

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ANIMALS

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§ 90.01 INTENTIONAL FEEDING OF WILD ANIMALS.

- (A) Feeding Prohibited. Except as provided in this Section, no person may intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals. “Wild animal” means an animal not domesticated or tamed. Living food sources such as trees and other live vegetation are not considered as food for wild animals.
- (B) The provisions of Section (A) above do not apply to:
 - (1) Feeding Songbirds. The feeding of songbirds provided:
 - (a) Feeding is done from a bird feeder that is designed to discourage other wild animals from feeding and is placed at least five feet from the ground;

- (b) Songbird feeding does not attract songbirds or other wild animals in numbers that constitute a nuisance or damage property; and
- (c) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.
- (d) Feeding programs or efforts undertaken by or under the auspices of the Minnesota Department of Natural Resources or other programs or efforts undertaken with the express written permission or invitation of the City Council.
- (e) The employees or agents of the City, County, State, Federal Government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.
- (f) Any food placed upon the property for the purpose of entrapping or otherwise taking wild animals where the trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.
- (g) Any feeding of animals located in the Agricultural Zoned properties.
- (h) Any feeding of domesticated wild exotic animals which either have been licensed by the City or are at all times kept within an enclosed structure.

§ 90.02 CONDUCT OF A DEER MANAGEMENT PROGRAM WITHIN THE CITY.

(A) No person shall obstruct or interfere with the city's authorized deer management program or threaten, intimidate, obstruct, or interfere with any authorized city employee or agent in implementing the authorized deer management program.

(B) No person shall touch, damage, manipulate, disengage, make inoperative, or otherwise tamper with a deer trap or other deer removal equipment or material which is being used as part of the city's authorized deer management program.

(C) No person shall be within 100 feet of a deer trap or other deer removal equipment or material being used as part of the city's authorized deer management program, unless the person is on land which he or she owns or has the express permission of the city, the city's authorized agent, or the owner of the property where the trap or removal equipment or material is located.

(D) No person shall enter any area which the city has closed to the public as part of the city's authorized deer management program if the city has provided notice of the closure by conspicuously posted signs or other reasonable means.

(Ord. 88, passed 8-14-1997) Penalty, see § 10.99

§ 90.03 VIOLATIONS.

- (A) Any person, firm or corporation who violates any provision of 90.01 shall upon conviction, be guilty of a petty misdemeanor.

- (1) The penalty which may be imposed for the first offense is a fine of not more than One Hundred Dollars (\$100.00).
 - (2) For a second offense, a fine of not more than Two Hundred Dollars (\$200.00).
 - (3) For a third offense, and each subsequent offense, a fine of not more than Three Hundred Dollars (\$300.00).
 - (4) The General Penalties set forth in § 10.99 of this Code will not apply to violation of § 90.01.
- (B) Any person, firm or corporation who violates any provision of 90.02 is subject to the penalties set forth in § 10.99 of this Code.
- (C) In addition to the penalties described in this section, if the penalties described are ineffective, the City of North Oaks may bring an action to enjoin any violation of the Chapter. In the event that the City neglects or refuses to bring an action within thirty (30) days of demand by an aggrieved party, any resident or group of residents of the City of North Oaks may bring the action. In the event that an injunction is granted, the plaintiff or plaintiffs bringing the action will be entitled to recover costs, disbursements, and witness fees actually incurred, together with attorney's fees not to exceed \$2,000.

§ 90.04 EFFECTIVE DATE.

This subchapter shall take effect and be in force upon its passage and official publication. (Ord. 88, passed 8-14-1997; Am. Ord. 10-11-2012)

LICENSING, VACCINATION, AND CONTROL OF DOMESTIC ANIMALS

§ 90.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any animal kept by an owner in the city, such as, but not limited to, dogs and cats.

ANIMAL SHELTER. Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this subchapter. It may or may not be located within the city limits.

CONTROL. Any animal shall be deemed to be under control if it is on the premises of its owner; on the premises of another owner of property with the property owner's permission; if on a leash held by a person able to physically restrain the animal; or if suitably trained to respond to audible or other signals and accompanied by a person within the range of trained response when on public or easement property.

