

(D) Gehlen Drive from Lake Avenue to Grove Avenue. Direction of travel from the west to the east.

Subd. 2. No person shall operate a vehicle on a one-way street contrary to the direction of travel indicated for that particular street in Subdivision 1 of this section.

Subd. 3. Any violation of this section shall be a petty misdemeanor unless it is committed in a manner and under a circumstance so as to endanger any person or property, and then in that event, it shall be a misdemeanor. The punishment shall be prescribed by the Statutes of the State of Minnesota for a petty misdemeanor or misdemeanor as the case may be.

Section 11. Time-Limited Parking

Parking on streets shall be limited as follows.

a. The Chief of Police shall, as authorized by resolution of the City Council, designate certain streets, blocks or portions of streets or blocks as zoned parking. Such zones shall include, but not be limited to: prohibited parking, five-minute, ten-minute, 15-minute, 30-minute, one-hour, two-hour, four-hour, six-hour, eight-hour or morning or afternoon rush hour limited parking zones. Such zones shall be clearly marked by appropriate signs displaying any parking limitations.

b. These zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve the free flow of traffic.

c. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the signposted limitation, or during signposted hours of prohibited parking. Any violation of this section shall be a petty misdemeanor.

CHAPTER 10

OFFENSES, CRIMES, NUISANCES

Section 1. Certain Acts Declared To Be Crimes Defined.

Subd. 1. It is hereby declared to be unlawful for any person or persons to:

a. **Section 3** Deposit or cause to be deposited in any place exposed to the public, any dead animal, offal, or any unwholesome substance or thing.

b. **Section 5** Make, aid, countenance or assist in committing any disturbance of the peace.

c. Drive through or interrupt any funeral, military or civil procession within the limits of said City.

d. **Section 4** Expose their person in any indecent manner or offer for sale or sell any lewd or indecent book, picture or thing as defined by MN Statutes.

e. Beat, injure or otherwise abuse any dumb animal.

f. **Section 4** Keep a disorderly house or place for the resort of persons of evil name or fame for the purpose of prostitution or wherein shall be committed any immoral, immodest or other improper conduct or behavior.

g. Let, hire or lease any house or other building to any person or persons for any of the purposes set forth in sub-paragraph f herein.

Subd. 2. Disorderly Conduct and Assault.

Whoever does any of the following in a public or private place within the City of Silver Lake, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others or provoke any assault or breach of the peace, is guilty of disorderly conduct:

- a. Engages in brawling or fighting; or
- b. Disturbs an assembly or meeting, not unlawful in its character; or
- c. Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct intending reasonably to arouse alarm, anger, or resentment in others; or
- d. Does an act with intent to cause fear in another or immediate bodily harm or death; or
- e. Intentionally inflicts or attempts to inflict bodily harm upon another.

Section 4 Subd. 3. Nuisances. It is unlawful for any person or persons to permit or suffer any condition to exist, on or in premises owned or occupied by such person or persons, offensive to the public in general or offensive, harmful or dangerous to the neighborhood. If such condition is determined to exist, it shall be the duty of the City Administrator or Police Officer to give notice to such person or persons to remove or remedy the condition and, if the same is not removed within twenty-four (24) hours after such notice is given, the City Administrator or Police Officer shall cause the condition to be remedied or removed and the person so notified shall be guilty of a misdemeanor and shall be fined or imprisoned as provided therein by the laws of the State of Minnesota for misdemeanor offenses and required to pay the cost of the removal of the offensive condition.

Subd. 4. Firearms, Discharge within the City Limits. It is unlawful for any person to fire or discharge any cannon, gun, fire arm, air gun, pistol, compound bow, or other weapon or to fire or explode any rocket, roman candle, fireworks or other explosive instrument within the limits of the City of Silver Lake without first obtaining written permission of the City Council stating the time and place for such exhibition.

Subd. 5. Loitering.

a. Definitions.

- i. "Loitering" means to stand around, move slowly about, or to linger.
- ii. "Public Building" means a structure or area owned and/or operated by the City or School District or other Governmental unit for the conduct of governmental functions but shall also include, but not be limited to, public and private schools, churches, and business or commercial buildings which are open to the general public for the transaction of commercial business.

b. Restrictions.

