a violation when an individual notice cannot be served upon a person do to his/her absence. In such situations, no further notice will be given and the City will eradicate the violation as provided herein;

When any conditions exist on any lot or parcel of land in the City of Winthrop violate**s** ~~of~~ the provisions hereof, it shall be the duty of the weed inspector or a deputy weed inspector to serve a notice by certified U.S. mail on the owner, occupant or agent at

his/her/their last known address of such lot or parcel of land, ordering such owners or agent to have such weeds or grass cut and removed within ten (10) days after the service thereof**.** If the violation is not cured within ten days after service (or in cases where the owner or agent cannot be found, after three days of attempting to locate such person), the City shall eradicate the violation. The City will then bill the owner for the expense of said eradication. If the bill is not paid within 30 days, the City Clerk shall take steps to assess the bill as taxes against the property in accordance with Minnesota Law.

As amended August 1st, 2005.

CHAPTER 805. CURFEW

805.01 It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, play or be in or upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public buildings, places of amusement, entertainment or refreshment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official city time, provided however, the provisions of this section shall not apply to a minor accompanied by his or her parents, or the guardian of the minor, or an emergency. ***As amended May 2nd, 1994.***
As amended Dec. 10th, 2001.

805.02 It shall be unlawful for any minor sixteen (16) years of age or older and under the age of eighteen (18) years to loiter, idle, wander, stroll, play or be in or upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public buildings, places of amusement, entertainment or refreshment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 5:00 a.m. official city time, provided, however, the provisions of this section shall not apply to a minor accompanied by his or her parents, or the guardian of the minor, or in an emergency. ***As amended May 2nd, 1994.***
As amended Dec. 10th, 2001.

805.03 It shall be unlawful for the parent or guardian of the minor under the age of eighteen (18) years to permit such minor to loiter, idle, or be upon the public streets, highways, roads, alleys, parks, playgrounds, or public grounds, public places and public buildings or places of amusement, entertainment or refreshment, vacant lots or other unsupervised places during the times prohibited by this ordinance, provided, however, the provisions of this section shall not apply when the minor is accompanied by his/her parent or guardian or in an emergency. ***As amended May 2nd, 1994.***

805.04 It shall be unlawful for any person, firm or corporation operating or in charge of any places of amusement, entertainment or refreshment to permit any such minors as are referred to in the foregoing sections 805.01 and 805.02 hereof, to remain in such place during the times prohibited by this ordinance, provided, however, that the provisions of this section shall not apply when such minor is accompanied by his parents or guardian. ***As amended May 2nd, 1994.***

805.05 Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine in an amount not to exceed One Hundred ($100) Dollars.
As amended May 2nd, 1994.

CHAPTER 806. RESERVED FOR FUTURE USE.
As amended May 2nd, 1994.

CHAPTER 807. BUILDING MAINTENANCE AND APPEARANCE

807.01 Buildings, fences and other structures which have been so poorly maintained that there physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjourning landowners and occupants enjoyment of their property and neighborhood and adversely effect property values and neighborhood patterns. ***As amended May 2nd, 1994.***

807.02 Standards. Any building, fence or other structure is a public nuisance if it does not comply with the following requirements.

Subdivision 1. No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

Subdivision 2. Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration cracked, chipped or otherwise deteriorated surface finish on more than 50 percent of:

a. Any one wall or other flat surface, or

b. All door and window moldings, eaves, gutters and similar projections on any one side or surface.

Subdivision 3. No glass including windows and exterior light fixtures shall be broken and no screens shall be torn or separated from moldings.

Subdivision 4. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

Subdivision 5. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

Subdivision 6. Chimneys, antennae, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly and, where applicable, to an exterior wall or exterior roof.

