

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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General Regulations

DOGS AND CATS; LICENSING AND REGULATION

§ 90.01 RUNNING AT LARGE PROHIBITED.

No dog or cat shall be permitted to run at large within the city limits.
(Ord. 148, passed 2-10-1987) Penalty, see § 10.99

§ 90.02 LEASH REQUIREMENT.

(A) The restrictions imposed by § 90.01 above shall not prohibit the appearance of any dog upon the streets or public property when the dog is on a leash and is kept under control of the accompanying person.

(B) No person having the custody or control of any dog or cat shall permit the same to be on any unfenced area, whether public or privately owned, without being effectively restrained by a chain or leash from an abutting owner's property or any sidewalk or street within the city.
(Ord. 148, passed 2-10-1987) Penalty, see § 10.99

§ 90.03 NUISANCES.

(A) *Animal Noise.* It shall be unlawful for any person to keep or harbor a dog or cat which by its barking, howling, whining, meowing or other noise disturbs the people in the locality where these dogs or cats are owned, kept or maintained. Habitual noises shall be defined as noises for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The noises must also be audible off of the owner's or caretaker's premises.

(B) *Damage to property.* It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for immediately cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property. A person walking an animal off the owner's property must have in their possession equipment for picking up and removing feces.

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, to search for and seize the animal.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in § 90.05.
Penalty, see § 10.99

General Regulations

§ 90.04 KENNEL PERMIT REQUIRED.

(a) No more than a combined number of four (4) dogs and/or cats over the age of six months shall be kept on any premise in the city without first securing a permit from the city council.

(b) Any newly established household owning more than a combined number of four (4) dogs and/or cats shall be permitted to keep those animals. Thereafter, any newly established household exceeding a combined number of four (4) dogs and/or cats will not be permitted to replace any cats or dogs in excess of the maximum limits set.

(Amended 3/14/2023; Amended 8/14/2024)

§ 90.05 IMPOUNDMENT.

(A) *Impoundment and notice.* Police officers shall impound any dog or cat found running at large within the city and shall give notice of the impounding to the owner of the dog or cat if known. In case the owner is unknown, the officer shall post notice at City Hall that if the dog or cat is not claimed within 5 days of the posting of the notice, the dog or cat shall be destroyed.

(B) *Redemption.* Dogs or cats may be redeemed from the pound by the owner or custodian upon payment of all restitution, fees, license fees, fines, and penalties assessed for violation of any provision of this subchapter.

(C) *Disposition of unredeemed animals.* Any dog or cat not claimed within 7 working days may be sold or otherwise disposed of by the impound facility.

(Ord. 148, passed 2-10-1987) Penalty, see § 10.99

§ 90.06 VIOLATIONS.

Any person violating any section or division of this subchapter shall be guilty of a petty misdemeanor for each violation.

(Ord. 148, passed 2-10-1987) Penalty, see § 10.99

§ 90.07 DOG HOUSES.

(A) A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

(B) The shelter shall include a moisture proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid moisture proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

General Regulations

(C) Shade from the direct rays of the sun, during the months of May to October shall be provided.

LIVESTOCK

§ 90.20 DEFINITIONS.

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

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) *DOMESTIC ANIMALS.* Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) *FARM ANIMALS.* Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

(3) *NON-DOMESTIC ANIMALS.* Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk-Treasurer in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal.

§ 90.21 FARM ANIMALS.

Farm animals, with the exception of domesticated female chickens or hens, shall only be kept in an agricultural district of the city, or on a residential lot of at least 10 acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

(Amended 3/14/2023)

General Regulations

CHICKENS AND/OR DUCKS; PERMIT AND REGULATIONS

§90.30 PURPOSE.

The purpose of sections §90.30 through §90.39 is to provide standards for the keeping of domesticated female chickens and/or ducks in those areas authorized under section §90.35. It is intended to enable residents to keep a small number of female chickens and/or ducks on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. It is recognized that neighborhood impacts may result from keeping domesticated chickens and/or ducks may adversely impact neighborhoods by creating noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, attracting predators, rodents, insects or parasites, and resulting in non-confined animals living on the owner's property. This section is intended to create permitting standards and requirements that ensure that domesticated chickens and/or ducks do not adversely impact the neighborhood surrounding the property on which the chickens and/or ducks are kept.

General Regulations

§90.31 DEFINITIONS.

(1) *AT-LARGE*. The term At-large shall be intended to mean a chicken and/or duck out of its run, City of Pine River General Regulations off the premises, or not under the custody and control of the owner.

(2) *CHICKEN*. Chicken means a domesticated female chicken or hen.

(3) *DUCK*. Duck means a domesticated female duck or hen.

(4) *COOP*. This means a secure roofed structure made of wood or similar materials that provides shelter from the elements for chickens and/or ducks.

(5) *RUN*. This is a fenced-in outside area for the keeping and exercising of chickens and/or ducks.

(6) *OWNER*. The owner refers to the resident, property owner, custodian or keeper of any chicken and/or duck.

(F) *PREMISES*. Premises means any platted lot or group of contiguous lots, parcels or tracts of land under common ownership.

§90.32 NON-COMMERCIAL USE ONLY.

Chickens and/or ducks shall be kept as pets and for personal use only. No person shall sell eggs or engage in chicken and/or duck breeding or fertilizer production for commercial purposes. The slaughtering of chickens and/or ducks is prohibited.

§90.33 PERMIT REQUIRED AND FEE.

(1) A permit or annual renewal are required for the keeping of chickens and/or ducks in authorized areas under the terms and conditions as provided herein.

(2) An applicant, in requesting a permit, must provide the following information to the City Clerk-Treasurer as deemed necessary by the City including:

(a) A site plan of the premises showing the location and size of the coop and run, and the distance from the coop or run to the nearest residential structure.