EASEMENT. Any street, roadway, bridle path, park, recreation property, or unplatted land where residents have been granted access rights by deed covenant, joint ownership, or blanket permission for use by residents of the city or any geographical subdivision of the city.

OFFICER. Any law enforcement officer of the city or county and any person, firm, partnership, or corporation designated by the Mayor or City Council to assist in the enforcement of this subchapter.

OWNER. Any person, firm, partnership, or corporation owning, harboring, or keeping any animal or animals.

POUNDMASTER. A person, firm, partnership, or corporation appointed by the Mayor to act as set forth in § 90.21. **POUNDMASTER** includes assistants appointed by the Poundmaster and employees of the Poundmaster. The **POUNDMASTER** may or may not operate the Animal Shelter.

PUBLIC NUISANCE. Any animal is hereby declared a **PUBLIC NUISANCE**:

- (1) Where without provocation or justification has at any time bitten or otherwise injured any person;
- (2) Which without provocation has injured or destroyed other domestic animals or wildlife protected by law on more than 1 occasion;
- (3) Which without provocation, on more than 2 occasions:
 - (a) Barks, yowls, cries or makes other loud noises in such a manner as to cause annoyances to residents of the city or their guests;
 - (b) Chases horses, automobiles, bicycles, or other vehicles; or
 - (c) Attacks (without injuring), chases, impedes the progress of, barks, rushes, or growls at humans, except when the animal is on the property of its owner.
- (4) Whose owner has been convicted of violation of § 90.17 more than twice on account of the animal being out of control.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.16 PROHIBITION OF PUBLIC NUISANCE ANIMALS AND FEMALE DOGS IN SEASON.

It shall be unlawful for an owner, or the owner's parents or guardians if the owner is under 18 years of age, to keep in the city:

(A) An animal that is a public nuisance, as defined herein; or

(B) To keep an unsprayed female dog when it is in heat or season, unless the unsprayed female dog is at all times confined within the house or residence and its biological odor is effectively neutralized by chemical or other means.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.17 ANIMALS NOT UNDER CONTROL.

If an animal is not under control as defined in § 90.15, the owner shall be in violation hereof.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.18 NUMBER OF ANIMALS.

(A) No owner shall keep more than 3 animals of the same species within the city, but this shall not apply to animals less than 6 months of age.

(B) If there is more than 1 owner resident in the same household, whether related or not, the total number of animals of each species owned by residents of the household shall be, and hereby is, limited to 3.

(C) If there are more than 3, then each owner shall be considered in violation of this subchapter until the total number of animals of the same species within the household is reduced to 3.

(D) Notwithstanding this section, it shall be a violation of this section to continue to keep animals within the city that were being kept at the effective date of this subchapter, provided, however, that in determining the maximum number of animals of 1 species being kept in the city, those animals being kept in the city on the effective date of this subchapter shall be counted to determine if animals acquired and/or kept after the effective date of this subchapter exceed the maximum.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.19 LICENSE REQUIRED.

(A) No dog or cat over 6 months of age shall be kept within the city, unless a license therefor is secured, except a dog or cat need not be licensed until kept in the city over 30 days.

(B) Applications for a license shall be made to the City Clerk and a license form shall be completed, which shall set forth:

(1) The name, address, and telephone number of the owner;

(2) The name, address, and telephone number of the person making the application if other than the owner;

(3) The breed, sex, and age of the animal; and

(4) A certificate of vaccination, including the vaccine batch number, and showing the sex of the dog or cat, and whether it has been spayed, neutered, or otherwise sterilized, from a doctor of veterinary medicine qualified to practice the medicine in the state in which the vaccination took place. No license shall be issued to any person other than the owner, except upon request in writing by the owner.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.20 REQUIREMENTS FOR LICENSE.

(A) (1) A license for a dog or cat shall be valid for a period of 2 years commencing March 1 and expiring March 1 of the second year; and except as hereinafter provided, shall be issued only upon completion of the application and payment of the applicable following fee.

(2) Applications shall be filed with the City Clerk after January 1 and before March 1 of the year of license application.