- i. No person or persons shall remain in a public building or upon the grounds thereof after being requested to leave said premises by persons lawfully responsible for the control and maintenance thereof when the continued presence of any person or persons therein and thereon shall injure or endanger the safety of said buildings, or property, or unreasonably interfere with the administration thereof.
- ii. No person or persons shall stand, loiter, or assemble on any public sidewalks, public streets or other public ways so as to impede or obstruct the free passage or flow of pedestrian traffic thereon or to interfere with the use thereof.

iii. No person shall stand or loiter in or upon the driveway of any public or commercial property, nor sit upon the steps, window sills, or railings of any building in such a manner so as to obstruct ingress and egress to and from such building or in such a manner so as to cause annoyance to the owner or occupant thereof, or to the customers of such owner or occupant thereof, or to other persons lawfully within said building or while entering or leaving said building.

iv. No person shall loiter in or upon the public parks of the City of Silver Lake without a prior permit having been obtained from the City Clerk/Treasurer of the City of Silver Lake after the hours of 10:00 p.. A permit to use the City Park after 10:00 p.m. must be obtained by any organization so desiring to use the park and only those people within the purview of the permit may use the park after that hour.

Subd. 6. Loitering of Minors Prohibited. (Amended July 19, 2001) Ord. #22

a. It shall be unlawful for any minor 16 years of age or under to loiter, idle, wander, stroll, or play in or upon the public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time, provided, however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense.

b. Responsibility of parents. It shall be unlawful for the parent, guardian, or other adult person having care and custody of a minor to loiter, idle, wander, stroll or play in or, upon public streets, highways, roads, alleys, park, play grounds or other public grounds, public places and public buildings, place of amusement, and entertainment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time; provided however, that the provisions of this Section do not apply when the minor is accompanied by his or her parents, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense.

c. The policemen of the City of Silver Lake upon finding a minor 16 years of age or under in or upon any of the public streets, highways, alleys, parks or other public places of the City of Silver Lake in violation of any of the provisions of this ordinance after the hour of 10:00 p.m. shall take the name of such child and the name and address of the parent, guardian or legal custodian of such minor, send such minor home, and make report of the same to the Chief of Police within 24 hours, whereupon the Chief of Police shall send to the said parent, guardian or legal custodian of such minor, a written notice of the violation of this ordinance together with a notice to such parent, guardian or legal custodian that unless the terms of this ordinance are complied with the penalty thereof will be invoked against such parent, guardian, or legal custodian of such minor.

Subd. 7. False Fire Alarms and Interference with Fire Department

No person shall give an alarm of fire without probable cause, nor neglect nor refuse to obey any reasonable order of the Fire Chief nor interfere with the fire department in the discharge of its duties.

Subd. 8. Unsafe storage of freezer or any other air-tight chests.

No persons shall keep or store any refrigerator, freezer, or any other air tight chest of a size that would be sufficient to enclose the person of a child without first removing the door or lid of said chest.

Section 2. Forbidding climbing of water towers. (Added Jan 10th, 1994, #18)

All persons are hereby forbidden to climb any water tower owned by the City of Silver Lake, or to go upon the roof, legs, structure or top of said tower(s), or upon the roof of the pump house or power house of the City's water works system, unless authorized by the City or its employees in charge of the waterworks system.

Section 5 Section 3. Snow, ice, dirt and rubbish on sidewalks (*Declared a nuisance March 1, 1993 # 13*)

Subd. 1. When deposits of snow, ice, and rubbish are declared a nuisance.

All snow, ice, dirt, and rubbish remaining on a public sidewalk more than 24 hours after its deposit thereon is declared to be a public nuisance. The owner and the occupant of any property adjacent to the public sidewalk shall use due diligence to keep such sidewalk safe for pedestrians by the removal of any snow, ice, dirt or rubbish which is deposited thereon, regardless of source. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the sidewalk longer than 24 hours after its deposit thereon.

Subd. 2. Public works director may remove deposits of snow, ice or rubbish.