(3) Upon approval of the permit application, a fee in the amount of \$40.00 shall be required for the keeping of up to a maximum of four (4) chickens and/or ducks, or a combination thereof not to exceed four (4) in total.

General Regulations

- (4) Permits shall run on a calendar basis expiring on December 31st of each year. Failure to acquire a permit by January 1st will result in the following fines:
- (a) After January 1, but prior to February 1, the penalty will be \$10.00 making the cost of the permit \$50.00;
 - (b) From February 1 to February 28 (29th if a leap year) the penalty will be \$20.00, making the cost of the license \$70.00.
- (5) Only one permit is authorized per household or address and is not transferable.

§90.34 PERMIT REVOCATION AND NON-RENEWAL.

The permit for the keeping of chickens and/or ducks may be revoked or suspended by the city when:

- (1) Any violation of sections §90.30 through §90.39 occurs; or
- (2) The keeping of chickens and/or ducks becomes a nuisance or public health concern; or
- (3) The owner is convicted of cruelty to animals.

The revocation or suspension shall become effective thirty (30) days after notice of revocation or suspension is issued by the City to the owner unless a shorter time period is set forth in the notice due to ongoing animal cruelty or continuing public health concerns. The owner may appeal the revocation or suspension by submitting a written request for an appeal to the City Clerk within thirty (30) days of receipt of the notice. Upon receipt of the appeal, a public hearing shall be scheduled before the City Council, with said hearing to occur at the next regularly scheduled Council meeting, or at a special meeting called by the Council. Decisions of the City Council shall be final, subject only to appeal to the Court of Appeals.

§90.35 AUTHORIZED AREAS.

The keeping of chickens and/or ducks under this section of the code is only authorized in zoning districts Residential-Urban (R-2). Only those parcels of land that can meet applicable setbacks and imperious surface coverage requirements are eligible for a permit and only to the extent that the size of the chicken and/or duck coop and chicken and/or duck run can be accommodated for the number of chickens and/or ducks requested.

§90.36 NUMBER OF AND TYPE OF CHICKENS AND/OR DUCKS ALLOWED.

- (1) The maximum combined number of chickens and/or ducks allowed shall be four (4) in any combination.
- (2) Only female chickens and/or ducks are allowed.

General Regulations

- (3) There shall be no restriction as to species of chickens and/or ducks.

§90.37 COOPS AND RUNS.

(1) *LOCATION.* All coops and runs shall be located on the lot behind the front setback of the principal building and at least thirty-five (35) feet from dwellings on any adjacent lot.

(2) Chickens and/or ducks must be kept in a coop or run at all times. During daylight hours, chickens and/or ducks may be allowed outside of their coop and run in a securely fenced area if supervised. Chickens and/or ducks shall be secured within the coop during non-daylight hours.

(3) For each chicken and/or duck kept, a minimum of ten (10) square feet of combined coop and run area shall be maintained. The run area must be covered with wire, netting, or roofing to prevent predation.

(4) *STRUCTURES.* The coop shall be enclosed on all sides. The enclosure shall provide for adequate ventilation, shade and sun, and must be impermeable to rodents, wild birds and predators, including dogs and cats. The coop shall have an access door that can be closed at night. Openings for windows and vents must be covered with predator and bird proof wire with less than one (1) inch openings.

(5) *CONSTRUCTION.* Materials used in making the coop shall be uniform for each element of the structure such that all walls are made of the same material, the roof has the same shingles or other coverings throughout, and all of the windows are of the same materials and design. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The structure must be painted or finished and well maintained.

(6) Coops are not allowed in any part of the home or garage, and chickens may not be kept inside dwelling units.

(7) *STRUCTURE PERMITS.* Buildings to be constructed less than one hundred twenty (120) square feet in area require zoning **approval**, but not a building permit. Structures to be built in excess of one hundred twenty (120) square feet require a building permit.

(8) The coop and run areas shall be maintained in a clean and odor free manner, kept neat and sanitary in a manner so as not to disturb the use and environment of neighboring lots due to noise, odor, or other adverse impacts.

§90.38 FEED, WATER AND WASTE REMOVAL.

Chickens and/or ducks shall be given access to feed and clean water at all times. The food and water shall be secured to prevent access to rodents and predators. Accumulation of waste products shall be removed on a regular basis.

General Regulations

§90.39 INSPECTION.

Any owner who is authorized by permit under this section to keep chickens and/or ducks is subject to inspection at any time during reasonable hours by an agent of the city to ensure compliance with the requirements of this section.

(Amendment to add CHICKENS AND/OR DUCKS; PERMIT AND REGULATIONS to Section 90 Animals – 3/14/2023)

General Regulations

CHAPTER 91: PARKS AND RECREATION

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General Regulations

§ 91.01 PURPOSE.

The purpose of this chapter is to secure the quiet, orderly, and suitable use and enjoyment of public park properties by the city.

(Ord. 140, passed 6-12-1984)

§ 91.02 DEFINITIONS.

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

CONTROLLED SUBSTANCE. Any drugs, substance, or immediate precursor in M.S. §§ 152.02(2) through 152.02(6), as they may be amended from time to time.

MOTORIZED RECREATIONAL VEHICLES. Any self-propelled, off-the-road, or all-terrain conveyance, including but not limited to a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

NATURAL RESOURCES. All flora and fauna within the city parks and the physical factors on which they depend, including the air, water, soil, and minerals.

PARK. Any land or water area and all facilities thereon under the jurisdiction of the city.

PET. Any animal that is tamed or domesticated and kept as a companion.

POLLUTANT. Any substance, liquid, or gas, which could cause contamination of any air, land, or water, so as to create or cause a nuisance or render unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WEAPON. Any device, including but not limited to firearms, bows, slings, and spring guns, from which a shot or projectile of any type can be discharged or propelled by means of an explosive, gas, compressor, or other means.