(3) A penalty for late application shall be imposed on every application submitted after March 1 at the rate of \$2 for each calendar month or part of a month beginning March 1, except that no late fee shall be charged if the application is being filed because the dog or cat has reached the age of 6 months or because the owner became a resident of the city or acquired an animal with 30 days of application.

(B) No license shall be granted for a dog or cat which has not been vaccinated against rabies within 6 months of the application by a doctor of veterinary medicine qualified to practice in the state in which the animal was vaccinated, however, to obtain a license for a portion of the 2-year period, a certificate which will not be over 2½ years old at the beginning of the next licensing period may be presented.

(C) A license shall be issued only upon payment of the applicable fee from the following schedule.

(1) For each male dog, spayed female dog, female dog under 1 year of age, and male or female cat:

(a) Two-year license - \$10; and

(b) One-year license - \$5.

(2) For each unsterilized female dog over 1 year of age:

(a) Two-year license - \$15;

(b) One-year license - \$7.50; and

(c) New tag or license to replace lost tag or license - \$2.

(D) (1) Upon issuance of a license, the City Clerk shall provide the owner with a tag or suitable material containing the identifying number and year of issuance, along with a written license certificate.

(2) The City Clerk shall keep and maintain an accurate record of identifying numbers which shall be open to public inspection.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.21 ENFORCEMENT.

(A) (1) Any officer, or the Poundmaster upon the direction of an officer, may take up and impound in the Animal Shelter any animal whenever there is reasonable cause to believe the animal is being kept by an owner, or is, in violation of this subchapter, or that the animal is rabid or diseased or that it is exhibiting the conduct that it is a possible menace to the public.

(2) To enforce this subchapter, the Poundmaster or an officer may use the force as is reasonably necessary and may enter upon private premises whenever necessary.

(3) If the animal is a dog, the fact it is without a current license attached to a collar or other harness shall be presumptive evidence that an animal is in violation of this subchapter.

(B) (1) If a charge or complaint by a citizen is filed with the clerk of the appropriate court against an owner in violation of this subchapter, the person bringing the charges may apply to the court for an order stating that there are reasonable grounds for impounding the animal complained of pending trial of the charge and ordering the Poundmaster or an officer to pick up and impound the animal.

(2) Copies of the petition and affidavit, if any, must be served on the owner who shall have an opportunity to respond by affidavit.

(C) (1) As soon as possible after impounding an animal, the Poundmaster shall give oral notice followed by written confirmation to its owner and the City Clerk if the owner is known from the license tag number or otherwise.

(2) In case the owner is unknown, the Poundmaster shall post notice on the official City Bulletin Board and notify the City Clerk.

(D) (1) To claim an impounded animal, the owner must obtain a current license from the city of his or her residence; determine if the animal is officially charged with violation of this subchapter, and if a complaint has been filed with the Clerk of the appropriate court by a private citizen, obtain a release from the court; and pay all costs of taking and impounding the animal.

(2) The owner may petition the court for an order for release of the animal before disposition of the charge or complaint.

(3) Any facts or evidence the owner wishes to present to demonstrate the public would not be harmed if the animal is released to the owner shall be put in an affidavit and filed with the petition.

(4) The City Attorney shall be served with a copy of the petition and affidavit, if any, and shall be given the opportunity to respond by affidavit prior to the court rendering its order.

(E) Any animal that is not claimed after a 5-day period from actual notification and whose owner is not known to be in the process of redemption of the animal from impoundment, may be sold for not less than the costs involved in picking up and boarding the animal, to anyone desiring to license and maintain the animal or destroyed, except that animals who are the subject of a complaint relating to animals of vicious habits must await the court's determination.

(F) Whenever a law enforcement officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to the residents of the city or their guests because it is infected with rabies or is clearly uncontrollable and vicious in its nature toward humans, the officer, after reasonable attempts to impound the animal, may summarily destroy it.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.22 REPORTING OF VIOLATIONS.

(A) If a person observes an owner, or an owner's animal, acting in such a manner as to cause a violation of this subchapter, the person may either bring a formal complaint in the appropriate court against the owner of the animal or, short of that, may send to the City Clerk a report of the conduct.