The public works director may remove any and all snow, ice, dirt or rubbish from any public sidewalks as soon as practically possible, beginning 24 hours after deposit of the same thereon, or after snow has ceased to fall. The public works director shall keep a record showing the cost of such removal adjacent to each separate lot or parcel and shall deliver such information to the City Clerk. The public works director may order the removal of snow from public sidewalks in a commercial district where the accumulation of snow impedes public access or where such removal will facilitate snow removal from the commercial district.

Subd. 3. Determination of charges for removal.

The city council may from time to time prescribe by resolution the charges to be imposed for removal of snow, ice, dirt or rubbish remaining on public sidewalks in violation of this ordinance. The owner thereof shall pay all charges incurred within thirty (30) days after billing by the City Clerk. The City shall additionally have the power to certify any unpaid charges for taxes against the property adjacent to the sidewalk which was cleared incurring such costs.

Subd. 4. Penalties

Any violation of this ordinance by an owner or occupant shall constitute a petty misdemeanor. Each day that snow, ice, dirt or rubbish remains on a public sidewalk in violation hereof shall constitute a separate offense.

Section 4 Animal Control (*Amended 12/12/02 Ordinance 54; Amended 5/16/11 Ord. 75; Amended 3/19/2018 Ord. 87*)

Subd. 1 Definitions as used herein:

- (a) The term "person" shall mean any natural person, firm, partnership, corporation or other legal entity whatsoever.
- (b) The term "owner" shall mean any person owning, harboring, keeping, or otherwise evidencing any incidence of possession or ownership of an animal.
- (c) The term "a wild animal" shall mean any creature commonly recognized as not having been generally domesticated as a species and as defined by Minnesota Statutes 8978.015, Subd. 55.
- (d) The term "pet" shall mean any creature, which is not a wild animal, which is retained by a person for the purposes of companionship, but is not being retained for commercial or resale purposes. Pets shall be limited to the following animals: dogs, cats, lawful tropical fish, lawful amphibians, caged birds, caged rodents, lawful reptiles, and contained lower orders of life, but shall not include any species recognized as dangerous, containing venom, or otherwise prohibited by any local state or federal law or regulation.
- (e) The term "livestock" means any animal, which is not a wild animal nor a pet.

- (f) The term “running at large” shall mean the permitting of any animal to go on about public streets, alleys or public or private places of the City, when not under a restraint, except the immediate premises of the owner or harborer thereof.
- (g) The term “under restraint” shall mean upon the premises of the owner or harborer thereof, or at heel beside a person or within a private motor vehicle; or controlled by a leash not exceeding five (5) feet in length.
- (h) The term “chicken” means all life stages of the fowl of the genus *Gallus* and species *domesticus*.
- (i) The term “coop” means a cage or pen for confining chickens.
- (j) The term “hen” means female chicken.
- (k) The term “lot” means a contiguous parcel of land under common ownership.
- (l) The term “rooster” means male chicken.
- (m) The term “run” means an area inside a fence where chickens are kept and allowed to walk around.

No person shall possess, own, harbor, keep, maintain, or otherwise foster any wild animal or livestock, except horses and chickens, whatsoever in any public or private place within the City of Silver Lake. Wild animals in their natural state, free from human restraint, such as squirrels, rabbits, birds, are not subject to this provision. Feeding wild birds shall not be a violation of this provision, provided the person does not intend to have captive control over such wild birds.

Subd. 2 Harboring Animals to Conform to Other Regulations

No living creature whatsoever shall be harbored, maintained or possessed in any zone within the City of Silver lake, except as authorized by the existing ordinances, including zoning regulations of the City of Silver Lake.

Subd. 2A. Tag Requirement *(added 5/16/11 Ord. 75)*

All animals shall wear a collar and have an identification tag firmly affixes thereto indicating the animal’s owner by name, address, and telephone number. All animals shall also have vaccination tag affixed to the animal’s collar. It is unlawful for the owner of an animal to fail to have the identification tag or vaccination tag firmly attached to the animal’s collar.

Subd. 3 Running at Large Prohibited.