Subdivision 7. All foundations shall be structurally sound and in good repair. ***As amended May 2nd, 1994.***

CHAPTER 808. OUTSIDE PARKING AND STORAGE

808.01 For purposes of this section the following words will have the meaning specified below:

Subdivision 1. "Vehicle or Vehicles" shall mean any motor vehicle as defined in Minnesota Statutes Section 169.01 including pioneer, classic, collector and street rod vehicles but excluding the following:

a. Trailers with weight classifications of a and b as provided in Minnesota Statute 168.013, Subd. 1e.

b. Snowmobiles and all terrain vehicles as defined in Minnesota Statute Section 84.92, Subd. 8.

Subdivision 2. "Front yard area" shall mean all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property in the zoning ordinance.

Subdivision 3. "Outside" means to the outside of enclosed storage facility and visible from any other property. ***As amended May 2nd, 1994.***

808.02 Declaration Of Nuisance.

The outside parking and storage on residentially-zoned property of large numbers of vehicles and 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 obstructs views on streets and private property, creates cluttered and otherwise unsightly areas, prevents the full use of residential streets for residential parking, introduces commercial advertising signs into areas where commercial advertising are otherwise prohibited, decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and otherwise adversely affects property values and neighborhood patterns. No more than a combination of three vehicles, boats, cars, campers, RVs, motorcycles, or other similar motor vehicles may be parked in a property's yard.
As amended May 2nd, 1994.
As amended May 2nd, 2016.

808.03 Unlawful Parking And Storage.

Subdivision 1. No person may place, store, or allow the placement of storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residentially-zoned property.

Subdivision 2. No person may place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residentially-zoned property, unless shielded from public view by an opaque cover or fence.
As amended May 2nd, 1994.

Subdivision 3. No person may park or store a boat or trailer of any kind upon a City street for longer than 12 hours.
As amended July 6th, 2010.

CHAPTER 809. SPECIAL PROVISIONS: ABANDONED OR INOPERABLE MOTOR VEHICLES.

809.01 Definitions. For purposes of this section the following words shall have the meanings specified below.

Subdivision 1. "Abandoned vehicle" means a motor vehicle that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or that has remained for a period of more than forty-eight (48) hours on private property with or without consent of the person in control of the property, in an inoperable conditions, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or to a towing contractor hired by the City for its removal.

Subdivision 2. "Junk Vehicle" means a motor vehicle which is in an inoperable condition, which is partially dismantled, which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind, unless such vehicle is kept in an enclosed garage or storage building. A junk vehicle shall also be considered an abandoned vehicle for the purpose of this ordinance.

Subdivision 3. "Inoperable condition" means that the vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that has a missing or defective part that is necessary for the normal operation of the vehicle, is stored on blocks, jacks, or other supports, or has not had a current vehicle license for at least six months.

Subdivision 4. "Motor vehicle" or "vehicle" shall have the meaning contained in Minn. Stat. 169.01.

Subdivision 5. "Vital component parts" means those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including but not limited to, the motor, drive train, and wheels.

Subdivision 6. "Outside" shall have the same meaning as in 600.17 (1) (c).
As amended May 2nd, 1994.

809.02 Vehicle Constituting A Public Nuisance.

Subdivision 1. Abandoned and junk vehicles are declared to be a public nuisance creating a hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter, and unsightly debris and is a blight on the landscape and a detriment to the environment.

Subdivision 2. Any vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of any ordinance or state statute; or that is reported stolen; or that is found impeding fire fighting, snow removal or plowing or the orderly flow of traffic, is declared to be a public nuisance.

Subdivision 3. Any vehicle which is impending public road or utility repair, construction or maintenance activities after reasonable notice of the proposed activities has been given to the vehicle owner or user at least twelve hours in advance, is declared to be a public nuisance. ***As amended May 2nd, 1994.***

809.03 Abatement Procedure.

Subdivision 1. Impounding. Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner by the towing contractor only upon payment of the required impound, towing, and storage fees.