WILDLIFE. All living creatures, not human, wild by nature, endowed with the sensation and power of voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

(Ord. 140, passed 6-12-1984)

§ 91.03 ADMINISTRATION AND ENFORCEMENT.

(A) Any park or portion thereof may be declared temporarily closed to the public by the city at any time or to certain uses, as the city shall find reasonably necessary.

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(B) City police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter, and may issue citations of arrest, arrest with warrant, and eject from parks persons acting in violation of this chapter.

(C) City police officers shall have the authority to seize, confiscate, and impound any substance, plant, animal, vehicle, or other article, which upon probable cause they find to be used or possessed in violation of this chapter.

(D) The city shall have the authority to impound pets found in violation of this chapter and shall collect an impoundment fee plus the per diem fee specified in any contract for impounding of animals which may be in force between the city and the pound keeper at that time.

(E) The city, or the city's designee, shall have the authority to revoke for good cause any special permit. Any special permit or reservation may be revoked upon the violation by the permittee of any ordinance, rule, or regulation of the city.

(F) Nothing in this chapter shall prevent employees or agents of the city from performing their assigned duties.

(G) No person shall impersonate any employee of the city, or interfere with, harass, or hinder any employee in the discharge of his or her duties.

(H) The city shall have the right to issue rules and regulations relative to this chapter.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.04 VIOLATIONS.

A person guilty of violating any provision of this chapter shall upon conviction be deemed guilty of a misdemeanor.

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

General Regulations

REGULATIONS ON CONDUCT IN PARKS

§ 91.15 GENERAL CONDUCT.

It shall be unlawful for any person to:

(A) Intentionally or with knowledge that his or her conduct is substantially likely to cause public inconvenience, annoyance, or harm:

- (1) Engage in fighting, or threatening or violent, tumultuous behavior;

(2) Make unreasonable noise or coarse utterance, gesture, or display, or address abusive language to any person present; or

(3) Otherwise create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(B) Serve, possess, or consume any alcoholic beverage in unauthorized areas as designated by the city;

(C) Use, possess, or sell any controlled substance in violation of state statutes;

(D) Intentionally deface, vandalize, or otherwise cause destruction to park property;

(E) Intentionally disturb, harass, or interfere with a park visitor's property;

(F) Deposit, scatter, drop, or abandon in a park, bottles, cans, broken glass, hot coals, ashes, sewage, waste, or other materials except in receptacles provided for those purposes. Receptacles provided for those purposes are only for the use of park visitors; placing debris or garbage or anything else in these receptacles by any person not a visitor shall be unlawful;

(G) Place any debris or other pollutant in or under any body of water in or adjacent to a park, or any tributary, stream, storm sewer, or drain flowing into these waters;

(H) Gamble or participate in any game of chance for a consideration or items of value;

(I) Start a fire in a park, except in a designated area, and then only in fire rings, grills, portable stoves, or fireplaces;

(J) Leave a fire unattended or fail to fully extinguish a fire;

(K) Scatter or leave unattended lighted matches, burning tobacco, papers, or other combustible materials;

(L) Sell, solicit, or conduct any commercial enterprise in a park unless authorized by the city;

(M) Discharge wastewater or any other wastes in a park except into designated containers, drains, or dumping stations;

(N) Dig trenches, holes, or other excavations in a park without authorization from the city;

(O) Distribute or disseminate leaflets, pamphlets, or other written or printed materials, or use loudspeakers or other amplifying systems in a park, except with authorization from the city;

(P) Use or operate, or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or any other device for the production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of adjacent owners, or at a distance of 50 feet from the source, shall be prima facie evidence of a violation of this section;

(Q) Participate in any party, or other gathering of people giving rise to noise, disturbing the peace,

quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise or disturbance, the officer may order all persons present to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so; or

(R) Permit a pet under his or her control to enter or be in a park except in authorized areas, or bring a pet into an authorized area of a park unless caged, or kept on a leash not more than 6 feet in length, or permit a pet under his or her control to disturb, harass, or interfere with any park visitor or a park visitor's property, or tether any animal to a tree, other plant, building, or park equipment.

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.16 PROTECTION OF NATURAL RESOURCES.

It shall be unlawful for any person to:

(A) Intentionally remove, alter, injure, or destroy any tree, other plant, rock, soil, or mineral;

(B) Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife;

(C) Discharge any missile or other projectile from a weapon into a park from beyond park boundaries;

(D) Possess any weapon within a park, except as may be permitted by the city; and any unauthorized weapon shall be subject to seizure by the city to be disposed of in the same manner as weapons confiscated by the State Department of Natural Resources;

(E) Release or abandon within a park any animal or introduce any plant, chemical, or other agent without authorization from the superintendent or his or her designee; or

(F) Remove any animal, living or dead, from a park; and any animal so removed or taken contrary to the provisions of this chapter or the laws of the state shall be considered contraband and subject to seizure and confiscation.

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

General Regulations

§ 91.17 CAMPING.

It shall be unlawful for any person to:

(A) Camp in a park except in areas provided and designated for that purpose;

(B) Camp overnight in a park, if under 18 years of age, unless accompanied by parent or legal guardian or by authorization from the city;

(C) Deposit refuse in containers except as a park camper or park visitor; or

(D) Camp over 4 days except with special authorization from the city.

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.18 SWIMMING.

It shall be unlawful for any person to:

(A) Wade or swim within a park except at beaches designated for that purpose, and then only between the hours of sunrise and sunset, or hours as may be designated by the city;

(B) Wade, swim, or use any beach in a park without proper bathing attire;

(C) Take food, paper containers, cans, bottles, or glass of any kind, except eyeglasses, into a designated beach area; or

(D) Use air mattresses, inner tubes, or other flotation devices not licensed as watercraft.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.19 BOATING.

