

CHAPTER EIGHT. NUISANCES AND OFFENSES

PART 1. NUISANCES

801.01 PUBLIC NUISANCE DEFINED

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

1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of any members of the public; or
2. Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
3. Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided.

801.02 PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Accumulations of manure, refuse or other debris;
6. Privy vaults and garbage cans, containers and equipment 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;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
8. All noxious weeds and other rank growths of vegetation upon public or private property;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

10. Any offensive trade or business as defined by statute not operating under local license.

801.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

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

1. All snow and ice not removed from public sidewalks as required by this City Code;
2. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
4. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this code or other applicable law;
5. All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
6. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
7. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies and/or automobile parts, or any other material;
8. Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
9. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
10. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
11. All dead or dying trees, except for elm trees, which are regulated by Part 3 of this Chapter;
12. Any building that has been destroyed by fire, has been abandoned, or is in such condition as to constitute a hazard to any child or other person coming on the premises;

13. All other conditions or things which are likely to cause injury to the person or property of anyone;
14. The storage of any unlicensed, unregistered or inoperable vehicle or the storage of household furnishings or appliances on public or private property, unless housed within a lawfully erected building is hereby declared to be a nuisance;
15. Conditions which are conducive to the harborage or breeding of vermin shall be considered a nuisance. All property shall be maintained in such a manner as not to attract or harbor rodents or other vermin in such numbers as to cause damage to property or present a health threat, safety issue, or nuisance to adjoining properties. Vermin infestations include, without limitations, rats, mice, skunks, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies.

801.04 DUTIES OF CITY OFFICERS

The City Clerk shall enforce the provisions of this ordinance. The police department shall assist in the enforcement of this ordinance. Such officers (the City Clerk and officers of the City police department) shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

801.05 ABATEMENT

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter the Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting the notice and the hearing.

801.06 RECOVERY OF COST

Subdivision 1. 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 or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

Subdivision 2. 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-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Chapter III, Part 2 of this code.

PART 2. WEEDS, GRASS AND OTHER USELESS AND TROUBLESOME PLANTS

802.01 DEFINITION OF WEEDS

The word “weeds” as used in this section shall be construed to mean and include all noxious weeds as defined by the Statutes of the State of Minnesota and all such useless and troublesome plants as are commonly known as weeds to the general public.

802.02 NUISANCE

All weeds or growing grass upon any lot or parcel of land in the City of Pelican Rapids to the greater height of eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the City.

802.03 ABATEMENT

When any conditions exist any parcel of land in the City described in Section 802.02, it shall be the duty of the City Clerk to serve a notice on the owner, occupant, or agent of such lot or parcel of land ordering such person to have such weeds or grass cut and removed or otherwise eradicated or removed within 10 days after the service of such notice; such notice shall also state that in event of non-compliance, removal will be done by the City of Pelican Rapids at the owner’s expense. When no owner, occupant or agent of the owner can be found, notice shall be sent by certified or registered mail to the person who is listed on the records of County Auditor or County Treasurer as the owner; service will be complete with mailing.

802.04 ASSESSMENT

If such person fails to comply with the notice within 10 days after service, the City Clerk shall have such weeds or grass cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. Any unpaid charges by the City for the cost of eliminating such nuisance may be collected as a special assessment pursuant to Chapter III, Part 2 of this code.

PART 3. DISEASED ELM TREES

803.01 RULES ADOPTED

Sections 0.0109 through 1.0111 of 3 Minnesota Code of Agency Rules, Department of Agriculture, Shade Tree Program (1978 Edition) together with amendments thereof, are hereby

adopted by reference and made a part of this code as if set out in full, except as hereinafter provided. A copy of said agency rules is on file in the Clerk's office.

803.02 STOCKPILING ELMWOOD

The stockpiling of bark bearing elm wood within the City limits of the City of Pelican Rapids shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this code and the regulations incorporated thereby.

PART 4. BURNING RESTRICTIONS

804.01 RECREATIONAL FIRES

Subdivision 1. Purpose. Open fires for recreational purposes will be allowed in the City of Pelican Rapids without the need to acquire a permit.

Subdivision 2. Inspections. The City Administrator, Fire Chief or Police Officer and/or a designee may perform periodic on-site inspections.

