

**TITLE 4**  
**HEALTH AND SANITATION**

## **CHAPTER 401 BURIAL OF THE DEAD**

### **SECTION:**

- 401.01: Permit Required
- 401.02: Prohibited Outside Cemetery
- 401.03: Method of Burial
- 401.04: Lands Designated as Cemeteries

#### **401.01: PERMIT REQUIRED:**

No cemetery, place of burial or crematorium of the dead human person shall be established or set apart, nor shall any existing cemeteries or crematoriums be enlarged without a permit issued by the City Council after payment of a fee as established in Section 314.05 (Ord. 1072, 2-26-90; amd. 1995 Code) (Ord. 1379A, 11-17-2008)

#### **401.02: PROHIBITED OUTSIDE CEMETERY:**

No burial of any dead body or any part of the dead body of a human being, or any other disposition of such dead body shall be made in any place which is not a duly dedicated cemetery. (Ord. 412, 3-9-64)

#### **401.03: METHOD OF BURIAL:**

Within 24 hours of the arrival of any human body on the cemetery premises, it shall be buried as follows:

- A. It shall be buried in a single grave and covered by at least two feet of earth.
- B. No burials shall be made where one container containing a body shall be placed above another regardless of the depth of the grave.
- C. All excavations for graves shall be made for a single grave and covered before any further excavation for additional graves are made within four feet of such excavation. (Ord. 507, 9-19-66)

#### **401.04: LANDS DESIGNATED AS CEMETERIES:**

The City Council shall make an inventory of all cemeteries and crematoriums existing in the City prior to October 1, 1989, and by resolution determine the boundaries of each and thereafter preserve records of which lands are cemeteries. No other lands shall be considered cemeteries until proper permits are issued under Section 401.01 of this Chapter. (Ord. 1072, 2-26-90)

## CHAPTER 402

### SOLID WASTE COLLECTION

#### SECTION:

- 402.01: Purpose
- 402.02: Definitions
- 402.03: License for Hauler Required
- 402.04: Requirements for License
- 402.05: Expiration of License
- 402.06: Revocation
- 402.07: Hauler's Equipment
- 402.08: Report to City
- 402.09: Collection Required
- 402.10: Residential Dwelling Zones
- 402.11: Date and Time of Collection
- 402.12: Preparation for Collection
- 402.13: Placement of Containers

#### **402.01: PURPOSE:**

It is the intent of the City, by means of this Chapter, to establish a system of complete regular garbage, other refuse, special wastes and yard waste collection throughout the City. The system is intended to assure that the disposal of such materials is accomplished in a sanitary and environmentally acceptable manner and that the health of the residents of the City is properly safeguarded. (Ord. 1097, 8-12-91)

#### **402.02: DEFINITIONS:**

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

**COMMERCIAL ESTABLISHMENT:** Any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but not be limited to, motels, office buildings, manufacturing plants, clubs, nursing homes, churches and schools. (Ord. 1559, 7-9-2018)

**CURBSIDE:** The area of public right of way between the property line and the curb or edge of the street, but not on the street.

**GARBAGE:** Animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

**MULTIPLE RESIDENTIAL DWELLING:** Any building containing more than four dwelling units, except townhouses, with individual kitchen facilities for each unit.

**OTHER REFUSE:** Ashes, rags, brush and tree trimmings less than six inches in diameter, non-recyclable glass, cans, paper, boxes and similar wastes.

**PERSON:** Individuals, partnerships, corporations and other legal entities.

**RECYCLABLES:** Materials which may be recycled or reused through recycling processes.

**RESIDENTIAL DWELLING:** Any building containing one to four dwelling units (single-family, duplex, triplex and fourplex) and any building with up to eight dwelling units contiguous to each other (townhouses) sharing no more than two common walls, such building to be of the row house type as contrasted to multiple dwelling apartment structures.

**SOLID WASTE:** Garbage, other refuse, special wastes, yard wastes and other discarded solid material resulting from residential, industrial and commercial operations from community activities.

**SOLID WASTE HAULER:** A collector or transporter of solid waste.

**SPECIAL WASTE:** Large appliances, furniture, oversized materials including mattresses and carpeting, automotive parts including tires and batteries, scrap metal, brush and tree trimmings more than six inches in diameter, tree stumps, Christmas trees, construction and demolition debris and other materials collected, processed and disposed of as a separate waste stream.

**YARD WASTE:** Lawn clippings, leaves, weeds, garden wastes and soft bodied plants.

**ZONE:** A residential area in which garbage, other refuse, special waste and yard waste is collected on the same day, the boundaries and day of collection of which are established by the City Manager. (Ord. 1097, 8-12-91)

### **402.03: LICENSE FOR HAULER REQUIRED<sup>1</sup>:**

No person shall act as a solid waste hauler in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect solid waste in the City shall submit a completed license application form along with the license fee and certificate of insurance required in Section 402.04 hereof. (Ord. 1097, 8-12-91)

### **402.04: REQUIREMENTS FOR LICENSE:**

- A. License Fee: Payment of the license fee as established by the City Fee Schedule in Section 314.05 shall be required prior to issuance of such license<sup>2</sup>.
- B. Liability Insurance: Before a solid waste hauler license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of \$600,000.00 for bodily injury damage and \$200,000.00 for property damage.
- C. Workers' Compensation Insurance: Before a solid waste hauler license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self insured status approved by the State of Minnesota<sup>3</sup>.
- D. Minimum Services: Before a solid waste hauler license may be issued, an applicant shall provide the following minimum services at a price indicated on the application form:
  1. Residential Dwellings:
    - a. Weekly collection of garbage and other refuse to be disposed at a site designated by Ramsey County.
    - b. Weekly collection of yard waste to be disposed of according to law.
    - c. Monthly collection of special waste to be disposed of according to law.
    - d. At least three different volume based rates including 32 gallon, 64 gallon and 96 gallon service per week.
    - e. Walk up service for those customers who request it.
  2. Multiple Residential Dwellings and Commercial Establishments:
    - a. Weekly collection of garbage and other refuse to be disposed of at a site designated by Ramsey County.

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<sup>1</sup> See Chapter 301 of this Code.

<sup>2</sup> See Section 301.03 of this Code for amount of license fee.

<sup>3</sup> M.S.A. §187.121.