It shall be unlawful for any person to:

(A) Launch or land any watercraft upon any waters within a park except at designated locations and times;

(B) Leave any watercraft unattended except in designated areas;

(C) Operate any watercraft in a designated swimming area or other prohibited area;

(D) Operate a watercraft in a park in violation of M.S. Ch. 86B, Waters and Watercraft Safety, as it may be amended from time to time;

(E) Operate any watercraft in violation of regulatory marker buoys;

(F) Water ski or tow a water skier in a designated swimming area, boat launching area, or other
General Regulations

unauthorized area; or

(G) Operate any watercraft in violation of rules and regulations limiting motor type or horsepower size.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.20 FISHING.

It shall be unlawful for any person to:

(A) Fish in a park in violation of any provision of M.S. Ch. 97C, as it may be amended from time to time;

(B) Fish in a prohibited area; or

(C) Leave any structure or shelter upon a frozen body of water in a park after 8:00 p.m., except in those

areas and at times as may be designated by the city.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.21 HORSEBACK RIDING.

It shall be unlawful for any person to:

(A) Ride, lead, or allow a horse within a park except in designated areas or trails, and at designated hours;

(B) Ride a horse in such a manner that it cannot be easily turned or stopped;

(C) Ride a horse in a reckless manner so as to create a nuisance or to endanger the safety or property of any park visitor;

(D) Tether a horse to a tree, other plant, building, or park equipment; or

(E) Allow a horse to graze or browse.

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.22 MEETINGS, DEMONSTRATIONS, AND THE LIKE.

It shall be unlawful for any person to conduct public meetings, assemblies, worship services, entertainment, parades, or demonstrations within a park, without first obtaining a use permit from the city.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.23 MOTORIZED RECREATIONAL VEHICLES.

It shall be unlawful for any person to operate a motorized recreational vehicle within a park except in those areas and at times as designated by the city.

General Regulations

(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.24 SNOWMOBILES.

It shall be unlawful for any person to:

(A) Operate a snowmobile in a park except on designated trails;

(B) Operate a snowmobile in a park contrary to rules and regulations issued by the city;

(C) Operate a snowmobile in a park in excess of posted speed limits, or, when conditions are adverse, at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless, or negligent manner so as to endanger the person or property of another, or to cause injury or damage thereto;

(D) Operate a snowmobile in violation of M.S. §§ 84.81 through 84.90, Snowmobile Laws and Minn. Rules, Parts 61.5000 through 61.5800 and Part 61.1950, as these statutes and rules may be amended from time to time, (all rules and regulations therein pertaining to public land and water shall apply on city property); or

(E) Tow another person or thing except through the use of a rigid tow bar attached to the rear of the snowmobile, except in emergencies.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

§ 91.25 VEHICLES.

It shall be unlawful for any person to:

(A) Operate any vehicle except in designated locations;

(B) Operate any vehicle within a park in violation of posted regulations, M.S. Ch. 169, as it may be amended from time to time, county or municipal traffic codes, or orders or directions of traffic officers or city employees authorized to direct traffic;

(C) Operate a vehicle in excess of 5 miles per hour, or posted speed limits;

(D) Park or leave a vehicle standing except in a designated area, and then only in a manner so as not to restrict normal traffic flow;

(E) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke, or other pollutants;

(F) Operate a vehicle in a careless or reckless manner; or

(G) Wash, polish, grease, change oil, or perform other maintenance of any vehicle, except in emergencies.
(Ord. 140, passed 6-12-1984) Penalty, see § 10.99

REGULATIONS ON CONDUCT ON PUBLIC PROPERTY

§ 91.151 – An Ordinance amending miscellaneous policies and adding a section prohibiting smoking, vaping, and the use of cannabis products (including THC or Hemp infused products) on any City park property or City facilities.

DEFINITIONS: For the purpose of this section the following definitions shall apply:

(A) *Cannabis Product.* (Subd 1) "Cannabis product" means any of the following:

- (1) Cannabis concentrate;
- (2) A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) Any other product that contains cannabis concentrate.

- (4) Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products,
- (5) Cannabis flower,
- (6) Artificially derived cannabinoid,
- (7) Lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

(B) *Smoking.* (Subd 2) “Smoking” means:

Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made or derived from, nicotine, lobelia, tobacco, cannabis, marijuana, hemp, or other plant, or any other substance, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device.

(C) *Electronic Delivery Device.* (Subd 3) “Electronic Delivery Device” Means:

Any product containing or delivering nicotine, lobelia, tobacco, cannabis, marijuana, hemp, or other plant, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.

PROHIBITED. Smoking, vaping, or the use of any cannabis product (including THC or hemp infused product) shall not be permitted on any City park property or City facilities.

PENALTIES. A violation of a provision of this Ordinance shall be punishable as a misdemeanor.

(Ord. 91.151, passed 8-8-2023; Amended 5-14-2024) Penalty, see § 10.99

CHAPTER 92: HEALTH AND SANITATION; NUISANCES

Section

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- 92.018 Public nuisances affecting peace and safety
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- 92.055 Burning ban or air quality alert
- 92.056 Rules and laws adopted by reference

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GENERAL PROVISIONS

§ 92.001 ASSESSABLE CURRENT SERVICES.

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) Snow, ice, dirt, and rubbish.

ORDINANCE #156

AN ORDINANCE PROVIDING FOR REMOVAL OF SNOW, ICE, DIRT AND RUBBISH FROM SIDEWALKS AND ELIMINATION OF WEEDS AND REPAIR OF SIDEWALKS

Section 1. Definition

The term “current service” as used in this Ordinance means one or more of the following: Snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; repair of sidewalks.