No animal shall be permitted to run at large within the limits of the City of Silver Lake. All pets, except dogs and cats, shall be confined in a fenced area, cage aquarium or other escape proof enclosure suitable to the species. Dogs and cats shall be permitted upon public or private property if under restraint, and as provided for under City ordinances.

Subd. 4 Abandonment of Animals

No person shall abandon any animal within the City of Silver Lake.

Subd. 5 Limitation of Cats & Dogs

No person shall harbor or keep more than two (2) dogs or cats on any one premises unless the existing zoning provides and allows a kennel operation. Kittens and puppies under 12 weeks of age as offspring of permitted pets shall not count against this limitation. No person shall harbor, maintain or keep any other variety in any number in any conditions so as to cause a health hazard, public nuisance, or under any other unsanitary, inhumane or unlawful condition. Permission to obtain additional animals may be petitioned through the Animal Control Officer with an opportunity to appeal through the City Council.

Subd. 6 Records of Vaccinations

All owners of cats & dogs must have record that all shots are current and proper and said record must be readily available at the request of the Animal Officer with a 7-day notice.

Subd. 7 Dangerous Dogs

Subject to Minnesota Statute 347.50, the City shall delegate registration and enforcement policies of dangerous dogs to the appropriate McLeod County departments enforcing M.S. 347.50 at that time. The Silver Lake Police, City Attorney, and Clerk's office shall offer full cooperation and assistance in enforcement of this ordinance, within justification, of county policy or protocol, which presently includes but shall not be limited to:

1. Determination of a dangerous dog by the City law enforcement officer and medical personnel.
2. Prosecution of persons in violation of M.S. 347.55 within city jurisdiction upon receipt of investigative reports of dangerous dogs violations.
3. A duplicate copy of completed registration to be sent to the police chief's office.
4. The county auditor may charge the owner of the dangerous dog within the City's jurisdiction extra fees for administrative and any copies of materials of registration as requested by the City Police Chief beforehand.

Subd. 8 State Rabies Control Statutes Adopted by Reference.

The provisions of Minnesota Statutes, Sections 35.67, 35.68, and 35.69, are hereby adopted by reference and incorporated in and made a part of this Ordinance as completely as if the same were set out here in full.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. (See Uniform Misdemeanor Penalties in General Regulations Section of this Code.)

Subd. 9 Horses

No person, firm, or corporation shall maintain or stable horses, colts, ponies or mules upon land lying within the limits of the City of Silver Lake without first obtaining a permit therefore as herein set forth.

Application for the permit shall be made to the City Clerk in writing by the owner of the animal or animals upon blanks or forms furnished by and obtainable from the City Clerk. Each application for permit shall have thereon the correct legal description of the property on which the animal or animals will be kept and the name of the owner of the land; the area of land available for pasture; the total number of horses to be kept by the applicant; and the description of shelter provided for the animal or animals.

No permit shall be issued by the City Clerk until the application has been approved by the City Council. The following standards are to be met and provided by the applicant before the permit shall be issued:

- a. The pasture is at least one-fourth (1/4) acre.
- b. A sturdy wood or metal fence for the pasture that would keep the animal or animals confined. Barbed wire or electrical fences shall not be permitted.
- c. Shelter which shall keep the animal or animals comfortable and protected from the elements and the shelter shall be so located so as not to create a nuisance.
- d. Pasture which will be of a nature that can be used by the animal for grazing. Pastures closer than 30 feet from any structure used for residential purposes shall not be permitted.
- e. The number of animals per one-fourth (1/4) acre shall be limited to one.
- f. Clean and sanitary premises which will not be a harbor for rodents, flies, and insects.

Upon knowledge disclosing that the applicant has complied with the standards provided by above, and approval of the application by the City Council, the City Clerk may issue a permit for the keeping of said horses, colts, ponies, or mules; which permit shall expire on the ensuing 15th day of April.