- b. Weekly collection of yard waste to be disposed of according to law.
  - c. Monthly collection of special waste to be disposed of according to law. (Ord. 1097, 8-12-91)
- E. Schedule of Rates: Before a solid waste hauler license shall be issued, the applicant shall file a schedule of rates to be charged during the licensing period for which the application is made. Every licensee shall provide written notification to the City and the licensee's customers at least 60 days in advance of any change in rates to be implemented during the license period. (Ord. 1097, 8-12-91)

#### **402.05: EXPIRATION OF LICENSE:**

All licenses shall expire annually on December 31 except that licenses issued prior to December 31, 1991, shall expire December 31, 1992. (Ord. 1097, 8-12-91)

#### **402.06: REVOCATION:**

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation without refund of the license fee. (Ord. 1097, 8-12-91)

#### **402.07: HAULER'S EQUIPMENT:**

Licensees shall use equipment so constructed that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street or public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter. (Ord. 1097, 8-12-91)

#### **402.08: REPORT TO CITY:**

Licensees shall submit to the City a semi-annual report summarizing their business in the City on a form provided for such purpose. Upon request, licensee shall provide documentation supporting the data reported to the City. (Ord. 1097, 8-12-91)

#### **402.09: COLLECTION REQUIRED:**

Every single residential dwelling, multiple residential dwelling, commercial establishment and any other establishment generating solid waste shall make arrangements for the collection and disposal of solid wastes with a hauler licensed to do business in the City. Exceptions may be approved by the City Manager for environmentally sound alternatives. (Ord. 1097, 8-12-91)

#### **402.10: RESIDENTIAL DWELLING ZONES:**

The City shall be divided into zones by the City Manager for solid waste collection from residential dwellings. Solid waste from those residential dwellings within each zone shall be collected on the same day. (Ord. 1097, 8-12-91)

#### **402.11: DATE AND TIME OF COLLECTION:**

Licensees may collect solid waste during the times as provided for refuse handling in subsection 405.03C of this Title. (Ord. 1097, 8-12-91)

#### **402.12: PREPARATION FOR COLLECTION:**

Garbage, other refuse, yard waste and special waste must be separated for solid waste collection as follows:

- A. Garbage and Other Refuse: Garbage and other refuse shall be placed in containers that are watertight with a tight-fitting lid and impervious to insects, rodents, vermin and the absorption of moisture.
- B. Yard Waste: Yard waste shall be bagged separately for collection.
- C. Special Waste: Special waste shall be separately placed out for collection. (Ord. 1097, 8-12-91)

#### **402.13: PLACEMENT OF CONTAINERS:**

- A. Residential Dwellings: Garbage containers, and other refuse, yard waste, and special waste containers at residential dwellings shall be out of public view except on the day of pickup. Such solid waste containers may be placed at curbside for collection (unless walk-up arrangements have been made with the hauler) prior to 7:00A.M. At no time shall such solid waste containers remain on curbside for longer than 24 consecutive hours. Completely closed hauler-provided containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view. (Ord. 1559, 7-9-2018)
- B. Multiple Residential Dwellings and Commercial Establishments: Garbage containers, and other refuse, yard waste, and special waste containers at multiple residential dwellings and commercial establishments shall be out of public view. (Ord. 1097, 8-12-91) (Ord. 1559, 7-9-2018)

## CHAPTER 403 RECYCLING COLLECTION

### SECTION:

- 403.01: Purpose
- 403.02: Definitions
- 403.03: Scavenging for Recyclables; License
- 403.04: License for Recycling Contractor
- 403.05: Requirements for License
- 403.06: Expiration of License
- 403.07: Revocations
- 403.08: Licensee's Equipment
- 403.09: Report to City
- 403.10: Recycling Service
- 403.11: Hours of Collection
- 403.12: Placement of Containers for Collection
- 403.13: Recycling Fee
- 403.14: Existing Agreement

### **403.01: PURPOSE:**

It is the intent of the City, by means of this Chapter, to establish a system of curbside recycling as a public utility for Residential Dwellings and Multiple residential Dwellings in the City. (Ord. 1098, 8-12-1991; Ord. 1280, 03-31-2003; Ord. 1560, 7-9-2018)

### **403.02: DEFINITIONS:**

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

**COMMERCIAL ESTABLISHMENT:** Any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but not be limited to, motels, office buildings, manufacturing plants, clubs, nursing homes, churches and schools. (Ord. 1560, 7-9-2018)

**CURBSIDE:** The area of public right of way between the property line and the curb or edge of the street, but not on the street.

**CURBSIDE RECYCLING:** The regularly scheduled collection of targeted recyclables by a recycling contractor selected by the City.

**MULTIPLE RESIDENTIAL DWELLING:** Any building containing more than four dwelling units, except townhouses, with individual kitchen facilities for each unit. (Ord. 1560, 7-9-2018)

**PERSON:** Individuals, partnerships, corporations and other legal entities.

**RECYCLABLES:** Materials which may be recycled or reused through recycling processes including targeted recyclables.

**RECYCLING CONTRACTOR:** A collector or transporter of recyclables.

**RESIDENTIAL DWELLING:** Any building containing one to four dwelling units (single-family, duplex, triplex and fourplex), and any building with units contiguous to each other (townhouses) sharing no more than two common walls and not having a centralized refuse and recycling pickup location, such building to be of the row house type as contrasted to

multiple dwelling apartment structures. (Ord. 1280, 03-31-2003)

**TARGETED RECYCLABLES:** Aluminum or other metal food and beverage cans, food and beverage glass containers, newsprint, corrugated cardboard, magazines, designated plastic containers and other materials designated by the City Manager. (Ord. 1098, 8-12-1991)

**403.03: SCAVENGING FOR RECYCLABLES; LICENSE:**

It is unlawful for any person to scavenge or otherwise collect recyclables at the curb or from recyclable containers without a license from the City. (Ord. 1098, 8-12-1991)

**403.04: LICENSE FOR RECYCLING CONTRACTOR<sup>1</sup>:**

No person shall act as a recycling contractor in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect recyclables in the City shall submit a completed license application form along with the license fee and the required certificate of insurance. (Ord. 1098, 8-12-1991)

**403.05: REQUIREMENTS FOR LICENSE:**

- A. License Fee: Payment of the license fee as prescribed from time to time by City Council resolution shall be required prior to issuance of such license<sup>2</sup>.
- B. Liability Insurance: Before a recycling contractor license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of \$600,000.00 for bodily injury damages and \$200,000.00 for property damages.
- C. Workers' Compensation Insurance: Before a recycling contractor license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota<sup>3</sup>. (Ord. 1098, 8-12-1991)

**403.06: EXPIRATION OF LICENSE:**

All licenses shall expire annually on December 31. (Ord. 1098, 8-12-1991)

**403.07: REVOCATIONS:**

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation, without refund of the license fee. (Ord. 1098, 8-12-1991)

**403.08: LICENSEE'S EQUIPMENT:**

Licenseses shall use equipment so constructed that the recyclables will not spill during transport. The equipment shall be kept clean and shall not be allowed to stand in any street or public place longer than is necessary to collect recyclables. The licensee shall also ensure that the collection site is left free of litter. (Ord. 1098, 8-12-1991)

**403.09: REPORT TO CITY:**

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<sup>1</sup> See Chapter 301 of this Code.

<sup>2</sup> See Section 301.03 of this Code for amount of licensing fee.

<sup>3</sup> M.S.A. §187.121.



