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### **Sec. 12-1. Nuisances defined.**

All acts described, regulated and prohibited in the provisions of this chapter are hereby deemed to be, and are hereby declared to be, nuisances and all of such acts shall constitute penal offenses, and shall be subject to abatement and administrative enforcement as provided.

(Ord. No. 2007-101, § 2006:00, 11-15-2007; Ord. No. 2010-102, § 2006:00, 4-7-2010)

### **Sec. 12-2. Public nuisance activity.**

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

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public;
- (2) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public;
- (3) In any way renders the public insecure in life or in use of property; or
- (4) Is guilty of any other act or omission declared by law, this chapter, or any other part of this Code to be a public nuisance, and for which no sentence is specifically provided.

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(Ord. No. 2010-102, § 2006:01, 4-7-2010)

**Sec. 12-3. Public nuisances affecting—Health.**

The following are declared to be nuisances affecting public health as set forth in the following:

- (1) *Trees, shrubs, or plants.*
  - a. Any tree, shrub, or plant with an epidemic disease;
  - b. Any tree, shrub or plant, or part thereof, which in the opinion of the designated officer constitutes a health hazard, including but not limited to logs, branches, stumps, roots, firewood or other material;
- (2) *Noxious weeds, rank growth.* All noxious weeds and other rank growths of vegetation upon public or private property;
- (3) *Ponds or pools.* All ponds or pools of stagnant water;
- (4) *Decayed or unwholesome food.* All decayed or unwholesome food offered for sale to the public;
- (5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not rodent-free or flytight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (6) *Effluence from cesspool, etc.* The effluence from any cesspool, septic tank, drainfield or sewage disposal system discharging upon the surface of the ground;
- (7) *Pollution of public well, cistern, etc.* The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste; or other substances;
- (8) *Abandoned wells.* The maintenance and keeping of an abandoned well, which use has been discontinued, or which is in such disrepair that its continued use is impracticable, endangers the quality of the groundwater or may be a health or safety hazard;
- (9) *Manure, rubbish, decayed or unwholesome food.* Accumulations of manure, rubbish, decayed or unwholesome food or vegetable matter, or other debris anywhere on the property. Such material may be managed in order to compost yard waste, vegetable matter and biodegradable waste, if the composting material:
  - a. Is stored in a compost bin or as a controlled pile;
  - b. Does not include animal carcasses or meat; and
  - c. Exhibits no foul or disagreeable odors, harbors no vermin or other pests and does not constitute a health hazard;
- (10) *Other well pollution, etc.* The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, refuse, or other deleterious, poisonous or injurious substances; provided, however, that weed control measures shall not be prohibited when carried out pursuant to a permit issued by an authorized governmental agency;
- (11) *Smoke from burning garbage, etc.* Dense smoke from burning garbage, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- (12) *Contagious disease.* All public exposure of people having a contagious disease;
- (13) *Offensive trades or businesses.* Any offensive trade or business, as defined by statute not operating under local license;
- (14) *Diseased animals.* All diseased animals running at large; or
- (15) *Carcasses of animals.* Carcasses of animals not buried or destroyed within 24 hours after death.

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(Ord. No. 2007-101, § 2006:05, 11-15-2007; Ord. No. 2010-102, § 2006:05, 4-7-2010)

**Sec. 12-4. Same—Morals and decency.**

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

- (1) *Gambling devices, slot machines, etc.* All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
- (2) *Betting, bookmaking.* Betting, bookmaking and all apparatus used in those occupations;
- (3) *Houses for prostitution, gambling, etc.* All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- (4) *Places for intoxicating liquor.* All places where intoxicating liquor is manufactured or disposed of in violation of the law or where, in violation of the law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of the law, and all liquor and other property used for maintaining that place;
- (5) *Vehicle for immoral or illegal purpose.* Any vehicle used for an immoral or illegal purpose, including the unlawful transportation of intoxicating liquor, for promiscuous sexual intercourse, or the distribution of illegal drugs or chemicals; or
- (6) *Indecent, obscene pictures, etc., to minors.* Making available any indecent or obscene pictures, books, pamphlets, and magazines to persons under the age of majority.