Subdivision 3. Requirements. Open fires for recreational purposes must satisfy the following requirements:

The City Administrator, Fire Chief, Police Officer or its designee is authorized to require that recreational fires be immediately discontinued if smoke emissions are offensive to occupants of surrounding properties, or if the City Administrator, Fire Chief, Police Officer or its designee determines that the fire constitutes a hazardous condition.

- A. Size: The fire may not exceed three (3) feet in diameter or three (3) feet in height.
- B. Setbacks: The fire must be located at least 15 feet from the nearest structure and at least 15 feet from the nearest motor vehicle. The fire is not allowed in the public right-of-way.
- C. Burning Area: The fire must be placed in a fire pit, which shall be 6 inches deep and 3 feet in diameter, or in a non-combustible fire ring six (6) inches in height and (3) feet in diameter.
- D. Material: Clean wood only may be used for an open fire for recreational purposes:
 - 1. No yard waste (brush smaller than one inch in diameter, leaves, and grass clippings, etc);
 - 2. No refuse, rubbish, paper;
 - 3. No oil, rubber or similar smoke producing material.

- E. Curfew: Open fires for recreational purposes may not be conducted between midnight and 6:00 a.m., Sunday through Thursday, and 2:00 a.m. and 6: 00 a.m., Friday through Saturday.
- F. Supervision: The fire must be constantly attended by an individual, over 18 years of age, until extinguished.
- G. Approval: No person shall kindle a fire upon the land of another without first obtaining written permission of the property owner or legal property designate.
- H. Control: A means of controlling the fire (such as a hose or bucket of water) must be available at the site at the time of the fire.
- I. Smoke: A recreational fire shall be extinguished immediately if it generates smoke that becomes a nuisance to adjacent or nearby properties, including imposition of smoke into a neighboring structure.
- J. All fires when finished must be extinguished. When extinguished, the fire must not be allowed to smolder.

Subdivision 4. Penalties. Violation of the recreational fire laws could result in the loss of the right to have recreational fires and may cause a citation to be issued. In the event deemed by the City Administrator, Fire Chief, Police Officer, or designee that any campfire that is not within the scope of the ordinance, those conducting the negligent campfire or the City will put out the campfire at the residence owner’s cost if the fire department is called to put out the fire. If after (3) three times within a year the City Administrator, Fire Chief, Police Officer or designee have been called to investigate a campfire and in their estimation feel the campfires are negligent, the residence can no longer produce a campfire for one year starting from the day of the last warning.

804.02 OPEN FLAME COOKING DEVICES

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 15 feet of combustible construction; except as follows:

- A. On properties of one-family and/or two-family dwellings or,
- B. Where buildings and decks are protected by an automatic sprinkler system.

At no time is open-flame cooking devices allowed to operate in the public right-of-way.

804.03 LIQUEFIED-PETROLEUM-GAS-FUELED COOKING DEVICE

LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound LP-gas capacity) shall not be located on combustible balconies or within 10 feet of combustible construction; except as follows:

- A. On properties of one-family and/or two-family dwellings.

At no time are liquefied-petroleum-gas-fueled cooking devices allowed to operate in the public right-of-way.

804.04 NON-RECREATIONAL FIRES

Subdivision 1. Defined. For the purpose of Chapter 8, Part 4, “Non-recreational Fires” are defined as any fires other than those described in Section 804.01 through Section 804.03.

Subdivision 2. Materials Prohibited. It shall be unlawful for any person, firm or corporation to burn any sweepings, trash, lumber, leaves, straw, papers, grass, hay, brush or other combustible material in any street, alley or yard or upon any lot within the limits of this City except as provided in Section 804.05 of this ordinance.

804.05 EXCEPTIONS

Open burning may be allowed under either of the following circumstances:

- A. Upon application to and approval by the director of the Minnesota Pollution Control Agency pursuant to the provisions and requirements of Minnesota Pollution Control Agency Regulations or,
- B. By obtaining a permit from the City of Pelican Rapids, which may be issued only for purposes of burning of native prairie grass areas conducted by professionals acceptable to the City for purposes of establishment or enhancement of native prairie grasses. The City shall have the right to impose any requirements and restrictions on the permit that it deems necessary to promote and protect the public health, safety and general welfare. The application fee for such permit shall be \$25.00, which fee may be changed from time to time by City Council resolution.