Licensees shall submit to the City a semi-annual report on a form provided by the City for such purpose. Upon request, licensees shall provide receipts which certify tonnages and markets reported to the City. (Ord. 1098, 8-12-1991)

**403.10: RECYCLING SERVICE:**

The City shall contract with a recycling contractor to serve as the exclusive curbside collector of targeted recyclables from Residential Dwellings and Multiple Residential Dwellings. In such contract, the City Council shall determine the schedule and frequency of the collection. (Ord. 1098, 8-12-1991; Ord. 1280, 03-31-2003)

**403.11: HOURS OF COLLECTION:**

Licensees may collect recyclables during times as provided for “Refuse Handling” in subsection 405.03C of this Title. (Ord. 1098, 8-12-1991)

**403.12: PLACEMENT OF CONTAINERS FOR COLLECTION:**

- A. Residential Dwellings: Recycling containers shall be located out of the public view except on the day of pickup. Recycling containers must be placed at curbside for collection prior to 7:00 A.M. on collection day. At no time shall containers remain on curbside for longer than 24 consecutive hours. Completely closed hauler-provided containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view. (Ord. 1560, 7-9-2018)
- B. Multiple Residential Dwellings and Commercial Establishments: Containers shall be located out of the public view. (Ord. 1098, 8-12-1991) (Ord. 1280, 03-31-2003) (Ord. 1560, 7-9-2018)

**403.13: RECYCLING FEE:**

- A. Fee: All Residential Dwellings and Multiple Residential Dwellings shall pay a recycling fee. The fee shall be charged quarterly as part of the City utility bill and shall be due along with the utility bill. The fee shall be as prescribed from time to time by City Council resolution. (Ord. 1280, 03-31-2003) (Ord. 1560, 7-9-2018)
- B. Penalty: Each quarterly billing for a recycling fee not paid when due shall incur a penalty charge of 10% of the amount past due.
- C. Action to Collect: Any amount due, including penalties, for recycling fee in excess of 90 days past due on October 1 of any year shall be certified to the County Auditor for collection with real estate taxes in the following year. (Ord. 1098, 8-12-1991)

**403.14: EXISTING AGREEMENT:**

If any Multiple Residential Dwellings in the City on the date of adoption of this ordinance has in place a valid contract with a private recycling contractor that provides for recycling of all Targeted Recyclables, then, upon proof of the existence of the contract, the Multiple Residential Dwellings is exempt from participation in the City recycling program and the fee in Section 403.13, provided 1) the contract remains in force, and 2) the private recycling contractor meets all the requirements in this Chapter. In no event shall the exemption extend beyond December 31, 2007, at which time all Multiple Residential Dwellings shall be covered hereunder. (Ord. 1280, 03-31-2003) (Ord. 1560, 7-9-2018)

## CHAPTER 404

### AIR POLLUTION CONTROL

#### SECTION:

404.01: Adoption of State Standards

404.02: Open Burning

#### **404.01: ADOPTION OF STATE STANDARDS:**

Air Pollution Control Rules, Regulations, and Air Quality Standards of Minnesota Pollution Control Agency, 1969 Edition, as amended, is hereby adopted by reference into the City Code as if fully set forth. (Ord. 625, 7-20-70)

#### **404.02: OPEN BURNING:**

- A. Prohibited: Except as provided in subsection B, all open burning is prohibited in the City.
- B. Exceptions: Recreational campfires, fires for the purpose of bona fide Fire Department training, as approved by the Fire Chief, and open burning of trees resulting from extensive storm damage, at a central collection site, when approved by the Fire Chief. The following requirements shall apply to all recreational fires:
  - 1. Permanent enclosures: The minimum distance to a structure or property line shall be 25 feet.  
Permanent Enclosures Include: A pit dug into the ground or made out of stone, steel, or other noncombustible material for keeping a fire.
  - 2. Portable enclosures: The minimum distance to a structure or property line shall be 15 feet.  
Portable Enclosures: A portable, out-door, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
  - 3. The maximum permitted size shall be 3 feet in diameter.
  - 4. The permitted fuels - charcoal or one 1 inch minimum diameter wood
  - 5. Non-permitted fuels-trash, debris, grass, tree trimmings, leaves, or similar materials shall not be allowed.
  - 6. Recreational fires shall be used for cooking, social or recreational purposes.
  - 7. The maximum duration shall be four hours.
  - 8. No combustible materials shall be placed within a three foot radius of fire.
  - 9. The fire shall be constantly attended by a responsible adult.
  - 10. A means of extinguishing the fire shall be present (such as a garden hose or a fire extinguisher).
  - 11. The maximum permitted height of the fire shall be 4 feet from the ground level.
  - 12. No recreational fire shall be allowed when winds are in excess of ten miles per hour.
- C. Permits Required: It shall be the duty of the Fire Chief and/or Fire Marshal to investigate requests for and to issue open burning permits for the purposes stated in subsection B.
- D. Prairie Grass/Vegetative Ground Cover Burning Permits: The Fire Chief and/or Fire

Marshal may issue burning permits to allow the burn-off of prairie grass and vegetative ground cover on the following terms:

1. Notice of the issuance of the permit shall be given to property owners within 350 feet of the subject property at least three days prior to the burn.
  2. Conditions may be imposed by the Fire Chief and/or Fire Marshal, including but not limited to a condition that the City Fire Department may conduct or supervise a burn where safety considerations warrant it.
  3. The permittee shall pay the fee as established by the City's Fee Schedule in Section 314.05.
- E. When open burning, a recreational fire or a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit has not been obtained, the Fire Marshal, Fire Inspector, Fire Chief, or his/her *designee* is authorized to order extinguishment in the fire codes official's sole discretion.
- (Ord. 1352, 8-27-2007) (Ord. 1513 11-07-16)

## **CHAPTER 405**

### **NOISE CONTROL**

#### **SECTION:**

- 405.01: General Prohibition
- 405.02: Specific Restrictions
- 405.03: Hourly Restrictions of Certain Operations
- 405.04: Noise Variances
- 405.05: Enforcement and Impact Statements

#### **405.01: 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 contained in Section 405.02 below. (Ord. 927, 6-30-1983)

#### **405.02: SPECIFIC RESTRICTIONS:**

- A. Horns, Audible Signaling Devices, Etc.: No person shall sound any audible signaling device on any vehicle except as a warning of danger.
- B. 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, and complies with all applicable State laws and regulations.
- C. 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.
- D. Loading, Unloading, Unpacking: No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle.
- E. Radios, Phonographs, Paging Systems, Etc.: No person shall use, 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 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 7:00A.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 in a structure or building, shall be prima facie evidence of a violation of this Chapter.
- F. Participation In Noisy Parties Or Gatherings: No person shall 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 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.
- G. Loudspeakers, Amplifiers for Advertising, Etc.: No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production

or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment.