(B) The report shall be filed with the City Clerk in duplicate and contain the full name and address of the person making the report, the specific acts observed by the person that he or she alleges to be in violation of this subchapter, and a statement as to whether the person would be willing to testify if a complaint were brought at a future time.

(C) Any time a complaint is filed in the appropriate court alleging a violation of this subchapter, the City Attorney shall inquire of the City Clerk as to whether reports are on file about the complained

of animal, or its owner, and may utilize the reports in assembling evidence and witnesses to conduct the prosecution of the complaint.

(D) The report itself shall not be admissible in any manner or form in any court of law.

(E) Upon receipt of the report, the Clerk shall send a copy to the owner.

(F) The owner shall have the right to file an explanatory report which, again, shall be available only for the purpose of compiling evidence and shall not be admissible in any manner or form in any court of law.

(G) The City Clerk shall keep a file of these reports and explanatory reports and shall make it available to any resident of the city during normal City Clerk office hours.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.23 OWNER OBLIGATION FOR PROPER CARE.

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the elements, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment, or otherwise abuse any animal, or cause or permit any animal fights. No person shall abandon an animal within the city limits. (Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.24 QUARANTINE OF CERTAIN ANIMALS.

Any dog or cat, or any other animal, that bites a person shall be quarantined immediately and released only on the direction of the City Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Officer, the confinement may be on the premises of the owner or in the Animal Shelter or other suitable place of containment such as a kennel or veterinary office at the owner's expense.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.25 NAME TAGS.

Owners of dogs are responsible for having the dog wear at all times the city license tag and either a separate tag or plate containing the owner's name and address, or the same information indelibly inscribed on the license tag.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.26 EFFECTIVE DATE.

This subchapter shall be in force and effect after its publication according to law.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

CHAPTER 91: ALARM SYSTEMS

Section

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91.03	False alarm reports
91.04	User fees
91.05	Notice
91.06	Appeal
91.07	Collection of delinquent fees
91.08	Excessive alarm report
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91.11	Effective date

§ 91.01 PURPOSE.

The purpose of this chapter is to ensure the availability of the city's public safety services for appropriate public safety needs and to encourage alarm users to adequately maintain and utilize alarm systems.

(Ord. 80, passed 7-12-1990)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM SYSTEM. An alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire and located in or on a building, structure, or facility.

ALARM USER. The legal entity in control of any building, structure, or facility wherein or whereon an alarm system is located.

FALSE ALARM. An alarm signal eliciting a response by personnel of the city's law enforcement agency when a situation requiring a response does not, in fact, exist, and which is caused by the activation of an alarm system through mechanical failure, movement, alarm malfunction, improper installation, or the inadvertence of the alarm user or its employees, family, or agents. A **FALSE ALARM** does not include an alarm caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer, or user.

LAW ENFORCEMENT AGENCY. An agency or a person designated by the City Council.
(Ord. 80, passed 7-12-1990)

§ 91.03 FALSE ALARM REPORTS.

The City Council shall cause the law enforcement agency to report all false alarms occurring within the city. The report shall include the identification of the alarm user and the date, time, and location of the false alarm and also shall include the probable cause of the false alarm.
(Ord. 80, passed 7-12-1990)

§ 91.04 USER FEES.

(A) *Generally.* An alarm user whose alarm system has resulted in the reporting of 3 or more false alarms shall be charged the following user fees.

(B) *User fees.*

(1) If a third false alarm has been reported within 365 consecutive days from the first false alarm, the user fee shall be in an amount set by City Council from time to time.

(2) If 4 through 6 false alarms have been reported within 365 consecutive days, the user fee shall be in an amount set by City Council from time to time for each such false alarm.

(3) If more than 6 false alarms have been reported within 365 consecutive days, the user fee shall be in an amount set by City Council from time to time for each such false alarm within 365 consecutive days.
(Ord. 80, passed 7-12-1990)

§ 91.05 NOTICE.

(A) Upon notice of the first false alarm report for a particular alarm system, the city shall notify the alarm user by mail that a false alarm has been reported.

(B) The notice shall include a copy of the city's false alarm regulations.