Permits issued pursuant to this ordinance may be revoked by the City Council if the Council finds, after investigation and after holding a hearing thereon (written notice of said hearing to be given by U.S. mail to the holder of the permit) that:

- a. The premises upon which the animal is kept are unsightly and a harbor for rodents, flies, and insects;
or
- b. The winter accumulation of manure is not removed from the premises prior to April 15th of each year;
or
- c. Accumulation of manure is not removed after such periods as will insure that no objectionable aroma exists and that the requirements or section a above are complied with; or
- d. That the applicant has tried to make a reasonable effort to keep the animal of animals under control and fenced within its pasture; or
- e. The animal has been cruelly or inhumanely treated.

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not to exceed \$300.00 or by imprisonment of not to exceed ninety (90) days. (See Uniform Misdemeanor Violation penalties in General Regulations Sections and also appropriate state statute.

Subd. 10 Chickens

No person shall keep a chicken within the limits of the City of Silver Lake except as allowed by this subdivision. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

General Requirements. A person may keep up to five (5) hens on a lot and the hens are, at all times, confined to the lot as described in this subdivision. No permit is required. However, the owner of the chickens is subject to the following general requirements:

- A. Chickens must be confined on the owner's lot at all times, in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
- B. All chicken grains and feed must be stored in a rodent proof container.
- C. Chickens shall not be kept for breeding purposes.
- D. The use of the chickens for cockfighting is prohibited.
- E. Roosters are prohibited.
- F. The owner's lot shall not have more than one single family dwelling.
- G. The coop and run shall be located in the rear yard of the owner of the chicken's lot: (1) setback from the principal dwelling; (2) not less than twenty-five (25) feet away from the principal dwelling on the lot and the principal dwellings on the adjacent properties; and (3) not less than six (6) feet from the property lines of the owner's lot.
- H. Chicken coops shall have a maximum footprint area of ten (1) square feet per chicken and a minimum footprint area of five (5) square feet per chicken. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken. The coop shall be elevated above ground and may not exceed a height of seven (7) feet as measured from the ground.
- I. The coop and run shall be completely enclosed and rodent proof. Further, the coop shall provide adequate protection from the elements and shall be winterized. All fencing and electrical work associated with the chicken coop and run shall comply with all building and zoning codes and all appropriate permits and licenses shall be obtained therefore.
- J. Outdoor butchering of the chickens is prohibited.
- K. The owner of the chickens shall not cause the ownership of chickens to violate any nuisance ordinances.

Waste. The chicken coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container and proper disposal of any accumulated feces or waste.

Composting or burying feces, discarded feed or dead chickens on the owner's lot is prohibited. Dead chickens must be disposed of according to Minnesota Board of Animal Health rules.

Private Restrictions and Covenants. Notwithstanding the terms of this subdivision, private restrictions or covenants on the use of the lot shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, neighborhood association bylaws, and covenant declarations.

Penalties for Violations. Any person violating the provisions of this subdivision shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not to exceed \$300.00 or by imprisonment of not to exceed ninety (90) days. (See Uniform Misdemeanor Violation penalties in General Regulations Sections and also appropriate state statute.)

Section 5. Regulation And Control Of Growth Of Weeds, Grass, Brush And Other Rank, Poisonous Or Harmful Vegetation.

Subd. 1. Cutting and Removal of Grass, Weeds and other Rank, Poisonous or Harmful Vegetation.

It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City of Silver Lake to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there be no curb, any growth of weeds, grass, brush, or other rank vegetation to a greater height than six (6) inches on the average, or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow to seed, pollen or other poisonous particles or emanations there from to be carried through the air into any public place.

Subd. 2. Duty of Owner, Lessee or Occupant.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Subd. 1; provided that cutting and removing such weeds, grass and vegetation at least once in every three weeks, between May 15 and September 15, shall be deemed to be a compliance with this Section.

Subd. 3. When City to do Work. (Amended 12/18/2017; Ord.88)

If the provisions of the foregoing subdivisions are not complied with, the City Weed Inspector shall make service either in person or by certified mail written notice upon the named owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this chapter. If the person named upon the notice fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass, brush or other vegetation within five (5) days after receipt of such notice, or if no person can be found in the City of Silver Lake who either represents or claims to represent such owner, the City Weed Inspector shall cause such weeds, grass, brush and other vegetation on such lot or land to be cut and removed and the actual cost of such cutting and removal and other additional costs in connection therewith, shall thereupon become and be a lien upon the property on which such weeds, grass, brush and other vegetation were located. If not paid, the City Clerk/Treasurer shall certify such cost to the County Auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in said land and the occupant shall be jointly and severally liable for such costs and the costs shall be recoverable in any action brought against any of them in the name of the City.