- H. Amplified sound from motor vehicles: It shall be a violation of this Chapter to play, operate or permit the playing, use of operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or alley, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this section is guilty of the violation. (Ord. 1315, 02-14-2005)
- I. Animals: The provisions of Chapter 501 of this Code shall govern unreasonable noises created by animals.
- J. Schools, Churches, Etc.: No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning or church when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.
- K. Air Conditioning Units: No person shall place, maintain or operate an air conditioning unit in such a manner so as to unreasonably disturb the peace, quiet and comfort of persons using adjacent properties. (Ord. 927, 6-30-1983)

#### **405.03: HOURLY RESTRICTIONS OF CERTAIN OPERATIONS:**

- A. Recreational Vehicles: No persons shall, between the hours of 9:00 P.M. and 7:00 A.M., drive or operate any minibike or other recreational vehicle not licensed for travel on public highways. (Ord. 1553, 6-4-2018)
- B. 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 9:00 P.M. on any weekday, or between the hours of 9:00A.M. and 9:00 P.M. on any weekend or legal holiday. Snow removal equipment is exempt from this provision. (Ord. 1553, 6-4-2018)
- C. Refuse Handling: No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 A.M. and 9:00P.M. on any weekday or between the hours of 9:00 A.M. and 9:00 P.M. on any weekend or legal holiday. (Ord. 1553, 6-4-2018)
- 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 9:00) P.M. on any weekday, or between the hours of 9:00A.M. and 9:00 P.M. on any weekend or legal holiday. (Ord. 1553, 6-4-2018)
- E. Snowmobiles: Snowmobiles shall be operated only at times allowed by Section 604.03 of this Code. (Ord. 927, 6-30-1983)

#### **405.035: EXEMPTIONS:**

- A. Any construction or maintenance activity in which the City of Roseville is considered the owner and/or the project engineer on the project, is exempt from Chapter 405 of the

City Code regarding Noise Control subject to the following:

1. All work shall be done during normal working hours as described in 405.03 of the Roseville City Code unless circumstances or conditions require work be done outside of these hours or if it is determined that there is significant benefit to surrounding properties and/or the general public by performing work outside of these hours. Only projects listed below are exempt;
    - a. Sewer Lining projects which take more than 12 hours per segment
    - b. Water main or valve replacement work which would impact significant amount of residents or business during normal working hours.
    - c. High traffic areas where a lane closure or full road closure is required, but doing so during normal working hours would create a significant impact on the general public, residents and businesses surrounding the work area.
  2. Work outside of normal working hours as described in 405.03 is limited to a maximum of two days per project segment as notified in subpart B.
- B. If work will be performed outside of normal working hours as described in 405.03 the City shall notify the residents/businesses within 500 feet of the project as far in advance as practical. At minimum residents shall be notified seven days in advance of the work via a mailed letter. The City Manager, Mayor and Council shall also be notified. The letter, at minimum, shall indicate the necessity of the work, schedule of the work, the scope of the work, the impacts and the mitigation techniques that will be used to minimize impacts.  
(Ord. 1548, 4-9-2018)

#### **405.04: NOISE VARIANCES:**

Any person may apply to the City Council for a variance from the requirements of this Chapter prior to doing those acts. The applicant shall provide a certified list of property owners within 350 feet of the site(s) where the activity is to occur. The Council procedure for public hearings shall be as set forth in Chapter 108 of this Code. For good cause shown, the City Council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Council may impose reasonable conditions to it. (Ord. 1175A, 11-25-1996)

#### **405.05: ENFORCEMENT AND IMPACT STATEMENTS:**

- A. Civil Remedies: In addition to criminal penalties, this Chapter may be enforced by injunction, action for abatement or other appropriate civil remedies.
- B. Noise Impact Statements: The City Council may require any person applying for a change in zoning classification, permit or license for any structure, operation, process, installation, alteration or project that may be considered a potential noise source to submit a noise impact statement. The City Council 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. (Ord. 927, 6-30-1983; 1995 Code)

## **CHAPTER 406**

### **SOIL CONTAMINATION**

#### **SECTION:**

- 406.01: Policy
- 406.02: Definitions
- 406.03: Prohibition
- 406.04: Permit for Treatment and Disposal

#### **406.01: POLICY:**

- A. It is the policy of the City to protect the health, safety and welfare of those residing in and working in the City by providing regulations dealing with the treatment and disposal of soil contaminated with petroleum products.
- B. The City intends to supplement the regulations imposed by the MPCA<sup>1</sup> and to work in conjunction with that agency with regard to treatment and disposal of such contaminated soil. Given the large number of petroleum related businesses located within the City and the number of contaminated soil incidents generated within the City as a result of such businesses, it has been determined by the City Council that it is not appropriate for contaminated soils from outside of the City to be imported into the City for treatment or disposal. (Ord. 1075, 4-23-1990)

#### **406.02: DEFINITIONS:**

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

**CITY:** City of Roseville.

**CONTAMINATED SOIL:** Soil material which has been contaminated by petroleum products including, but not limited to, gasoline, diesel fuel, fuel oil or motor oil. Such contamination may result from direct spills of such material or from gradual seepage from leaking tanks.

**DISPOSAL:** Those methods of final handling of contaminated soil neutralized by use of one of the MPCA authorized treatment methods including placement or burial on-site or off-site removal.

**MPCA:** Minnesota Pollution Control Agency.

**TREATMENT:** Those methods of neutralizing contaminated soil authorized for use by the MPCA. (Ord. 1075, 4-23-1990)

#### **406.03: PROHIBITION:**

No contaminated soil may be brought into the City for storage nor may contaminated soil from outside of the City be treated or disposed of within the City. (Ord. 1075, 4-23-1990)

#### **406.04: PERMIT FOR TREATMENT AND DISPOSAL:**

Contaminated soil from a source within the City may be treated and disposed of pursuant to the following procedure:

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<sup>1</sup> Defined in Section 406.02 of this Chapter.

- A. Application: Before any contaminated soil may be treated and disposed of, the entity seeking to treat and dispose of such contaminated soil, or its agent, shall complete and submit an application prepared by the City staff.
- B. Fee: At the time of application for a permit to treat and dispose of contaminated soil, the applicant shall pay a non-refundable fee as established by the City's Fee Schedule in Section 314.05. In the event that the staff determines that it will be necessary for the City to retain an outside consultant to provide technical review and monitoring, the applicant for a permit shall, as a condition to receiving the permit, agree in writing to pay the City's cost of such outside consultant.
- C. Review: The City staff shall review the application in conjunction with the MPCA's review of the proposed contaminated soil treatment and disposal. Such review shall include examination, investigation and written comments by the Public Works Director, Community Development Director, Fire Marshal and other City department heads deemed appropriate. (Ord. 1075, 4-23-1990)
- D. Hearing: The City Council will hold a hearing on each application for a permit to treat or dispose of contaminated soil. Notice of the hearing shall be as provided for in Chapter 108 of this Code. In determining whether or not a permit shall be issued, the City Council may prohibit such treatment and disposal within the City if it determines that the health, safety and welfare of residents of the community will be jeopardized by such treatment and disposal within the City after making specific findings concerning the basis of its denial. The City Council may impose reasonable conditions with regard to permits for such treatment and disposal. (Ord. 1175A, 11-25-1996)



## CHAPTER 407 NUISANCES

### SECTION:

- 407.01: Definitions
- 407.02: Nuisances Affecting Public, Comfort or Repose
- 407.03: Nuisances Affecting Public Health and Safety
- 407.04: Vehicles Constituting a Public Nuisance
- 407.05: Public Nuisance Unlawful
- 407.06: Enforcement
- 407.07: City Abatement of Public Nuisances
- 407.08: Recovery of Cost
- 407.09: Accelerated Abatement Process for Certain Nuisances
- 407.10: Public Nuisance Variance
- 407.11: Variance Appeal

### **407.01: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**ABANDONED VEHICLE:** A motor vehicle that:

- a. Has been illegally parked on public property for a period of more than 48 hours;
- b. Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours; and
- c. Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

**ANIMALS, Domestic:** Animals kept within the home as pets such as; fish, dogs, cats, household birds and similar animals.