(C) Upon notice of the second false alarm report for the alarm system, the city shall mail a copy of the notice to the alarm user.

(D) Upon receipt of the third and subsequent false alarm reports for a particular alarm system, the city shall notify the alarm user by mail that, within 10 days of the date of the city's notice, the appropriate user fee must be paid to the city or the alarm user must file a written notice of appeal with the city.
(Ord. 80, passed 7-12-1990)

§ 91.06 APPEAL.

(A) User fees or false alarm determinations which have been appealed shall be reviewed by the Police Commissioner, and a determination upon the appeal shall be made within a reasonable time following the notice of appeal.

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(B) If the alarm user is not satisfied with the results of the appeal, the alarm user must file a written notice of appeal with the City Council within 10 days following the date of the notice of determination by the Police Commissioner.

(C) If the alarm user is not present when the Council reviews the appeal, the city shall notify the alarm user, by mail, of the result of the Council's review.

(D) User fees, as determined by the city, shall be paid within 10 days of the date of the city's notice of the Council's determination.
(Ord. 80, passed 7-12-1990)

§ 91.07 COLLECTION OF DELINQUENT FEES.

If payment of the user fee is not made within the time required by §§ 91.05 or 91.06, the alarm user shall be subjected to a **late payment fee** in an amount set by City Council from time to time. In addition, if the city is forced to institute collection procedures to collect user fees, the alarm user shall be responsible for all costs of collection, plus actual attorney's fees incurred.
(Ord. 80, passed 7-12-1990)

§ 91.08 EXCESSIVE ALARM REPORT.

(A) When the operation of an alarm system has resulted in **5 or more false alarms** within 365 days, the city shall request the alarm user to provide the city with a written report indicating the actions taken or to be taken by the alarm user to discover and eliminate the cause of the false alarms.

(B) Failure to submit the written report within the time limits provided by the city shall be considered a violation of this chapter.
(Ord. 80, passed 7-12-1990) Penalty, see § 10.99

§ 91.09 CONFIDENTIALITY.

All information submitted in compliance with this chapter shall be held in confidence and shall be deemed a confidential report exempt from discovery to the extent permitted by law. Subject to the requirements of confidentiality, the city shall develop and maintain statistics for the purpose of ongoing alarm system evaluation.
(Ord. 80, passed 7-12-1990)

§ 91.10 PROHIBITED ALARM SYSTEMS.

Every audible alarm system located in or on a building, structure, or facility within the city must be of the type that will automatically reset itself within no more than 15 minutes after having been activated. A violation of this section shall be punishable by a fine of in an amount set by City Council from time to time.
(Ord. 80, passed 7-12-1990) Penalty, see § 10.99

§ 91.11 EFFECTIVE DATE.

This chapter shall take effect and be in force on and after 8-1-1990.
(Ord. 80, passed 7-12-1990)

CHAPTER 92: STREETS AND SIDEWALKS

Section

Residence Numbering; Mailboxes; Newspaper Receptacles

- 92.01 Residence numbering
- 92.02 Mailboxes
- 92.03 Newspaper receptacles
- 92.04 Effective date

§ 92.01 RESIDENCE NUMBERING.

In order to improve the response time of fire and emergency service providers within the City, each residential property in the City must have the address number posted, using reflectorized numbers not less than 3 1/2 inches high and with a stroke width of letters of half an inch, as follows:

(A) On each side of the mailbox, if the mailbox is within 30 feet from the entrance to the driveway; and

(B) If the mailbox is more than thirty (30) feet from the entrance to the driveway, the address must be posted within thirty (30) feet of the entrance on a free standing post type fixture that is not more than a 4 x 4 dimension and that displays the reflectorized numbers at a height of at least fifty (50) inches.

(C) Compliance

(a) On the effective date of this ordinance, property signed and posted in substantial compliance with Section 505 of the 2006 International Fire Code, and property that is signed and posted in a manner that plainly and legibly identifies the house from the street or road serving the house are exempt from the requirements of this ordinance.

(b) To qualify for the exemption described in (a), and before July 1st, 2011, a property owner must obtain written approval of the City Emergency Manager, or his or her designee, whose decision may be appealed to the City Council.