Section 6. Regulation And Control To Prevent, Reduce, Or Eliminate Blighting Factors Within The City Of Silver Lake.

Subd. 1. Causes of Blight or Blighting Factors.

a. It is hereby determined that the uses, structures, and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the City of Silver Lake owned, leased, rented or occupied by such person, firm or corporation.

Section 8 1. In any area, the storage upon any property of junk automobiles. for the purpose of this Section, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, stored in open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or (3) beyond repair and, therefore, not intended for future use as a motor vehicle; or (4) being retained on the property for possible use of salvageable parts.

Section 7 2. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood; decayed, weathered or broken construction materials; metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

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

4. In any area, the existence of any vacant dwelling, garage, or other out building, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

Subd. 2. Enforcement and Penalties.

a. The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth in this Subd. hereof is found to exist, shall be notified, by writing, by the enforcement officer to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by mail, the same by registered mail, return receipt requested, to the last known address of the owner, and if the premises are occupied, to the premises. The enforcement officer may grant additional time when bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

b. Failure to comply with such notice within the time allowed shall constitute a violation of this section.

c. In the case of failure to remove any blight within the time prescribed, the City shall remove any garbage, refuse or other materials accumulated on such property at the expense of the owner. If not paid, the City Clerk/Treasurer shall certify such cost to the County Auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owners of any interest in said land and the occupant shall be jointly and severally liable for such costs and the costs will be recoverable in any action brought against any of them in the name of the City.

Section 7. AN ORDINANCE RELATING TO NOISE, PROVIDING FOR THE ELIMINATION AND PREVENTION OF PROHIBITED NOISE, AND IMPOSING PENALTIES FOR VIOLATION. *(Passed July 18, 1996)*

Section 6 **Subd. 1. Noises Prohibited.**

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

b. Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger, as required by Minnesota Statute 169.68.

c. Exhaust. No person shall discharge the exhaust or permit the discharge of exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises there from and complies with all applicable state laws and regulations.

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

e. Loading, Unloading, Unpacking. No person shall create loud or excessive noise in loading, unloading or unpacking any vehicle.

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

g. **Section 5-D** Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

h. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production of or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

i. Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. For purposes of this subdivision, "disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise" means the following:

- A. The animal noise occurs at a time between 10:00 p.m. and 7:00 a.m. and can be heard from a location outside the building and premises where the animal is being kept and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three (3) minute period; or

- B. The animal noise can be heard from a one block distance from the location of the building and premises where the animal is being kept and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three (3) minute period; or
- C. The animal noise can be heard from a location outside the building and premises where the animal is being kept and the animal has made such noises intermittently for at least five (5) minutes with one minute or less lapse of time between each animal noise during the five (5) minute period.

j Institutions. No person shall create any excessive noise on a street, alley or public ground adjacent to any school, institution of learning, church or health care facility when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Section 6 **Subd 2. Hourly Restriction on Certain Operations.**

- a. Recreational Vehicles. No person shall, between 10:00 p.m. and 7:00 a.m., drive or operate any minibike, snowmobile or other recreational vehicle not licensed for travel on the public highways.
- b. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.
- c. Refuse Hauling. No person shall collect or remove garbage, refuse or recycling materials in any residential district except between the hours of 7:00 a.m. and 10:00 p.m. on any day.
- d. Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday

Section 9 **Subd 3. Exception for Emergency Work.**

Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed twenty-four (24) hours after work has commenced. Persons responsible for such work shall inform the noise control officer of the need to initiate such work or, if the work is commenced during non-business hours of the city, at the beginning of business hours of the first day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Subd. 4. Variances.