Subdivision 2. Sale. Notice and sale of any vehicle impounded under this ordinance shall be conducted in accordance with Minn. Stat. Chapter 163B, governing the sale of abandoned motor vehicles.

Subdivision 3. Abatement. Except for the abatement of public nuisance vehicles governed by Section 600.18, the following abatement procedure shall apply to all public nuisances. Whenever the officer who is charged with enforcement determines that a public nuisance is being maintained or exists on property in the City, the officer shall notify in writing the property owner and occupant of that fact and order that the nuisance be terminated and abated. Notice shall be served in person or by mail. If the property is not occupied and the owner is unknown notice may be served by posting it on the property. The notice shall specify the steps to be taken to abate the nuisance and the time not exceeding ten (10) days, within which the nuisance is to be abated. If the owner or occupant does not comply with the notice within the time specified, the City Council may, after notice to the owner and occupant and an opportunity to be heard, provide for abating and nuisance by the City. The notice shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. If

notice is given by posting, at least (30) says shall elapse between the day of posting and the hearing. In emergency circumstances where there is an immediate threat to the public health or safety or an immediate threat of serious property damage, the enforcing officer may provide for abating a nuisance without action by the City Council. In such a case, the enforcing officer shall make reasonable attempt to notify the owner or occupant of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

Subdivision 4. Cost Recovery. The owner of property on which a nuisance has been abated by the City shall be personally liable to the City for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the office of the City Clerk.

Subdivision 5. Assessment. If the cost has not been paid under Subdivision 2. the Clerk shall, on or before October 1st following the nuisance abatement, list the total unpaid charges against each separate lot or parcel to which the charges are attributable. The Council may then spread the charges against the property under Minn. Stat. Chapter 429 and other pertinent statutes for certification to the County Auditor and collection along with current taxes in the following year or in such annual installments, not exceeding ten (10), as the Council may determine in each case. ***As amended May 2nd, 1994.***

CHAPTER 810. NOISES PROHIBITED.

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

Subdivision 2. Motor Vehicles: As required by Minn. Stat §169.693, no person shall operate a motor vehicle in the city in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency.

Subdivision 3. Horns, Audible Signaling Devices, etc: As required by Minn. Stat. § 169.68, no person shall sound any signaling device on any vehicle except as a warning of danger.

Subdivision 4. Exhaust: No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motorboat, motor vehicle, or snowmobile except through a muffler or

other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

Subdivision 5. Defective Vehicles or Loads: No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

Subdivision 6. Radios, Phonographs, Paging Systems, etc: No person shall use or operate or permit the use or operation of any radio receiving set, stereo, cassette player, compact disc player, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 pm and 7:00 am in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

Subdivision 7. Participation In Noisy Parties Or Gatherings: No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, 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 by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every effort to see that the disturbance is stopped.

Subdivision 8. Loudspeakers, Amplifiers for Advertising, etc.: No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting attention of the public to any commercial establishment or vehicle without a permit. A Council-approved permit application can be obtained from City Hall. Once the application is completed by the party requesting the permit, the permit must be approved by the City Council.

Subdivision 9. Animals: No person shall keep any animal that unreasonable disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. For purposes of this section, "disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise" means any one of the following:

a) The animal noise occurs at a time between 10:00 pm and 7:00 am and can be heard from a location outside the building and premises where

the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three-minute period; or

b) The animal noise can be heard from a one-block distance from the location of the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three-minute period; or

c) The animal noise can be heard from a location outside the building and premises where the animal is being kept and the animal has made such noises for a period of at least five (5) minutes with one minute or less lapse of time between each animal noise during the five minute period.

Subdivision 10. Schools, Churches, Hospitals, etc: No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, nursing homes, homes for the elderly, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Subdivision 11. Vehicle Noise: No owner, driver, or operator of a motor vehicle shall operate or permit the use of operation of any vehicle radio, stereo, compact disc player, receiver, tape deck, or any similar device used for the production of sound in any public or private place in such a manner or at such noise level which is plainly audible by any person from a distance of fifty (50) feet from the source, knowing or having reasonable ground to know that it will alarm, anger, or disturb others or otherwise affect the peace and quiet of any person who may witness or hear it.