**ANIMALS, Non-Domestic:** Animals, which are kept outside the home for purposes of food or pleasure such as; cattle, hogs, horses, sheep, llamas, goats or other similar animals.

**FRONT YARD AREA:** All that area between the front property line and a line drawn along the front face or faces of the principal structure on the property extended to the side property lines. The front side of the property shall be determined as specified in Title 11 of this code.

**GROUND COVER:** Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion. (Ord. 1384, 7-13-2009)

**GRAFFITI:** Any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, painted, drawn or otherwise placed on any exterior surface of a building wall, fence, sidewalk, curb, dumpster or other such temporary or permanent structures on public and private property and which has the effect of defacing the property.

**INOPERABLE CONDITION:** A vehicle which has no substantial potential use consistent with its usual function, and may include a vehicle that:

- a) Has a missing or defective vital component part.
- b) Is stored on blocks, jacks or other supports.

**JUNK VEHICLE:** An inoperable motor vehicle which is; in inoperable condition, partially dismantled, used for sale of parts, a source of repair or replacement parts for other vehicles,

or kept for scrapping, dismantling or salvage of any kind. Unless such vehicle is kept in an enclosed garage. An abandoned vehicle shall also be considered a junk vehicle for the purpose of this chapter.

**NATURAL AREAS:** Natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs, marshes, and lake shores. (Ord. 1384, 7-13-2009)

**NATURAL LANDSCAPING:** Planned landscaping designed to replicate a locally native plant community by using a mix of plants, shrubs, and trees native to the area. (Ord. 1384, 7-13-2009)

**NUISANCE:** Any act, substance, matter emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right of way, vehicle, railroad car, waterway, excavation, building, structure, lot, grounds, or other property located within the city of Roseville. Nuisances shall include, but not be limited to, those enumerated below:

- a. Maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public; or
- b. Interfering with, obstructing or rendering dangerous for passage, any public road or right of way, street, alley or highway or waters used by the public; or
- c. In any way rendering the public insecure in life or in use of property; or
- d. Any other act or omission declared by law to be a public nuisance specifically provided.

**OCCUPANT:** Includes any person living in or in control of any dwelling unit upon property wherein a nuisance is determined to be present.

**PEDDLING AND SOLICITING:** The practice of going house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale or property or services.

**SERVICE STATION:** A business involving the sale of motor fuel and/or the repair of motor vehicles.

**VEHICLE:** Any vehicle as defined in Minnesota Statutes but excluding the following:

- a. Snowmobiles; or
- b. "All-terrain vehicles" as defined in Minnesota Statutes.

**VITAL COMPONENT PARTS:** Those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels. (Ord. 1162, 7-10-1995)

## **407.02: NUISANCES AFFECTING PUBLIC COMFORT OR REPOSE:**

The following are hereby declared to be public nuisances affecting public comfort or repose:

- A. **Backyard Composting:** All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements of Chapter 409. (Ord. 1092, 6-10-91, amended (Ord. 1384, 7-13-2009))
- B. **Building Maintenance and Appearance:** Buildings, fences, and other structures, which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood. Any building, fence or other structure not complying with Chapter 906 of this Code or the following:
  1. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.
  2. All cornices, moldings, lintels, bay or dormer windows and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

3. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
  4. Chimneys, antennae, air vents and other similar projections shall be structurally sound and in good repair. Such Projections shall be secured properly where applicable to an exterior wall or exterior roof.
  5. All foundations shall be structurally sound in good repair.
- C. Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, cut vegetative debris, or other debris of any nature or description and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans or other material of any kind onto public or private property. (Ord. 1337, 5-22-2006)
- D. Graffiti: (Ord. 1337, 5-22-2006)
- E. Keeping of Non-Domestic Animals: The keeping of animals , other than those commonly called poultry or bees.
- F. Noises: All noises in violation of Chapter 405 of this Code.
- G. Parking and Storage: The outside parking or storage on residentially-zoned property of vehicles, materials, supplies or equipment in violation of the provisions set forth below:
1. Non-permanent Structures: No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, play houses, or other similar nonpermanent structures outside continuously for longer than 24 hours in the front-yard area of residentially-zoned property.
  2. Storage on Property: No person may place, store or allow the placement or storage of the following, for a period longer than 4 days in the front yard or unscreened street facing side yard of a corner lot of any residential zoned area:
    - a. Trailers of any type, unless completely placed on an improved surface as defined in this Code and stored no closer than five (5) feet of a property line; or
    - b. Boats or watercraft of any type in excess of 20 foot length; or
    - c. Vehicles of any type in inoperable condition; or
    - d. Vehicles of any type that are posted as “for sale”; or
    - e. Recreational vehicles as defined by State Statute, unless stored completely on an improved surface, as defined in this Code and meeting a five (5) foot setback requirement to a property line and no portion of the vehicle may be stored on or over the Public Right of Way.
  3. Storage of Materials: No person may place, store or allow the placement or storage of pipe, lumber, steel, machinery or similar materials including all vehicles, equipment or materials used in connection with a business, outside on residentially-zoned property, except for temporary storage of such materials for use in the construction or remodeling of a structure on the property when a valid City issued building permit exists.
  4. Vehicle Parking, General: No person shall cause, undertake, permit or allow the outside parking and storage of vehicles in residentially-zoned property for more than 4 days unless it complies with the following requirements: (Ord. 1288, 8-4-2003)
    - a. Vehicles shall be on an improved surface as defined in this Code.
    - b. Vehicles, must be owned by a person who is a legal resident of that property and continuously maintain current registration and licensure. (Ord. 1466, 04-21-2014)
  5. Large/Commercial Vehicles: No person, owning, driving or in charge of any vehicle with a manufacturers rated capacity of more than one ton, as specified in

Minnesota Statutes, may cause or permit that vehicle to be parked outside or stand continuous for more than two hours on a property or public street within a residential zone in the City, with the exception of the following:

- a. Any motor truck, pickup truck, or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle; or
- b. Any vehicle which is actually making a pick up or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to provide such excepted service or to make such a pick up or delivery and in excess of the two hour limit shall be unlawful.

6. Street Parking, Trailers and Recreational Vehicle: No trailer (of any size), boat supported on a trailer, or recreational vehicle (with dual rear tires or dual rear axle) may be parked on a public street or right-of-way within the City for: 1) more than 4 consecutive days, or, 2) more than 4 total days in any calendar month.

- a. Parking in one location for over 2 hours (in a 24 hour period) qualifies as a 'day' for purposes of this section.

H. Service Stations: Operation of a service station if conducted in a manner that includes any of the following:

1. The sale, or display in aid of sale, of any motor vehicle.
2. The use of service station premises for storage of damaged or abandoned motor vehicles for in excess of seven days without a directive of the Chief of Police.
3. The storing of or accumulation of any of the following items on the premises in view of adjacent properties:
  - a. Used oil cans; or
  - b. Discarded auto parts; or
  - c. Discarded tires; or
  - d. Any other items of similar nature.