(Ord. 65-A, passed 10-14-1993; Am. Ord 4-14-2011) Penalty, see § 10.99

§ 92.02 MAILBOXES.

(A) Mailboxes shall be positioned so that the front edge of the box is perpendicular to and directly above the edge of the hard surface shoulder or roadway so that the bottom surface of the box shall be

from 45 inches to 48 inches above the road surface.

(B) The vertical support shall be positioned at least 2 feet back from the edge of the hard surface shoulder or roadway.

(Ord. 65-A, passed 10-14-1993) Penalty, see § 10.99

§ 92.03 NEWSPAPER RECEPTACLES.

Newspaper delivery receptacles shall be located either in the vertical support or within 18 inches of mailboxes and must be positioned so that the front opening thereof does not protrude beyond the front edge of the mailbox.

(Ord. 65-A, passed 10-14-1993) Penalty, see § 10.99

§ 92.04 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.

(Ord. 65-A, passed 10-14-1993)

CHAPTER 93: HEALTH AND SAFETY; NUISANCES

Section

Refuse, Garbage and Waste Material

- 93.01 Refuse/waste material/garbage to be deposited in metal garbage can or container
- 93.02 Definitions
- 93.03 No pile or collection or gathering of refuse/waste materials and the like
- 93.04 Refuse/waste material/garbage not to be placed adjacent to any road/street in city, exception
- 93.05 Refuse/waste material/garbage permitted adjacent to road/street in city
- 93.06 Notice and continuation of violation
- 93.07 Application to residential property

Fires

- 93.20 Fires prohibited

Shade Tree Diseases

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- 93.31 Declaration of policy
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- 93.34 Nuisances declared
- 93.35 Inspection and investigation
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- 93.37 Procedure for removal of infected trees and wood
- 93.38 Transporting elm wood and oak wilt tree disease wood prohibited
- 93.39 Interference prohibited

- 93.99 Penalty

REFUSE, GARBAGE AND WASTE MATERIAL

§ 93.01 REFUSE/WASTE MATERIAL/GARBAGE TO BE DEPOSITED IN METAL GARBAGE CAN OR CONTAINER.

No person, firm or corporation shall drop, throw, or deposit or cause to be dropped, thrown or deposited any garbage, rubbish or waste material upon, along or adjacent to any road, recreational area, vacant property or occupied property, or upon any waters or land lying within the village except and unless such material be deposited in a suitable metal garbage can or like container.
(Ord. 5, passed 4-11-1957) Penalty, see § 93.99

§ 93.02 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

REFUSE. Means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, offal, animals excreta, or the carcass of animals; tree or shrub trimmings; grass clippings, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structure; accumulated waste materials, cans, containers, tires, junk, or other such substance which may become a nuisance.

RUBBISH. Includes wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden ware, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term ***GARBAGE.***

SWILL. Includes that particular garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable or other.

WASTE MATTER. Includes waste matter composed of soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.
(Ord. 5, passed 4-11-1957)

§ 93.03 NO PILE OR COLLECTION OR GATHERING OF REFUSE/WASTE MATERIALS AND THE LIKE.

No person, firm or corporation shall maintain or cause or allow to be maintained upon any land (whether owned by such person or not) or water lying within the city any accumulation, pile, collection or gathering of garbage, rubbish, refuse, or other waste material, or noxious substance, except and unless such materials are enclosed in metal or plastic garbage cans or like containers and are retained therein only temporarily awaiting collection, transportation or disposition outside the city.

(Ord. 5, passed 4-11-1957) Penalty, see § 93.99

§ 93.04 REFUSE/WASTE MATERIAL/GARBAGE NOT TO BE PLACED ADJACENT TO ANY ROAD/STREET IN CITY, EXCEPTION.

(A) No such refuse, waste material or garbage whether or not contained in a plastic bag, metal or plastic can, or cart shall be placed or deposited on or adjacent to any road or street in the city, or in such a location where such refuse, waste material or garbage can be seen from any road or street within the city.