(Ord. No. 2007-101, § 2006:10, 11-15-2007; Ord. No. 2010-102, § 2006:10, 4-7-2010)

**Sec. 12-5. Same—Peace and safety.**

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

- (1) *Dangerous animals.* All dangerous animals, whether defined by statute or code, declared to be dangerous by the appropriate authority, or which is known to have attacked a person, which is running at large;
- (2) *Trees, shrubs, billboards or other obstructions.* All trees, shrubs, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (3) *Wires and tree limbs.* 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) *Barbed-wire fencing.* Any barbed-wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (5) *Dead trees, shrubs or plants constituting hazards.* Any dead tree, shrub or plant, or part thereof, which in the opinion of the designated officer constitutes a hazard to persons or property, including but not limited to logs, branches, stumps, roots, firewood or other material;
- (6) *Obstructions and excavations.* Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under conditions as are permitted by this Code or other applicable law;
- (7) *Hanging signs, awnings.* All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

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- (8) *Property abutting public streets or sidewalks.* Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- (9) *Erection or maintenance of docks, structures.* The erection or maintenance of any dock or structure which interferes with, obstructs or tends to obstruct or render dangerous for use waters within the limits of the city;
- (10) *Radio aerials, television antennae.* Radio aerials or television antennae erected or maintained in a dangerous manner;
- (11) *Wells, holes or similar excavations.* Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (12) *Accumulations of discarded or disused machinery, etc.* Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;
- (13) *Placing or throwing glass, tacks, etc., on streets.* The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;
- (14) *Depositing garbage, trash, etc. on private property.* The depositing of garbage, trash, rubbish, bottles, cans, and other refuse on a public right-of-way or on private property adjacent thereto;
- (15) *Placement or storage of pipe, lumber, etc.* A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by a cover or fence;
- (16) *Storage of household items, furniture, etc.* The storage of household items, furniture, domestic supplies, bikes and recreational equipment, toys and play sets outside of a structure within visibility of a public right-of-way, or adjacent public or private property, shall be deemed a public nuisance upon the written complaint of two or more neighbors residing within 500 feet thereof;
- (17) *Parking of trucks, tractors, trailers.* The parking of a truck, tractor and/or trailer, or other commercial type vehicles in excess of 7,000 pounds gross weight on private property within an area zoned residential, shall be deemed a public nuisance upon the written complaint of two or more neighbors residing within 500 feet thereof;
- (18) *Dangerous, unguarded machinery in any public places.* All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (19) *Discharging of the exhaust.* The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
- (20) *Parties or other gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person;
- (21) *Snow and ice on public sidewalks.* All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
- (22) *Rainwater, ice or snow.* The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

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- (23) *Wastewater.* Wastewater cast upon or permitted to flow upon streets or other public properties;
- (24) *Obstruction to the free flow of water.* Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
- (25) *Urinating in, on public or private property.* Urinating in or on public or private property, where the act may be witnessed by another person. This includes all streets, sidewalks, parking lots, or any other outdoor public or private property and where a common waste receptacle is not used for protection and privacy. Probable cause may be established by either a person witnessing the act in progress or by seeing a collection of urine on the ground or any other surface, and the totality of the facts supports unlawful urination;
- (26) *Reflected glare or light from private exterior lighting.* Reflected glare or light from private exterior lighting exceeding 0.5 footcandle as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel;
- (27) *Open burning.* Open burning in violation of the Uniform Fire Code or section 915; or
- (28) *All other conditions.* All other conditions or things which are likely to cause injury to the person or property of anyone.

(Ord. No. 2007-101, § 2006:15, 11-15-2007; Ord. No. 2010-102, § 2006:15, 4-7-2010)

**Sec. 12-6. Same—Noise.**

The following are declared to be nuisances affecting public peace and safety, specifically related to noise:

- (1) *Obnoxious noises.* All obnoxious noises in violation of Minn. Rules ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this Code;
- (2) *Audible noises.* All 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 this section;
- (3) *Vehicles out of repair.* Any use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;
- (4) *Loud or excessive noise from loading and unloading, etc.* Any loud or excessive noise created in the loading, unloading, packing or unpacking of any vehicle;
- (5) *Use or operation of radio receiving set, musical instrument, etc.* The use or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproducing sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to in this subsection between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of violation of this section;
- (6) *Creation of excessive noise on streets, etc.* The creation of excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, religious institution used for worship or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution; or

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- (7) *Use, operation hours.* The use or operation, or permitting the using or operation of any of the following during the restricted hours:
- a. *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 8:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision;
  - b. *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 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

(Ord. No. 2007-101, § 2006:20, 11-15-2007; Ord. No. 2010-102, § 2006:20, 4-7-2010)