4. Allowing tires to be sold or displayed for sale within view of adjacent properties, unless the same are displayed in a rack and only during business hours. (Ord. 499, 8-8-66; amd. 1995 Code)

I. Smoke and Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (Ord. 207, 11-9-55)

J. Vibrations: All unnecessary and annoying vibrations.

K. Weeds and Vegetation: All noxious weeds in all locations. Also, turf grasses, nuisance weeds and rank vegetative growth not maintained at a height of eight inches or less in locations closer than 40 feet from:

1. An occupied principal structure;
2. Any property line with an occupied structure on abutting property; or
3. A public road pavement edge.

This shall not apply to:

1. Natural areas, public open space or park lands, as determined by the city forester or naturalist designated by the city manager. (Ord. 1136, 2-28-1994); Amd. (Ord. 1384, 7-13-2009)
2. Yard areas with natural landscaping that follow the City policy for natural landscaping (Ord. 1384, 7-13-2009)

- L. Yard Cover: Yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be maintained as set forward in Section 407.02(K). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-21-2014)

### **407.03: NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY:**

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

- A. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.
- B. Dangerous Buildings: All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their replacement value or which are so situated as to endanger the safety of the public, or by order of the Building Official.
- C. Dangers Attractive to Children: All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
- D. Diseased Animals: All diseased animals running at large
- E. Explosives: All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law.
- F. Holes and Excavations: Any well, hole or similar excavation that is left uncovered, unprotected or in such other condition as to constitute a hazard to a person on the premise where it is located.
- G. Interference With Radio or TV: All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation of any defective electrical appliances and equipment.
- H. Interfering With Drainage: Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit.
- I. Junk: The outside piling, storing or keeping of old machinery, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property. (Ord. 1162, 7-10-1995)
- J. Low Wires, Tree Limbs, Other Vegetation: All wires, tree limbs and other vegetation which are located close enough to the surface of the public non-motorized pathway, street or alley as to constitute an impediment to the safe passage of pedestrians, bicyclists or permitted vehicles.
- K. Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such material to fall or land in the City.
- L. Obstruction of Streets, Crowds: 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 public streets or sidewalks, except where permitted by the City.
- M. Peddling and Soliciting:
  - 1. Engaging in Peddling or Soliciting, if conducted in the following manner:
    - a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way; or
    - b. Creating a threat to the health, safety and welfare of any individual or the general public; or
    - c. Doing so before 9:00 a.m. or after 7:00 p.m.; or
    - d. Making any false or misleading statements about the product or service being offered, including untrue statements of

- endorsement; or
  - e. Remaining on the property of another when requested to leave; or
  - f. Otherwise act in a manner a reasonable person would find obscene, threatening, intimidating or abusive.
2. Entering the property of another, unless invited to do so by the property owner or tenant prior to entrance onto the property, for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard meeting the following criteria:
    - a. Sized at least 4 inches long and 4 inches wide; and
    - b. Having print at least 48 point in size or one half inch tall; and
    - c. Stating “No Trespassing” or “No Peddlers or solicitor,” or “Peddlers and Solicitors Prohibited” or other comparable statement.
  3. Removing, defacing or otherwise tampering with any sign or placard displayed in accordance with paragraph 2 above by a person other than the property owner or tenant. (Ord. 1293, 8-11-2003)
- N. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law.
- O. Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when such repairs will not unduly impede or interfere with traffic.
- P. Snow On Non-motorized Pathways: On all properties with off-the-road, non-motorized pathways, except nontax exempt Low Density Residential properties, ice and snow that is not removed from the non-motorized pathway within 12 hours after snow and ice have ceased to be deposited thereon. (Ord. 925, 5-9-83)
- Q. Storage of Wood: The storage of any wood or wood product used or intended to be used as fire wood on residential properties within the City unless wood piles are erected, located and maintained in a safe and orderly fashion:
  1. In neat and secure stacks elevated 6 inches off the ground;
  2. A maximum height allowed for a wood pile is 6 feet; and
  3. Fire wood shall only be stored in a side or rear yard.
- R. Traffic Visibility: Maintaining conditions on any property that violate the requirements of Section 1011.06 of this Code (Visibility Triangles in All Districts).
- S. Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, non-motorized pathways, alleys or gutters.
- T. Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.

#### **407.04:VEHICLES CONSTITUTING A PUBLIC NUISANCE:**

- A. Abandoned, Junk and Inoperable Vehicles Create Hazard: Abandoned, junk and inoperable vehicles are declared to be a public nuisance creating hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well-being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter and unsightly debris and is a blight on the landscape and a detriment to the environment. It shall be unlawful for a person to pile, store or keep wrecked, junked, inoperable or abandoned vehicles on private or public property.
- B. Vehicles Impeding Traffic Flow: Any Vehicle, whether occupied or not that is found stopped, standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is found impeding firefighting, snow removal or plowing or the orderly flow

of traffic is declared to be a public nuisance.

C. Vehicles Impending Road and Utility Repair: Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.

D. Vehicles Without Current Registration: Except where expressly permitted by state law, any vehicle or other equipment, which requires registration for operation in the State of Minnesota, shall be deemed to be junked, inoperable or abandoned if said vehicle does not have attached thereto a valid registration issued by the proper State agency. (Ord. 1288, 8-4-2003)

E. Abatement of Vehicles:

1. Impounding: Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner only upon payment of the required impound, towing and storage fees.
2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles. (Ord. 1162, 7-10-95)

#### **407.05:**

It shall be unlawful for any person, firm, corporation or association to maintain any public "nuisance" as defined in this Chapter and it shall further be unlawful to do any act which act is defined as a public "nuisance" in this Chapter. (Ord. 320, 6-9-1961)

#### **407.06: ENFORCEMENT:**

The City Council authorizes the Community Development Director (or designee) to administer and enforce this Chapter. The Community Development Director may institute, in the name of the City, any appropriate actions or proceedings against a violator as provided by law. (Ord.1354, 10-22-2007)

#### **407.07: CITY ABATEMENT OF PUBLIC NUISANCES:**

- A. Notice: Whenever an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, and determines that the City abatement process is appropriate, the officer shall notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated or abated. 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. (Ord.1354, 10-22-2007)
- B. Service of Notice: Notice may be served by any or all of the following methods:
  1. In person; or
  2. By regular or certified mail; or
  3. By posting on site or premises.
- C. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall immediately report that fact to the City Council. The enforcing officer shall also provide notice to the owner or occupant of the premises that the City Council will consider the matter and may provide for abating the nuisance by the City. The notice shall state the date on which the City Council will consider the matter. Notice by the enforcing officer shall be given at least ten days before the date stated in

- the notice when the City Council will consider the matter. (Ord. 1337, 5-22-2006)
- D. Action of City Council: Upon notice from the enforcing officer of noncompliance, the City Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City.
  - E. Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the City may abate the nuisance immediately with no hearing. (Ord. 1016, 6-8-1987) (Ord. 1337, 5-22-2006)

#### **407.08: 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 Manager, or other official designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.
- 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 city manager shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such 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. (Ord. 1016, 6-8-1987)