804.06 COMMERCIALLY MANUFACTURED EXTERNAL WOOD/CORN BURNING APPLICANCES

Commercially manufactured external wood/corn (or similar) burning appliances shall not be allowed.

PART 5. CURFEW

805.01 REGULATIONS

It shall be unlawful for any person under the age of 16 years to operate a motor vehicle, loiter, wander, stroll or play in or upon any street, alley, sidewalk, parkway, park, playground or other public place in the City at any time between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m.; and it shall be unlawful for any person under the age of 18 years and over the age of 15

years to operate a motor vehicle, loiter, wander, stroll or play in or upon any street, alley, sidewalk, parkway, park, playground or other public place in the City at any time between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m.; provided that nothing in this section shall be construed to prevent any such person from being in or on any such place in the company of his or her parent, guardian or other adult having lawful custody of such child; nor shall this section prevent any child from being in or on such place in the performance of a lawful job, errand or business with the consent of the parents or guardian of said child. Except for normal camping activities by campers on rented campsites in the campground area, and except for the use of the pool and fenced in pool area of the city parks during normal pool hours, all City parks and all City parking lot areas shall be closed between 6:00 p.m. and 6:00 a.m. to all people under the age of 18 years.

805.02 PARENTS

It shall be unlawful for the parents, guardian or other persons having custody of a child to permit such child to violate any provision of this Part.

PART 6. DISORDERLY CONDUCT

806.01 DISORDERLY CONDUCT DEFINED

The doing of any of the following acts without authority of law in a public or private place, by any person or persons knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is hereby declared to be disorderly conduct, and shall be a misdemeanor:

1. Engaging in brawling or fighting.
2. Disturbing an assembly or meeting not unlawful in its character, or the peace and quiet of any family or neighborhood.
3. Engaging in offensive or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger and resentment in others.
4. Appearing upon any public street or other public place or on any private property without the consent of the owner or occupant in an intoxicated condition or drinking intoxicating liquors on any street or in any public park or property under the control of the City of Pelican Rapids.
5. Making, aiding or assisting in making any riot or disturbance, or collecting in bodies or crowds in the City for unlawful purposes or to the annoyance or disturbance.
6. Willfully attempting, offering or threatening with force or violence to do bodily harm to another without lawful authority or willfully applying force to the person or another without lawful authority and with intent to do bodily harm.

7. Resisting any police officer or any member of the Police Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty or giving false information to any police officer, or in any way interfering with or hindering him in the discharge of his duties or in any way impersonating or attempting to impersonate a police officer.
8. Congregating with three or more together or near each other in any public street or any footwalk or sidewalk in the City so as to obstruct the free passage of foot passengers or motor vehicles and so standing refuses to move on immediately upon the request so to do made by any police officer.
9. Stands or loiters in or upon a sidewalk, entrance or driveway of any building or occupies the steps, window sills or railings of any building in such a manner as to obstruct ingress and egress to and from such building.
10. Deposits garbage, rubbish, the body of a dead animal, or other litter in or upon any public street, public highway, public alley, public waters or the ice thereon, shoreland areas adjacent to rivers or streams, public lands or, without the consent of the owner, private lands or water or ice thereon.
11. Sits, stands or climbs upon the walls holding the flagpoles at the entrance to the public parking lot next to the liquor store at 129 North Broadway.

PART 7. ABANDONED PROPERTY

807.01 ABANDONED MOTOR VEHICLES

Subdivision 1. Impoundment and Sale. The City Police Department shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 168B.02, Subdivision 2. It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

Subdivision 2. Summary Action in Certain Cases. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision 1 and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 168B.01 to 168B.13.

Subdivision 3. Disposition of Proceeds. The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

807.02 OTHER ABANDONED PROPERTY

Subdivision 1. Procedure. All other property lawfully coming into the possession of the City shall be disposed of as provided in this section.

Subdivision 2. Storage. The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subdivision 3. Claim by Owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subdivision 4. Sale. If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police of the City after two weeks' published notice setting forth the time and place of sale and the property to be sold.