810.02 Hourly Restriction on Certain Operations.

Subdivision 1. Recreational Vehicles: No person shall, between the hours of 10:00 pm and 7:00 am, drive or operate any minibike, snowmobile, or other recreational vehicle not licensed for travel on public highways.

Subdivision 2. Domestic Power Equipment: No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment except between the hours of 7:00 am and 10:00 pm on any weekday or between the hours of 9:00 am and 10:00 pm on any weekend or holiday. Snow removal equipment is exempt from this provision.

Subdivision 3. Construction Activities: No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 am

and 10:00 pm on any weekday or between the hours of 9:00 am and 10:00 pm on any weekend or holiday.

810.03 Exception for Emergency Work.

Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work shall inform the Winthrop Police Department of the need to initiate such work. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

810.04 Enforcement

Subdivision 1. Administering Officer: The noise control programs established by this ordinance shall be administered and enforced by the Winthrop Police Department. The police department shall exercise such power and perform such duties as are reasonable and necessary to enforce this ordinance.

Subdivision 2. Civil Remedies: This ordinance may be enforced by injunctions, action for abatement, or other appropriate civil remedy.

Subdivision 3. Criminal Penalties: Any violation of this ordinance involving the operation of a motor vehicle, excluding the use of a radio, stereo, compact disc player, receiver, tape deck, or any similar device, is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed $100. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than $1000 or imprisonment for a term not to exceed 90 days, or both. Each act of violation and each day a violation occurs constitutes a separate offence.

Subdivision 4. Evidence: Noise of such volume as to be clearly audible at a distance of fifty (50) feet away from such location where the noise is occurring shall be prima facie evidence of a violation of this ordinance.

As amended May 2nd, 1994.
As amended August 5th, 2002.

CHAPTER 811. ADMINISTRATIVE PENALTIES

811.01 Purpose

Administrative penalty procedures established pursuant to this Chapter are intended to provide the public and the City of Winthrop with an informal cost effective and expeditious alternative to address violations of City Code. The administrative penalty procedures outlined in this section do not apply to any violation of Chapter 169 of the Minnesota Statutes.
As amended October 5th, 2009

811.02 Voluntary Process

The procedures described in this Chapter are intended to be voluntary on the part of those who have been issued an administrative citation. At any time prior to the payment of the administrative penalty required for an applicable offense cited, the individual cited may withdraw from participation in the procedures by giving written notice to the City Police Department or the City Administrator. In the event that the City receives written notice that an individual cited does not wish to participate in the administrative penalty process, the City reserves the right to take any other action available under City Code or Minnesota Law to address the situation leading to the Administrative Citation.
As amended October 5th, 2009

811.03 Notice and Payment

In the discretion of the issuing officer, violations of the provisions of the City Code listed in the City Council Resolution (as amended from time to time) "Adopting a Schedule of Offenses and Establishing Administrative Penalties" may be enforced by issuing, on a citation form authorized by the City Attorney, a request to make payment for the violation directly to the City within seven (7) days of the violation. A late charge of ten percent (10%) shall be imposed for each seven (7) days the requested penalty remains unpaid after the requested payment is due.

811.04 Amount of Payment

The amount payable for an applicable violation shall be determined according to City Council Resolution (as amended from time to time) "Adopting a Schedule of Offenses and Establishing Administrative Penalties and shall be paid directly to the City Treasury. In the event that a party is charged with a subsequent violation within a twelve-month period, the subsequent request for payment shall be increased by 25% above the previous payment.