#### **407.09: ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES:**

- A. Notwithstanding the provisions of section 407.07 of this chapter, city officers charged with enforcement of this chapter shall follow the accelerated procedure described below for abating accumulations of snow and ice under subsection 407.03P of this chapter, tall grasses, nuisance weeds and other vegetative growth under subsection 407.02K of this chapter; cut vegetative debris under subsection 407.02C of this chapter; and graffiti under subsection 407.02D of this chapter. (Ord. 1337, 5-22-2006)
  - 1. Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance proscribed under subsection 407.03P or 407.02K of this chapter is being maintained or exists on premises in the city, written notice shall be served in person; or by posting on premises; or by regular or certified first-class mail to the property owner or occupant. The notice shall specify the nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the nuisance is not abated within 5 working days, that the city will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.
  - 2. Abatement by City: If the owner or occupant fails to comply with the notice, within 5 days, the city shall provide for abatement of the nuisance. The officer charged with enforcement shall keep records of the cost of abatement and shall provide this information to the city manager for assessment against the property pursuant to section 407.08 of this chapter. (Ord. 1228, 7-12-1999)



#### **407.10: PUBLIC NUISANCE VARIANCE:**

A. A variance request pertaining to nuisances occurring on public or private property as addressed in Section 407.02.G may be filed by a property owner or occupant with the following requirements:

1. Shall be submitted on forms supplied by the City; and
2. Shall include a specific description detailing the reason for the variance request; and
3. Shall be delivered to the Community Development Director within the timeframe given in the notice provided pursuant to 407.07.A; and
4. Shall be accompanied by the fee set forth in Chapter 314.B; and
5. Submission of evidence including written approval of the otherwise prohibited activity, by 75% of the adjacent property owners within 100 feet of the subject property or prohibited activity.

B. Variance requests will be considered, approved or denied by the Community Development Director or his/her designee(s). The Community Development Director or his/her designee(s) shall notify the applicant and all property owners, identified under 407.10.A.5, within five (5) business days the decision to approve or deny the request and the process available for appeal.

C. Variance approvals may be granted with or without conditions, including but not limited to a time limited duration at the discretion of the City. Violations to any approved public nuisance variance shall be grounds for immediate revocation of the variance. Additional nuisance activity or violation to the City Code may be grounds for the revocation of an approved variance.

#### **407.11: VARIANCE APPEAL:**

Variance denials or revocations may be appealed to City Council by the applicant. If an appeal is filed it must:

1. Be submitted on forms supplied by the City; and
2. Be delivered to the City Manager within 10 days of the denial or revocation.

When an appeal is filed, a public meeting regarding the matter shall be before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Community Development Director or his/her designee(s). (Ord. 1527 05-22-2017)

## CHAPTER 408

### LAWN FERTILIZER / PESTICIDES

#### SECTION:

- 408.01: Purpose
- 408.02: Commercial Applicator Regulations
- 408.03: General Regulations
- 408.04: Pesticide Application Warning Signs

#### **408.01: PURPOSE:**

The City has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes as a result of storm water runoff or other causes. The purpose of this Section is to define regulations which will aid the City in maintaining and improving lake resources which are enjoyed by its residents and other users. (Ord. 1024, 11-23-87)

#### **408.02: COMMERCIAL APPLICATOR REGULATIONS:**

- A. License Required: No person shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City Manager, as provided in subsection 408.02B.
- B. License Application Procedure: Applications for a commercial lawn applicator license for a calendar year shall be submitted to the City Manager at least 30 days prior to the initial lawn fertilizer application each year within the City. The application shall consist of the following:
  - 1. Application Form: Application forms shall be provided by the City and shall include the following information:
    - a. Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
    - b. Description of lawn fertilizer formula proposed to be applied on lawns within the City.
    - c. A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.
  - 2. Fertilizer Sample: A chemical analysis of a sample of the lawn fertilizer shall be submitted to the City along with the initial application for a license and at least 30 days before fertilizer composition changes are implemented. Said analysis shall be certified by an independent testing laboratory.
  - 3. License Fee: The annual license fee for a commercial lawn fertilizer applicator shall be as established by the City Fee Schedule in Section 314.05. The license shall expire on December 31. The license fee shall not be prorated. (Ord. 1379A, 11-17-2008)
- C. Conditions of License: Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:
  - 1. Random Sampling: Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within the City at any time after issuance of the initial license.
  - 2. Possession of License: The commercial lawn fertilizer application license, or a copy

of such license, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.

3. State Regulations: Licensee shall comply with the provisions of the Minnesota Fertilizer, Soil Amendment, and Plant Amendment Law as contained in Minnesota Statute sections 18C.001, et seq. and amendments thereto. (Ord. 1024, 11-23-87) (Ord 1348, 5-21-2007)

#### **408.03: GENERAL REGULATIONS:**

- A. Time of Application: Lawn fertilizer applications shall not be applied when the ground is frozen or between January 1 and April 15, and between November 15 and December 31.
- B. Sample Analysis Cost: The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the same analysis indicates that the phosphate content exceeds the levels authorized in subsection 408.03C.
- C. Phosphorus use restrictions:
  - 1. A person may not apply a fertilizer containing the plant nutrient phosphorus to turf, except under conditions listed in paragraph 2.
  - 2. Paragraph 1 does not apply when:
    - a. a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
    - b. the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or
    - c. the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.
  - 3. Applications of phosphorous fertilizer authorized under paragraph 2 must not exceed rates recommended by the University of Minnesota and approved by the commissioner. (Ord.1348, 5-21-2007)
- D. Impervious Surfaces: No person shall apply fertilizer to impervious surfaces.
- E. Buffer Zone: Fertilizer applications shall not be made within 50 feet of any wetland or water resource. (Ord. 1024, 11-23-87) (Ord.1348, 5-21-2007)

#### **408.04: PESTICIDE APPLICATION WARNING SIGNS**

- A. Warning Signs Required: All commercial applicators who apply pesticides and non-commercial applicators who apply pesticides in parks, golf courses, athletic fields, playgrounds, or other similar recreational property, must post warning signs on the property where the pesticides are applied in accordance with Minnesota Statute Section 18B.09.
- B. Sign Requirements:
  - 1. Warning signs must project at least 18 inches above the top of the grass line.
  - 2. Warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place at least 48 hours after the time of initial application.
  - 3. Warning signs must contain the following information printed in contrasting colors and capitalized letters measuring at least one-half inch:
    - a. The name of the business organization, entity, or person applying the pesticide; and
    - b. The following language: "This area chemically treated. Keep children and pets off until \_\_\_\_\_ (date of safe entry)."
  - 4. The warning sign may include the name of the pesticide used.

5. Warning signs must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrances to the property.

(Ord. 1348, 5-21-2007)

## **CHAPTER 409**

### **RESIDENTIAL COMPOSTING**

#### **SECTION:**

- 409.01: Definitions
- 409.02: Applicability
- 409.03: Compost Containers
- 409.04: Location on Property
- 409.05: Compost Materials
- 409.06: Maintenance
- 409.07: Abatement

#### **409.01: DEFINITIONS**

**COMPOSTING:** a microbial process that converts plant materials to a usable organic soil amendment or mulch.

#### **409.02: APPLICABILITY**

Rules set forward in Chapter 409 are applicable only to parcels designated R-1 Single-Family Residential under Chapter 1004.