(B) It shall not be a violation of this subchapter where such refuse, waste material or garbage, which is contained in a plastic bag, metal or plastic can, or cart, is placed within 20 feet of a residential or garage structure on the day that such refuse, waste material or garbage is to be collected.
(Ord. 5, passed 4-11-1957)

§ 93.05 REFUSE/WASTE MATERIAL/GARBAGE PERMITTED ADJACENT TO ROAD/STREET IN CITY.

It shall not be a violation of this subchapter to place such refuse, waste material or garbage adjacent to any road or street within the city during the hours of 6:00 a.m. and 6:00 p.m. on the day that such refuse, waste material or garbage is to be collected. Provided, however, that such refuse waste material or garbage, other than recyclable materials, must be contained in 1 or more metal or plastic cans, not exceeding 30 gallons in size and with lids securely in place. Such metal or plastic cans shall not be automatically emptied by a means of a mechanical contrivance or device.
(Ord. 5, passed 4-11-1957)

§ 93.06 NOTICE AND CONTINUATION OF VIOLATION .

In the event the City Council or its duly authorized representative notifies in writing any person, firm or corporation that a condition exists which causes such person, firm or corporation to be in violation of this subchapter, each day of the continued existence of such condition commencing with the third day following the date of mailing of such written notification shall constitute a separate violation.
(Ord. 5, passed 4-11-1957)

§ 93.07 APPLICATION TO RESIDENTIAL PROPERTY.

This subchapter shall apply only to residential property within the City of North Oaks.
(Ord. 5, passed 4-11-1957)

FIRES

§ 93.20 FIRES PROHIBITED.

(A) No person shall start a fire at any place outside a building, within the city of North Oaks at any time that conditions are such that a fire hazard may exist.

(B) Such conditions, under which there may be a fire hazard, shall be deemed to exist when a determination to that effect is made by the Mayor, and signs with respect thereto are placed in at least 2 locations adjacent to the boundaries of the village. The Mayor is hereby authorized to make such determination.

(C) No person shall commence a fire which is outside of a building and which is not prohibited by this ordinance, unless there is in constant attendance at such fire a person of suitable age, discretion, and capability to extinguish such fire, and unless there is immediately available means to totally extinguish the fire.

(Ord. 17, passed 4-9-1959) Penalty, see § 93.99

SHADE TREE DISEASES

§ 93.30 TITLE.

This subchapter shall hereafter be known, cited and referred to as the Shade Tree Disease Ordinance, except as referred to herein, where it shall be known as this subchapter.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.31 DECLARATION OF POLICY.

1. The City Council finds that the justifications for the Shade Tree Disease Regulations are:
 - A. Necessary and desirable for preserving the character of the North Oaks Community; and
 - B. The loss of large numbers of oak, elm and ash trees would depreciate the value of property in the City of North Oaks and impair the safety, good order, general welfare and convenience of the public; and
 - C. Loss of oak, elm and ash trees over a short time period would impose financial hardship on property owners to replace them all at once; and
 - D. It is the intention of the City Council to control and prevent as much as possible the spread of these diseases.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.32 FORESTER.

(A) The position of Forester (tree inspector) is hereby created within the city to carry out the provisions of M.S. § 18.023, as it may be amended from time to time, and his or her powers and duties as set forth in this subchapter are hereby conferred on the City Clerk.

(B) 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, Oak Wilt disease and Emerald Ash Borer (EAB) disease. He or she shall recommend to the Council the details of the program for the control of such diseases, and perform the duties incident to such a program adopted by the Council.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.33 SHADE TREE DISEASE CONTROL PROGRAM.

(A) It is the intention of the City Council to conduct a program of plant pest control pursuant to the authority granted by M.S. § 18.023, as it may be amended from time to time.

(B) This program is directed specifically at the control of Dutch Elm disease, Oak Wilt disease and Emerald Ash Borer (EAB) disease. The City Forester shall direct the shade tree disease control program and be the contact between the Commissioner of Agriculture and the Council.

(C) The Emerald Ash Borer (EAB) Management Plan is hereby adopted as part of this Ordinance.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.34 NUISANCES DECLARED.