811.05 Failure to Pay

Failure to make payment for the violation in the time specified will result in the late charge described above and may, in the discretion of the issuing officer in consultation with the City Attorney, result in further action or collection efforts consistent with applicable statutes and ordinances.
As amended October 5th, 2009

811.06 Challenging a Citation for an Applicable Offense

If an individual charged with an applicable offense challenges his or her guilt of the offense, written notice must be given to the City regarding such challenge. In such an event, the individual will be withdrawn from the administrative penalty process.
As amended October 5th, 2009

811.07 Failure to Correct Violations

When an administrative citation is issued for a nuisance offence, the applicable violation must be cured by the offender within seven (10) days of the issuance of the citation When an applicable offense continues beyond seven days, the City may:

1. Issue a subsequent administrative citation;
2. Correct the violation itself and bill the offender for the costs thereof. Such costs of correction may be certified to the County auditor and be collected and enforced against the offender's premises in the same manner as taxes against the premises as allowed by law. If such action is commenced, such charges will be a perpetual lien on said premises until fully paid;
3. File criminal charges; and/or
4. Take such other action to require compliance as permitted by City Code or Minnesota law. ***As Amended May 5th, 2003.***

As amended October 5th, 2009.

CHAPTER 812 FENCE REQUIREMENTS AND REGULATIONS:

812.01: Purpose:

The purpose of this fence ordinance shall be to provide for the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and ensure the fences are compatible with existing uses and other zoning restrictions.

812.02: Bulding Permit Required:

Prior to the installation of a fence, a building permit shall be obtained from the City. The costs of the permit shall be $25.

812.03: Maximum Height Restrictions:

No fence shall be higher than six feet, regardless of location.

812.04: Property Line Setback:

Fences shall be set back two feet from the rear and side property lines. If mutual written consent of adjoining property owners is obtained, the fence may be placed along the property line. Fencing shall be setback a minimum of two feet from all street rights-of-way. Fences shall not be allowed on utility easements unless the utility gives written permission. No fence shall be permitted to encroach on any public right-of-way.

812.05: Intersections:

No fence above a height of thirty-six (36) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-a-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

812.06: Construction Materials:

Materials used in constructing fences for private use shall not endanger the public's health or safety. Fences shall not be constructed of snow fence (wooden slat with wire or plastic), woven wire, or barbed wire. Fences shall not be electric without a conditional use permit. New, like new, or well maintained fence material shall be used at the time of fence installation. The material used must be stone, brick, finished wood, chained link, or vinyl. Fences shall be constructed so that the finished side (or the side without exposed support or posts) faces neighboring property.

812.07: Pools and Tennis Courts:

All pools and tennis courts shall have an enclosed fence at least five (5) feet in height with a self-locking gate, and will otherwise comply with the State Building Code.

812.08: Maintenance:

Every fence shall be maintained in a condition of reasonable repair. If allowed by the property owner to become and remain in a condition of disrepair or danger, or constitute a nuisance (public or private), the City through its police department, shall commence proper proceedings for the abatement thereof, as allowed under the general nuisance code. Every damaged or missing element of any fence shall be repaired or replaced immediately.

812.09: Business, Commercial, and Industrial Districts:

Fences in all Commercial, Business, and Industrial Districts shall not exceed eight feet in height.

812.10: Violations:

No existing fence in violation of this ordinance shall be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it shall come under the regulations of this fence ordinance.

Any violation of this ordinance makes the fence a public nuisance. The nuisance shall be immediately abated in accordance with the provisions of the general nuisance code.

If the nuisance is abated by City staff, the owner of the property shall be personally liable to the City for the costs of abatement, including administrative costs. If the costs are not paid by the property owner, the costs will be assessed against the property in accordance with Chapter 429 of the Minnesota Statutes.