Subdivision 5. Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he shall be paid the proceeds of the sale of this property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

PART 8. BUNGEE JUMPING

808.01 PURPOSES

The City Council finds that the practice of bungee jumping, also known as bungee cord jumping and reverse bungee jumping, has resulted in personal injuries and deaths which are likely to continue to occur. The City Council notes that most bungee jumping operations are conducted in combination with the use of a crane which has not been designed or manufactured for those purposes. The City Council concludes that bungee jumping is an inherently dangerous and life-threatening practice, likely to cause great harm or death to the participants.

808.02 DEFINITION

Bungee jumping means the sport, activity or practice of jumping, stepping out, dropping or otherwise being released into air while attached or fastened to a cord made of rubber, latex, or other elastic type material, whether natural or synthetic, whereby the cord stops the fall, lengthens and shortens, allows the person to bounce up and down and is intended to finally bring the person to a stop at a point above the surface.

808.03 PROHIBITION

The practice of bungee jumping in any form whatsoever, whether open to the general public or for demonstration, exhibition, or other purposes, is hereby prohibited within the City of Pelican Rapids.

808.04 PENALTY

It shall be a misdemeanor to violate any provision of this Part 8.

PART 9. NOISE CONTROL

809.01. NOISES PROHIBITED.

Subdivision 1. General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any 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.

Subdivision 2. Horns, audible signaling devices, etc. No person shall sound any horn or audible signaling device on any vehicle except as a warning of danger, as required by Minn. Stat. 169.68.

Subdivision 3. Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary or mobile internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

Subdivision 4. Defective vehicles or loads. No person shall use any vehicle so out of repair, so loaded or in such condition as to create loud and unnecessary grating, grinding, rattling, or other noise.

Subdivision 5. Loading, unloading, packing, unpacking. No person shall create loud or excessive noise in loading, unloading, **packing** or unpacking any vehicle.

Subdivision 6. Radios, tape players, CD players, paging systems, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, tape player, CD player, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably annoy, disturb, injure, or endanger the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. Operation of any such set, instrument, player, machine, or other device between the hours of 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 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

Subdivision 7. Participation in noisy parties or gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably annoying, disturbing, injuring, or endangering the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. 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.

Subdivision 8. Loud speakers, amplifiers for advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound where the sound is made on or projected to 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.

Subdivision 9. Animals. No person shall keep any animal that, by its frequent or continued noise unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. For purposes of this section, "disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise" means any one of the following:

- A. The animal noise occurs at a time between 10:00 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 five (5) minutes with one minute or less lapse of time between each animal noise during the five 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 five (5) minutes with one minute or less lapse of time between each animal noise during the five 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 a period of at least five (5) minutes with one minute or less lapse of time between each animal noise during the five minute period.

Subdivision 10. Schools, churches, nursing homes, hospitals, etc. No person shall create any excessive noise on or projecting across a street, alley, or public grounds adjacent to any school, institution of learning, church, nursing home or hospital when the noise unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any of its occupants or residents, or when the noise unreasonably interferes with the working of the institution, and when conspicuous signs indicate the presence of such institution.

809.02 HOURLY RESTRICTION ON CERTAIN OPERATIONS.

Subdivision 1. Recreational vehicles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any minibike, all terrain vehicle, snowmobile, or other recreational vehicle not licensed for travel on public highways.

Subdivision 2. Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m.. Snow removal equipment is exempt from this provision.

Subdivision 3. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 a.m. and 10:00 p.m.

Subdivision 4. 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.

809.03. ENFORCEMENT.

Subdivision 1. Enforcement duties. The police department, shall enforce the provisions of this ordinance. The police department may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this ordinance.

Subdivision 2. Civil remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subdivision 3. Noise impact statements. The council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

Subdivision 4. Criminal penalties. Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor. Every person who violates any other provision of this ordinance is guilty of a misdemeanor. In all cases the city shall be entitled to collect the costs of prosecution to the extent allowed 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.

809.04. PERMITTED NOISE

Subdivision 1. Permitted Noise. The following acts or noises are permitted between the hours of 10:00 p.m. and 7:00 a.m. daily:

- A. Equipment used in connection with special events or activities which are authorized, sponsored, permitted or approved by the city council or City Administrator, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;

- B. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
- C. Anti-theft devices;
- D. Machines or devices for the production of sound on or in authorized emergency vehicles;
- E. Situations wherein immediate work is necessary to restore property to a safe condition, or when immediate work is required to protect persons or property, from eminent exposure to danger are exempt from operational limits.