Section 2. Subdivision 1

All snow, ice, dirt and rubbish remaining on a public sidewalk more than 48 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 48 hours after its deposit thereon.

Subdivision 2

The City shall remove from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 48 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The City Clerk shall keep a record showing the cost of such removal adjacent to each separate lot and parcel.

Section 3. Subdivision 1 Weed Elimination

Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Pine River to a greater height than twelve inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

General Regulations

Subdivision 2

When the owner and occupant permit a weed nuisance to exist in violation of Subdivision 1, the weed inspector shall serve notice upon the owner of the property if he resides in the municipality and can be found or upon occupant in other cases, by registered mail or by personal service, ordering such owner and / or occupant to have such weeds out and removed within 10 days after receipt of the notice and also stating that in case of noncompliance such work will be done by the City at the expense of the owner and that, if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply.

Subdivision 3

If the owner or occupant fails to comply with the notice within ten days after its receipt, or if no owner, occupant or agent of the owner or occupant can be found, the City shall cut and remove such weeds. The City Clerk shall keep a record showing the cost of such work.

(C) Public health and safety hazards. When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the Clerk-Treasurer.

(D) Installation and repair of water service lines. Whenever the city installs or repairs water service lines serving private property under Chapter 50 of this code, the Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

(E) Repair of sidewalks and alleys.

Section 4 Subdivision 1 Repair of the sidewalks

The owner of any property within the City Abutting a public sidewalk shall keep the sidewalk safe for pedestrians. State Statue 412.221 Subd 6 (Amended 8-12-2008)

(2) Inspections; notice. Deleted 8-12-2008

(3) Repair by city. Deleted 8-12-2008

(F) Personal liability. Deleted 8-12-2008

(G) Damage to public property. Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment, object, or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

General Regulations

Section 6 Assessment

On or before September 1st of each year, the Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this ordinance. The council may then spread the charges against property benefitted as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

Section 7 Penalty

Any person who maintains a nuisance in violation of Section 1 or 2 and any person who interfere with a City employee or other authorized person in the performance of any current service under this Ordinance is guilty of a misdemeanor, but a prosecution shall be brought for such violation only on the direction of the council. If convicted of such violation, such person shall be subject to a fine of not more than Three Hundred Dollars, plus costs of prosecution, and / or imprisonment in jail for not more than 90 days, or both

Section 8 Separability

In case any section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of the ordinance shall continue in full force and effect. (Ord. 165, passed 1-14-1992)

§ 92.002 TREE DISEASES.

(A) Trees constituting nuisance declared. The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including 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 *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer 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; and

(5) Any other shade tree with an epidemic disease.

(B) Abatement of nuisance. It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than 1 week prior to the

General Regulations

meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) Record of costs. The City Clerk-Treasurer shall keep a record of the costs of abatement done under this section for 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.

(D) Unpaid charges. On or before September 1 of each year, the Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

Penalty, see § 10.99

General Regulations

§ 92.003 MAILBOXES.

**CHAPTER 52:
REGULATION OF MAILBOXES**

Section

52.01	Definitions
52.02	Purpose and Scope
52.03	Compliance
52.04	Construction
52.05	Placement
52.06	Damage
52.07	Mailbox Owner Responsibilities
52.08	Authority
52.09	Enforcement
52.10	Attachments

CITY OF PINE RIVER

MAILBOX ORDINANCE

Chapter 52 – Regulation of Mailbox Construction and Placement

52.01. Definitions. The definitions included in Minnesota Rules 8818.0100 are hereby adopted by reference and are incorporated into this Section as if set out in full.

52.02. Purpose and Scope.

Subpart 1. **Purpose.** The purpose of this ordinance is to provide for standards and permissible locations of mailbox installations and supports on streets so that potentially hazardous fixed roadside appurtenances are eliminated.

Subpart 2. **Scope.** This ordinance applies only to mailbox and mailbox support installations on streets within City of Pine River limits.

52.03. Compliance. Any mailbox erected within the City of Pine River shall be subject to the provisions of this ordinance. All mailboxes erected shall strictly comply with all regulations promulgated from time to time by the United States Postal Service, including amendments thereto, and to the extent any such regulations conflict with the provisions of this code, the regulations shall control to the extent of conflict.

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52.04 Construction.

- A) The vertical mailbox support shall be no closer than 40 inches to the vertical plane of the mailbox front.
- B) Wooden mailbox supports must have a cross-sectional area of less than 16 square inches (4"x4").
- C) Metal mailbox supports may not exceed two inches in diameter and may not have a weight exceeding four pounds per foot.
- D) Mailbox supports made of a material other than wood or metal shall not have a weight exceeding four pounds per foot.
- E) A single mailbox support shall have no more than two boxes.

52.05 Placement.

- A) In no case may the mailbox be closer than one foot to the vertical plane of the face of the curb, or if there is no curb, no closer than one foot to the vertical plane of the traveled portion of the roadway.
- B) Mailboxes shall be 42-46 inches above street level. The City of Pine River recommends 46 inches to allow for up to 4 inches of snow pack in the winter months.
- C) No person shall install any mailbox at any location which interferes in any way with the vehicular traffic, including access to driveways, alleyways or intersections.
- D) Mailboxes shall be grouped where practical as determined by the city's Public Works Director.
- E) Grouped mailboxes must maintain even bottom heights and even face depths.

52.06 Damage.

No mailbox shall be installed until the owner has complied with the Gopher State One Call System, and in no case shall any mailbox be located or damage any property, including utility lines, cable or pipes. The installer thereof, including the owner, or any contractor, shall be strictly liable for damage caused by improper installation.

- A) The City of Pine River will not be responsible for damage to mailboxes or supports that do not conform to the regulations of this ordinance.
- B) The City of Pine River will not be responsible for damage to mailboxes, whether they are conforming or non-conforming, during snow removal operations if the damage was done by snow or ice coming into contact with the mailbox or support.