812.11: Variances

Variances from this ordinance may be allowed by the City only after review and recommendation by the Planning Commission. Additionally, an application procedure must be followed. The applicant must be the property owner. The applicant must procure a building permit and abide by all of its conditions. The applicant must also provide a registered survey if the adjoining property owner does not agree to the placement of the fence. The adjoining property owner must be given ten (10) days to respond. In all other respects, the variance will be considered in accordance with the variance procedures (and subject to such fees) under the zoning code. ***As amended September 7th, 2004.***

CHAPTER 813: HYDRONIC FURNACES

813.01 Hydronic furnaces.

The following are hereby declared to be nuisances affecting health:

Subdivision 1. Definitions. The following terms as used in this section shall have the meanings stated:

A. "Hydronic furnace" means any furnace that uses combustion fuel other than natural gas or propane to heat water or other liquid for use in heating a structure.

B. "Natural wood" means wood that has not been painted, varnished, or coated with a similar material, has not been pressure-treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

C. "Existing hydronic furnace" means a hydronic furnace that was installed and put into use prior to October 20, 2008.

Subdivision 2. Applicability. This ordinance applies to the use of all hydronic furnaces within the City. This ordinance does not apply to the following:

A. Grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

B. Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

C. The use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

D. The use of recreational fires as defined City Code and regulated in Minnesota Statutes.

Subdivision 3. Mechanical permit required for new outdoor furnaces. No hydronic furnace may be installed or used without a mechanical permit issued by the City.

A. All hydronic furnaces shall meet or exceed the U.S. Environmental Protection Agency voluntary program Phase 2 emissions level (EPA Phase 2 level) and shall emit no more than 0.32 pounds of particulate matter per million BTUs of heat input.

B. All hydronic furnaces shall be constructed, established, installed, operated, and maintained in conformance with the manufacturer's instructions and the requirements of the mechanical permit. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply. Each hydronic furnace shall visibly display the manufacturer's certification that the furnace complies with EPA Phase 2 level requirements.

C. All hydronic furnaces shall burn only clean dry natural wood, wood pellets, corn products, biomass pellets, or other fuels specifically permitted by the manufacturer's instructions, such as fuel oil, natural gas, or propane backup.

D. Corn or pelletized fuel shall at all times be stored in securely-covered bins or enclosures so as to prevent the attraction of rodents or other vermin.

Subdivision 4. Existing hydronic furnaces. Existing hydronic furnaces must conform to all requirements of Subdivision 3 above after 90 days from the effective date of the ordinance enacting this section. If requested by the owner, the Building Official may issue a conditional mechanical permit for an existing hydronic furnace that does not conform to such requirements, provided that:

A. The existing hydronic furnace is in a state of good repair and has been installed in accordance with the requirements and specifications of the manufacturer; and

B. The existing hydronic furnace is at all times operated in accordance with the Environmental Protection Agency's best burn practices for hydronic heaters as exist or are amended from time to time.

C. The existing hydronic furnace is operated in a fashion that does not violate City Code Regarding public nuisances or State law regarding air pollution control.

D. No existing hydronic furnace may be located less than one hundred feet from any residence not served by such furnace.

E. If any existing hydronic furnace is located within one hundred to three hundred feet of any residence not served by the furnace, the stack shall be at least two feet higher in elevation than the highest peak of any such residence.

A conditional mechanical permit may be revoked upon determination by the Building Official that any such provision has been violated.

Subdivision 5. Penalties. Violation of the requirements of this section or of the requirements of a mechanical permit authorized under this section, or permitting such violation, will subject the property owner and/or operator of the hydronic furnace to one or both of the following penalties:

A. Cease and desist order. A cease-and-desist order may be issued by the City Building Official. Such order shall state the violation(s) and shall require the property owner and/or operator of the hydronic furnace to discontinue use of the outdoor furnace until each violation is eliminated and the cease-and-desist order is withdrawn.

B. Criminal prosecution. Violation of any requirement of this section is hereby declared to be a petty misdemeanor. Violation of a cease-and-desist order authorized by this section is hereby declared to be a petty misdemeanor. Each day of violation may be deemed to constitute a separate violation.

As amended April 6th, 2020.