#### **409.03: COMPOST CONTAINERS**

Composting shall be conducted within a composting area(s) or composting container(s) not to exceed five feet in length, width, or height. Lots of up to ten thousand square feet in area may have up to two composting areas or containers per lot and lots greater than ten thousand square feet in area may have up to three composting areas or containers per lot. Compost containers shall be constructed or made of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit that will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

#### **409.04: LOCATION ON PROPERTY**

Compost container(s) shall be located in the rear yard no closer than five feet to any rear or side property line and no closer than twenty (20) feet to any habitable building, other than the resident's own home.

#### **409.05: COMPOST MATERIALS**

Material such as grass clippings, leaves, soft-bodied plant materials, straw, sawdust, fruit or vegetable scraps, flowers, lake plants, coffee grounds, eggshells, and commercially available compost ingredients may be placed in compost container(s). Material such as meat, bones, fat, oils, grease, dairy products, brush greater than one-fourth inch in diameter, human or pet waste, plastics or synthetic fibers shall not be placed in compost container(s).

#### **409.06: MAINTENANCE**

Compost materials shall be managed to minimize odor generation and to promote effective decomposition of the materials in a safe, secure and sanitary manner.

#### **409.07: ABATEMENT**

All compost containers and/or compost materials not in compliance with this section shall be declared a nuisance and are subject to abatement as provided in Chapter 407 of this Code.  
(Ord. 1384, 7-13-2009)

## **CHAPTER 410**

### **COAL TAR BASED SEALER PRODUCTS**

#### **SECTION:**

- 410.01: Purpose
- 410.02: Definitions
- 410.03: Prohibitions
- 410.04: Exemption
- 410.05: Asphalt-Based Sealcoat Products
- 410.06: Penalty
- 410.07: Severability

#### **410.01: PURPOSE**

The City of Roseville understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The City of Roseville Comprehensive Plan supports protection of these resources.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated an adverse relationship between stormwater runoff and certain health and environmental concerns.

The purpose of this ordinance is to regulate the use of sealer products within the City of Roseville, in order to protect, restore, and preserve the quality of its waters.

#### **410.02: DEFINITIONS**

Except as otherwise provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASPHALT-BASED SEALER:** A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.

**COAL TAR SEALER:** A coal tar based sealer is a black liquid containing coal tar pitch that is sprayed or painted on asphalt parking lots and driveways.

**COAL TAR:** A byproduct of the process used to refine coal for the steel industry.

**CITY:** City of Roseville.

**MPCA:** Minnesota Pollution Control Agency

**PAHs:** Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

#### **410.03: PROHIBITIONS**

- A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City of Roseville.
- B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor,

volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

- D. A person may not sell a coal tar based sealer product within the City, unless:
1. The sale is to a person who intends to use the coal tar-based sealer outside the City's planning jurisdiction; and
  2. The seller requires the purchaser to complete and sign a form provided by the City that includes:
    - a. The name, address, and phone number of the purchaser,
    - b. The date of the purchase,
    - c. The quantity of coal tar-based sealer purchased,
    - d. A statement that the coal tar-based sealer will not be used within the City of Roseville,
    - e. An affirmation by the purchaser that the information on the form is correct, and
  3. The seller retains the completed form for a period of not less than two years and allows the City to inspect or copy the form upon request.

#### **410.04: EXEMPTION**

Upon the express written approval from both the City and MPCA, a person conducting bona fide research on the effects of coal tar-based sealer products or PHAs on the environment shall be exempt from the prohibitions provided in Section 3.

#### **410.05: ASPHALT-BASED SEALCOAT PRODUCTS**

The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.


#### **410.06: PENALTY**

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

#### **410.07: SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Ord. 1409, 6-13-2011)





## **CHAPTER 411**

### **WILDLIFE MANAGEMENT**

#### **SECTION:**

- 411.01: Purpose
- 411.02: Definitions
- 411.03: Feeding of Wild Animals Prohibited
- 411.04: Deer Management Plan
- 411.05: Severability

#### **411.01: PURPOSE**

It is the purpose of this Chapter to manage wildlife within the city and eliminate intentional feeding of wild animals for the following reasons:

- (a) Management of wildlife in urban areas is important to the health of residents and the animals.
- (b) Population management of wildlife is necessary to ensure a stable balance of resources and the reduction in nuisances for residents.
- (c) Intentional feeding causes unwanted concentrations of wild animals. Intentional feeding results in an increased potential of public safety problems including car/animal crashes and the spreading of diseases.

#### **411.02: DEFINITIONS**

**WILD ANIMAL:** Any animal that is not normally domesticated in the state, including but not limited to raccoons, turkeys, coyotes, deer, feral cats, foxes, skunks and waterfowl.

#### **411.03: FEEDING OF WILD ANIMALS PROHIBITED**

- A. Except as hereinafter provided, no person shall intentionally feed wild animals within the City.
- B. Intentional feeding is defined as distributing one gallon or more within one 24-hour period of grain, vegetables, fruits, nuts, hay, or a salt lick on the ground or a location less than 5 feet above the ground or any other location or in any other manner that regularly attracts wild animals.
- C. The provisions of Section 411.3 shall not apply to the following:
  - 1. Persons maintaining incidental living food sources such as fruit trees and other live vegetation...
  - 2. Persons feeding common small backyard birds using self-enclosed feeding devices or containers at least 5 feet above the ground.
  - 3. Persons that cannot physically place materials 5 feet or higher from the ground as long as they comply with the other standards contained in Chapter 411.03(B).
  - 4. Employees or agents of the City, County, State, the federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.
  - 5. Persons caring for animals at the Roseville Wildlife Rehabilitation Center.,
  - 6. Persons bringing wildlife into Roseville for educational purposes.
- D. Violation of this ordinance provision will be subject to an administrative fine of \$100 for the first violation, \$200 for the second violations, and \$300 for each subsequent violation within a 24-month period. This section does not prohibit, prevent, or bar any other

applicable remedies available at law for any conduct described in Section 411.03 including, but not limited to, nuisance abatement, civil injunction or criminal prosecution.

E. The Community Development Department is authorized to implement and enforce the provisions of 411.03. The Community Development Director shall promulgate rules, regulations, and/or policies consistent with all provisions herein.

F. Any person or persons against whom an administrative fine is imposed under Section 411.05 may appeal such administrative penalty pursuant to Chapter 102 of City Code.

#### **411.04: DEER MANAGEMENT PLAN**

A. The City shall develop and maintain a deer management program to manage the number of deer that may be adequately supported by suitable habitat within the City of Roseville. At a minimum, the deer management plan shall contain the following:

1. Provision of education to residents on the best management practices for coexisting with the deer population.
2. A bi-annual deer population count, as weather permits, using methodology endorsed or utilized by Ramsey County.
3. Determination of the amount of suitable deer habitat utilizing Minnesota Department of Natural Resources information and resources.
4. Tracking of the location of vehicle/deer accidents.
5. Annual reports to the City Council on the deer management program, including information about other deer hunts conducted within Ramsey County.

B. Notwithstanding other provisions of this Code, for purposes of managing the deer population in accordance with the adopted deer management program, deer hunts may from time to time be approved by the City Council, including the timing, location, method, and safety precautions among other provisions, for such hunts.

#### **411.05: SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Ord. 1485, 11/9/15)