General Regulations

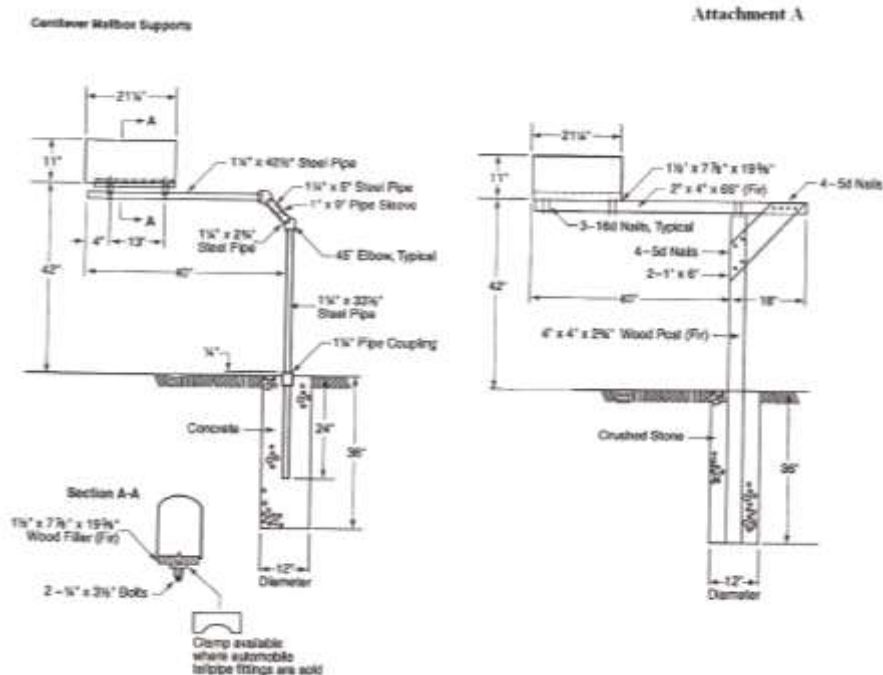
- C) Damage done to mailboxes or supports during snow removal operations will be investigated by the Public Works Department. Only conforming mailboxes showing signs of actually being hit by the City's snow removal equipment will be replaced by the City. Once the City's Public Works Dept. has determined that the damage was done by City equipment, the mailbox owner may either request that the City replace the mailbox with a standard size, non-decorative metal mailbox and conforming support or alternatively be reimbursed \$50.00 for the mailbox and support to be replaced by others.

52.07. Mailbox Owner Responsibility. It will be the responsibility of the mailbox owner to keep clear the snow and ice from around their mailbox to permit postal service access to the mailbox. This includes snow removal from the road driving surface to a depth of one foot past the vertical plane of the mailbox face. It also includes clearing snow one car length before and after the mailbox. After a snowfall, the City of Pine River recommends clearing the snow as soon as possible to prevent the build up of ice and snow pack.

52.08. Authority. The City Council shall have the power to order the removal of any mailbox or support there of which violates the requirements of this ordinance.

52.09. Enforcement. Any person violating the terms or provisions of this ordinance shall be subject to the penalty upon conviction for a fine in the amount as provided for a petty misdemeanor by state statute as may be amended from time to time.

52.10. Attachments. Attached is a diagram showing recommended mailbox construction.



General Regulations

NUISANCES

§ 92.015 PUBLIC NUISANCE.

Whoever by his or her 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:

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public or, otherwise adversely affects the values of other properties within or adjacent to such areas and all other areas of the City, and therefore adversely affects the taxable value of the property within such areas and all other areas of the City;

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

(C) Is guilty of any other act or omission declared by law or §§ 92.016, 92.017, or 92.018 below, or any other part of this code, to be a public nuisance and for which no sentence is specifically provided. Penalty, see Ordinance 10.99 (Ord. Amended 11/7/2022) or Minnesota Statute 609.74 Public Nuisance or 609-745 Permitting a Public Nuisance (both misdemeanors) (Amended 6/13/2023)

§ 92.016 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Harboring or feeding wild or feral animals;

(F) Leaving exposed food out-of-doors so as to attract animals and rodents;

(G) Accumulations of manure, refuse, or other debris;

General Regulations

(H) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(I) The pollution of any public well or cistern, stream, or lake, canal, or body of water by sewage, industrial waste, or other substances;

(J) All noxious weeds and other rank growths of vegetation upon public or private property;

(K) Dense smoke, noxious fumes, gas, and soot, or cinders, in unreasonable quantities;

(L) All public exposure of people having a contagious disease; and

(M) Any offensive trade or business as defined by statute not operating under local license.

Penalty, see § 10.99 (Amended 3/14/2023)

§ 92.017 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All gambling devices, slot machines, and punch boards, except as otherwise authorized by federal, state, or local law;

(B) Betting, bookmaking, and all apparatus used in those occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating 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 that place; and

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

Penalty, see § 10.99

§ 92.018 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice not removed from public sidewalks 48 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

General Regulations

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as it may be amended from time to time, which is hereby incorporated by reference into this code;

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violation of this section;

(G) The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet, or repose of the occupants of adjoining or other property;

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

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

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

(K) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;

(L) 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;

(M) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way;

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

(O) Wastewater cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from accumulation;

General Regulations

(Q) Any well, hole, or similar excavation which is left uncovered or in another condition so as to constitute a hazard to any child or other person coming on the premises where it is located;

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

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

(T) The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and

(U) Snow that has been deposited in a street, public right of way, sidewalk, private property without permission, in a parking area in front of another person's business or, within 50 feet of an intersection as to create a sight impairment; and

(V) All other conditions or things which are likely to cause injury to the person or property of anyone. Penalty, see § 10.99 (Ord. Amended 11/7/2022)

§ 92.019 PUBLIC NUISANCE AFFECTING EXISTING PROPERTY VALUES & TAX BASE

Residential, Commercial & Industrial Areas: Purpose.