- a. Authority. The zoning administrator shall have the authority, consistent with this section, to grant variances from the requirements of any section of this ordinance.
- b. Application. Any person seeking a variance shall file an application with the zoning administrator on a form prescribed by the zoning administrator. The application shall state the dates during which the variance is proposed, the location of the noise source and times of operation, the nature of the noise source, reasons why the variance is sought, steps taken to minimize the noise level and such other information as required by the zoning administrator. If the application is for a variance for more than three days, the zoning administrator shall give mailed notice of the requested variance to all property owners within 500 feet of the noise source. Any person claiming to be adversely affected by the variance applied for may within twenty (20) days of mailing the notice, file a statement with the zoning administrator in support of their claim.

c. Action on Application. If the zoning administrator finds that sufficient controversy exists regarding the proposed variance, the zoning administrator may hold a public hearing on the proposal at which all persons affected shall be given the opportunity to be heard. The zoning administrator shall also hold such hearing upon the request of the applicant or any person claiming to be adversely affected by the variance applied for. Within thirty (30) days of receipt of the application, the zoning administrator shall approve or deny the application. It may be approved only if the zoning administrator finds that full compliance with the requirements of the ordinance would constitute an unreasonable hardship on the applicant, on other persons or on the community. In determining whether to grant or deny the application, the zoning administrator shall balance hardship to the applicant against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected and any other adverse effects of granting the variance. The variance may be granted subject to conditions, including a time limit, which shall be clearly stated.

d. Appeals. Either applicant or any party aggrieved may, within twenty (20) days of the decision on the variance application, appeal to the city council for a review of the decision. The appeal shall be filed in writing with the city clerk. The appeal shall be heard as soon as practicable and within twenty (20) days of the filing of the appeal and the applicant. The applicant and any person who has filed a statement on the application for a variance with the zoning administrator shall be given at least ten (10) days mailed notice of the time when and place where the appeal will be considered by the council. The council may affirm, modify or overrule the action of the zoning administrator on the basis of criteria set forth in Subd. 3.

Subd. 5. Enforcement.

a. Administering Officer. The noise control program established by this ordinance shall be administered by the noise control officer. Until otherwise provided by ordinance, the police department shall serve as the noise control officer.

b. Powers and Duties. The noise control officer shall exercise such powers as necessary and perform such duties as are reasonable and necessary to enforce this ordinance, including, but not limited to the following:

- A. May inspect private premises other than private residences.
- B. May require any person applying to the city for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration project or event that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the officer. The officer shall evaluate each such statement and make appropriate recommendations to the council or other agency or officer authorized to take the action or approve the license or permit applied for.
- C. May conduct such research, monitoring and other studies related to sound as are necessary or useful in enforcing this ordinance and reducing noise in the city. The officer shall make such investigations and inspections in accordance with law as required in applying ordinance requirements.

c. Civil Remedies. This ordinance may be enforced by injunction, action for abatement or other appropriate civil remedy.

d. Criminal Penalties. Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor and, upon conviction, a fine not to exceed \$100 shall punish the violator. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$700 or imprisonment for a term not to exceed ninety (90) days, or both. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of Criminal Procedure and the Rules of Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Section 13 Subd 6. Severability.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

Section 8: Social Hosting (Adopted 6/16/14; Ord. 81): The City prohibits, and establishes penalties for, any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age.

Subd. 1. **Purpose and Findings.** The City of Silver Lake intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City of Silver Lake finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. **Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

Subd. 3. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

- (e) Parent. "Parent" means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent, or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the court.
- (f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (g) Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subd. 4. Prohibited Acts.

- (a) It is unlawful for any person(s) to:
 - (1) host or allow an event or gathering;
 - (2) at any residence, premises, or on any other private or public property;
 - (3) where alcohol or alcoholic beverages are present;
 - (4) when the person knows or reasonably should know that an underage person will or does
 - (i) consume any alcohol or alcoholic beverage; or
 - (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
 - (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (b) A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 5. Exceptions.

- (a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (b) This ordinance does not apply to legally protected religious observances.
- (c) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).
- (d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 6. Enforcement. This ordinance may be enforced by the Silver Lake Police Department or any law enforcement officer assisting the Silver Lake Police Department.

Subd 7. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.