(A) The following things are public nuisances, whenever they may be found within the city:

(1) Any elm tree infected with Dutch Elm disease, any oak tree infected with Oak Wilt disease and any ash tree infected with Emerald Ash Borer (EAB) disease;

(2) Any diseased elm or red oak tree or part thereof, including branches, stumps and firewood or other material from which the bark has not been removed;

(3) Any dead oak tree and part thereof which has been dead for less than 1 year;

(4) Any elm tree and part thereof infested by elm bark beetles.

(B) It is unlawful for any person to permit any public nuisance, as defined in division (A) to remain on any premises owned or controlled by him or her within the city. Such nuisances may be abated in the manner prescribed by this subchapter.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013) Penalty, see § 93.99

§ 93.35 INSPECTION AND INVESTIGATION.

(A) The Forester shall inspect all premises and places within the city to determine whether any condition described in § 93.34 exists thereon. This inspection shall be done in accordance with the Minnesota Department of Agriculture Rules AGR 106 or as often as necessary. He or she shall investigate all reports of the existence of nuisances described in said § 93.35.

(B) The Forester, or his or her duly authorized agents, may enter upon private premises at any

reasonable time for the purpose of carrying out any of the duties assigned him or her under this subchapter.

(C) The Forester may, upon finding conditions indicating Dutch Elm disease, Oak Wilt disease infection, or Emerald Ash Borer (EAB) disease send appropriate samples to the State Shade Tree Disease Laboratory for diagnosis or follow diagnostic recommendations of the Commissioner of Agriculture.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.36 ABATEMENT OF SHADE TREE DISEASE NUISANCES.

In abating the nuisances defined in § 93.34, the Forester shall cause the removed tree or wood to be effectively treated so as to destroy and prevent, as fully as possible, the spread of the diseases. Such abatement procedures shall be carried out in accordance with methods prescribed by the Commissioner of Agriculture.

(Ord. 67, passed 4-14-1977)

§ 93.37 PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD.

(A) Whenever the Forester finds with reasonable certainty that any of the conditions defined in § 93.34 exists in any tree or wood in any public or private place in the city, he or she shall proceed as follows:

(1) The City Clerk shall notify the property owner by mail that the nuisance must be abated within a specified time, not more than 20 days from the date of mailing such notice.

(2) In cases of non-compliance by the property owner within the period specified by the notice, the City Clerk shall immediately abate the nuisance by using municipal labor or by contracting for such services, and shall report such action to the Council. The City Clerk shall bill the owner of private property for the costs incurred for abating such nuisance, together with an administrative fee to be set by the Council.

(B) The City Clerk shall keep a record of trees removed and the cost of all abatements done under this section and shall report monthly to the City Council all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amounts chargeable to each.

(C) On or before September 1 of each year the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter. The City Council may then charge all or any portion of such charges together with an administrative fee to be set by the Council against the property involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the county auditor with collection in the following year with that year's current taxes.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.38 TRANSPORTING ELM WOOD, OAK WILT DISEASED WOOD AND EMERALD ASH BORER DISEASED WOOD PROHIBITED.

It is unlawful for any person to transport within the city any bark-bearing or oak wilt diseased wood without having obtained a permit from the Forester. The Forester shall grant such permits only in conformity with the state approved removal and wood disposal practices.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013) Penalty, see § 93.99

§ 93.39 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the Forester or his or her agents while they are engaged in the performance of duties imposed by this subchapter.
(Ord. 67, passed 4-14-1977) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of §§ 93.01 through 93.07 shall be guilty of a misdemeanor, punishable by a fine not to exceed \$700 or by imprisonment for a period not exceeding 30 days or both.
(Ord. 5, passed 4-11-1957)

(B) The violation of any provision of § 93.20 shall be a penal offense. Any person violating the provisions of § 93.20 shall be punished by a fine not to exceed \$700 or by imprisonment for a period not exceeding 90 days or both.
(Ord. 17, passed 4-9-1959)

(C) Any person, firm, organization or corporation violating any of the provisions of §§ 93.30 through 93.39 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$700 or imprisonment for not more than 90 days, or both.
(Ord. 67, passed 4-14-1977)