(A) Areas of the city are or may become blighted with resulting impairment of taxable values upon which, in large part, City revenues depend;

(B) Such blighted areas are detrimental or inimical to the health, safety, morals, and general welfare of the citizens and to the economic welfare of the City;

(C) In order to improve and maintain the general character of the City, it is necessary to rehabilitate such blighted areas;

(D) The conditions found in blighted areas cannot be remedied by the ordinary operations of private enterprise with due regard to the general welfare of the public, without public participation;

(E) The purposes of this division are to rehabilitate such areas by eliminating blight and blight factors within all areas of the City for the protection of the health, safety, morals and general welfare of the City; to preserve existing values of other properties within or adjacent to such areas and all other areas of the City; and to preserve the taxable value of the property within such areas and all other areas of the City;

(F) The necessity and the public interest for provisions set forth in this division are hereby declared as a matter of legislative determination to be a public purpose and for the protection of the health, safety and welfare of the residents of the City.

General Regulations

Residential – Causes Of Blight, Blighting Factors, And Public Nuisance.

(A) No person shall maintain or permit to be maintained any causes of blight, blighting factors, or public nuisance upon any property in the City whether owned, leased, rented, or occupied by such person;

(B) It is hereby determined that the following uses, structures, activities, and conditions are causes of blight, blighting factors, and public nuisance which, if allowed to exist, will tend to result in blighted undesirable neighborhoods. Such blight, blighting factors, or public nuisances are as follows:

(a) In any area zoned or used for residential purposes:

- (i) The failure to maintain the exterior of any building in a condition such that there are no broken windows, and all windows are fully glazed without inserts or patches;
- (ii) Exterior surfaces shall be clean, stained or painted and free from accumulation of dirt, grime, or graffiti;
- (iii) Porches and stairs must be stable, free of cracked boards or block and not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances;
- (iv) No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture;
- (v) Any exits and entrances otherwise protected to prevent entry thereto by the elements or by unauthorized persons;

(b) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended;

(c) In any area zoned or used for residential purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the City and unless such construction is completed within the allotted time from date of issuance of the building permit, along with any written extensions granted by the building inspector;

(d) Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other violations. Landscaping a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all the lawns are mowed regularly, not to exceed 6 (six) inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance and any public street or alley, and that noxious weeds are eliminated.

Commercial/Industrial – Causes Of Blight, Blighting Factors, And Public Nuisance.

(A) No owner, lessee, renter, or occupying party of a Commercial/Industrial property shall maintain or permit to be maintained any causes of blight, blighting factors, or public nuisance upon any property in the City;

General Regulations

(B) It is hereby determined that the following uses, structures, activities and conditions are causes of blight, blighting factors, and public nuisance which, if allowed to exist, will tend to result in blighted undesirable Commercial/Industrial districts. Such blight, blight factors, or public nuisances are as follows:

(a) In any area zoned or used for Commercial/Industrial purposes:

- (i) The failure to maintain the exterior of any building in a condition such that there are no broken windows and all windows are fully glazed without inserts or patches;
- (ii) Exterior surfaces shall be clean, stained or painted and free from accumulation of dirt, grime, or graffiti;
- (iii) No visible storage, display or use of upholstered or other furniture or discarded automobile seats/parts that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture;
- (iv) Any exits and entrances otherwise protected to prevent entry thereto by the elements or by unauthorized persons;
- (v) Any materials and equipment not stored within a completely enclosed building or fully screened so as not to be visible from adjoining properties, except for the following: new construction and landscaping materials and equipment currently being used for construction of the premises not to exceed a 6-month period;
- (vi) Where any business or industry is adjacent to property zoned residential and/or any use cannot meet the visual standards of the City.

(b) In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended;

(c) In any area zoned or used for Commercial/Industrial purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the City and unless such construction is completed within the allotted time from date of issuance of the building permit, along with any written extensions granted by the building inspector;

(d) Landscaping of all Commercial/Industrial areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other violations. Landscaping a Commercial/Industrial area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner, lessee, renter, or occupying party shall ensure that the landscaping is maintained, that all the lawns are mowed regularly, not to exceed 6 (six) inches in height, shrubs are trimmed so as not to provide a visual barrier/hazard to provide a clear view of any public street or alley, and that noxious weeds are eliminated.

Penalty, see § 10.99 (Ord. Amended 5/9/2023)

§ 92.020 DUTIES OF CITY OFFICERS.

The Police Department or Sheriff, if the city has at the time no Police Department, shall enforce the provisions relating to nuisances. Any peace officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Penalty, see § 10.99 (Ord. Amended 5/9/2023)

General Regulations

§ 92.021 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of Violation.* Written notice of violation shall be served by a peace officer on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises stating date (not to exceed 10 days) of which they have to answer any violation. A hearing shall then be set by the City Council (within those 10 days) and notice to be served either in person, certified or registered mail or posting the property.

(2) *Notice of City Council Hearing and Motion for Summary Enforcement.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(B) *Procedure.* Whenever a peace officer determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify in writing the owner of record or occupant of the premises of that fact and order that the nuisance be terminated or abated (within 10 days of notice). The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

(C) *Emergency Procedure; Summary Enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

General Regulations

(D) *Immediate Abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Penalty, see Ordinance 10.99 (Ord. Amended 11/7/2022) or Minnesota Statue 609.74 Public Nuisance or 609-745 Permitting a Public Nuisance (both misdemeanors)
(Ord. Amended 6/13/2023)

§ 92.022 RECOVERY OF COST.

(A) Personal liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk-Treasurer or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Clerk-Treasurer.

(B) Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Clerk-Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other the charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

Penalty, see Ordinance 10.99 (Ord. Amended 11/7/2022) or Minnesota Statue 609.74 Public Nuisance or 609-745 Permitting a Public Nuisance (both misdemeanors)

SUBJECT TO CHANGE

FAILURE TO COMPLY WITH SECTION 92.022 will result in an accumulative daily fine of \$100. Unpaid fines shall be assessed to applicable property owner's taxes.

EMERGENCY ABATEMENT FEE - Noncompliance shall result in an intervention by the City. Fees for said intervention shall include the above civil fine with additional fees encompassing labor and equipment costs. If said intervention is necessary, any unpaid costs incurred shall be assessed to applicable property owner's taxes.

FAILURE TO COMPLY could result in criminal charges against said property owner, renter or business owner under the following Minnesota State Statutes:

Minnesota Statute 609.74 Public Nuisance

Minnesota Statute 609-745 Permitting a Public Nuisance (misdemeanor)

(Ord. Amended 6/13/2023)

General Regulations

WEEDS

§ 92.035 SHORT TITLE.

This subchapter shall be cited as the Weed Ordinance.

§ 92.036 JURISDICTION.

This subchapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended, or repealed.

§ 92.037 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

WEEDS, GRASSES, and RANK VEGETATION. Include but are not limited to the following:

(a) Noxious *WEEDS* and *RANK VEGETATION* shall include but not be limited to: Alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, and Wild Parsnip;

(b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for 2 consecutive years;

(c) Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;

(d) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 6 inches;

(e) *RANK VEGETATION* includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(f) The term *WEEDS* does not include shrubs, trees, cultivated plants, or crops.

General Regulations

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

§ 92.038 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property which at the time of notice is in excess of 6 inches in height.

Penalty, see § 10.99

§ 92.039 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated, and filed with the City Clerk-Treasurer. If the city makes the complaint, an employee, officer, or Council member of the city shall file the complaint in all respects as set out above.

§ 92.040 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a destruction order to the property owner or the person occupying the property as that information is contained within the records of the City Clerk-Treasurer or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within 7 regular business days after the receipt of the notice the designated violation shall be removed by the property owner or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the City Clerk-Treasurer.

(2) Certified mailing to the Clerk-Treasurer or others is deemed filed on the date of posting to the U.S. Postal Service.

§ 92.041 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants, or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

General Regulations

§ 92.042 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the destruction order within 7 regular business days and has not filed a notice within 48 hours to the City Clerk-Treasurer of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 92.043 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting, or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees, and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies, and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the City Clerk-Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

OPEN BURNING

§ 92.055 BURNING BAN OR AIR QUALITY ALERT.

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an air quality alert. Penalty, see § 10.99

§ 92.056 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. §§ 88.16 through 88.22 and the State Uniform Fire Code, Minn. Rules Ch. 7510, as these statutes and rules may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

General Regulations

CHAPTER 93: EMERGENCY PROTECTION FIRE SERVICES

Section

Ordinance No. 2006-1

AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION FIRE SERVICES

The City Council of the City of Pine River, Minnesota does ordain:

Section 1: Purposes and Intent General Regulations

This ordinance is adopted for the purpose of authorizing the City of Pine River to charge for fire services as authorized by Minn. Stat. 366.011, 366.012, 415.01.

Section 2: Definitions

- (A) *Fire Service* means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) *Fire Service Charge* means the charge imposed by the City for receiving fire service.
- (C) *Motor Vehicle* means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailer.
- (D) *Fire Protection Contract* means a contract between the City and a township or other city to provide fire service.
- (E) *Mutual Aid Agreement* means an agreement between the City and a town or other City for the City's fire department to provide assistance to the fire department of a town or other City.

Section 3: Parties Affected

- (A) Owners of property within the City/township who receive fire service.
- (B) Anyone who receives fire services as a result of a motor vehicle accident within the City or townships and cities that contract with the City of Pine River.
- (C) Owners of property in townships or cities to which the City provides fire service pursuant to a fire protection contract.

Section 4: Rates

- (A) Owners of property within the City and Cities and townships that contract with the City of Pine River will receive coverage as agreed to in the annual fire contract with the following noted: Any property to which the Fire Department responds to more than two false alarms annually (January 1 to December 31) will be billed at the following rate:

General Regulations

- 3rd call: \$250.00
- 4th call: \$275.00
- 5th call: \$300.00
- 6th call: \$325.00

Each additional call after that will be billed at 25.00 increased over the previous call.

(B) Call for services other than fire will be billed at \$250.00

(C) DNR assist calls are billed out at \$225.00 per hour.

Notices:

After the 1st false alarm call, a notice will be sent out to the responsible party informing them of the fact that they were the recipient of a false alarm call, and after the 2nd false alarm a notice will be sent out informing them that they will receive a bill for the next false alarm at that address.

Section 5: Billing and Collection

(A) Parties requesting and receiving fire services not covered under a fire contract agreement General Regulations will be billed directly by the City of Pine River within 30 days of the incident. All parties will be billed whether or not the service is covered by insurance. Any billable amount of the fire service charge not covered by a party's insurance remains a debt of the property owner receiving the fire service.

(B) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

(C) If the fire service charge remains unpaid for 30 days after this notice of delinquency, the City will use all practical and reasonable legal means to collect the fire service charge. The Party receiving the fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court cost.

(D) False alarms will be billed as a fire call as noted in Section 4.

Section 6: Mutual Aid Agreement

When the City Fire Department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

Section 7: Application of collections to budget

All collected fire charges will be City funds and used to offset the expenses of the City Fire Department in providing fire services.

Section 8: Effective Date

This ordinance shall become effective April 6, 2006.