**Sec. 12-7. Same—Parking and storage.**

- (a) *Purpose and intent.* The outside parking and storage on residentially-zoned property of vehicles (including all forms of recreational vehicles, trailers, campers, trucks, automobiles, motorcycles, and all-terrain vehicles), household items, furniture, bikes and recreational equipment, materials, supplies or equipment not customarily used for outdoor residential purposes in violation of the requirements set forth in subsection (b) of this section is declared to be a public nuisance because it:
- (1) Obstructs views on streets and private property;
  - (2) Creates cluttered and otherwise unsightly areas;
  - (3) Prevents the full use of residential streets for residential parking;
  - (4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;
  - (5) Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood;  
or
  - (6) Otherwise adversely affects property values and neighborhood patterns.
- (b) *Prohibitions and requirements.*
- (1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses, dumpsters, portable storage containers, docks, or other similar nonpermanent structures outside continuously for longer than 24 hours in the front or side-yard area of residential property, except as follows:
    - a. Dumpsters or portable storage containers approved as part of a building permit may continue as provided in the building permit;
    - b. Ice fish houses and other seasonal recreational equipment normally stored off site, and moved onto a paved or graveled area may remain for no more than 30 days;
  - (2) No more than four vehicles and trailers per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property;
  - (3) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking or driveway area;

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- (4) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property. Residential properties can not be used to store the property of persons other than the owners and occupants;
- (5) No vehicle may be kept, parked, stored or abandoned if it is not in operating condition, is partially dismantled, is used for repair of parts or as a source of repair or replacement parts for other vehicles, is kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state. This subdivision:
  - a. Does not apply if the vehicle is enclosed in a building or kept out of view from any street, road, alley, or adjacent public or private property; and
  - b. Otherwise does not constitute a hazard to the health and welfare of the residents of the community, including, but not limited to:
    1. The harboring of noxious diseases, furnishing a shelter and breeding place for vermin, presenting a physical danger to the safety and well-being of children and citizens; or
    2. Containing fluids which, if released into the environment, can and do cause significant health risks to the community.

(Ord. No. 2007-101, § 2006:25, 11-15-2007; Ord. No. 2010-102, § 2006:25, 4-7-2010)

**Sec. 12-8. Buildings or structures endangering public safety, health, or property.**

Any building, fence or other structure which is found by the city building inspector or fire marshal to be dangerous to public safety, health, or to another property by reason of matters set forth in this section, shall constitute a nuisance:

- (1) Poorly maintained that its physical condition and appearance detract from the surrounding neighborhood because it:
  - a. Is unsightly;
  - b. Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and
  - c. Adversely affects property values and neighborhood patterns;
- (2) Damaged by fire;
- (3) Damaged by water;
- (4) Dilapidated condition or decay;
- (5) Which has defective electric wiring;
- (6) Which has defective gas installation;
- (7) Which has defective heating apparatus;
- (8) Which has defective sewage disposal system or plumbing;
- (9) Which has deterioration, holes, breaks, gaps, loose or rotting boards or timbers, of any portion of the exterior surface;
- (10) Which has noticeable deterioration of the exterior finish, including peeling, cracked, chipped paint or other deterioration of more than 20 percent of:
  - a. Any one wall or other flat surface; or

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- b. All door and window moldings, eaves, gutters, and similar projections on any one side or surface;
- (11) Which has broken or cracked glass, including windows and exterior light fixtures, or screens which are torn or separated from moldings;
- (12) Which has improper installation of exterior doors and shutters, including not being hung properly or not having operable mechanisms to keep them securely shut or in place;
- (13) Which has cornices, moldings, lintels, sills, bay or dormer windows and similar projections which are not kept in good repair or free from cracks and defects that make them hazardous or unsightly;
- (14) Which has defective roof surfaces including any problems that admit water, or roof drainage systems which are not secured or hung properly;
- (15) Which has structurally unsound chimneys, antennae, air vents, and other similar projections, or the same which are in disrepair or are not secured properly, where applicable, to an exterior wall or exterior roof;
- (16) Which has structurally unsound foundations, or same which are not kept in good repair; or
- (17) Which has any other defect endangering the public safety, health, or other property is hereby declared to be a nuisance affecting public safety and health.

(Ord. No. 2007-101, § 2006:30, 11-15-2007; Ord. No. 2010-102, § 2006:30, 4-7-2010)

**Sec. 12-9. Abatement under state law.**

Nothing in this chapter shall limit the city's authority to abate or remove a hazardous building, repair or remove a hazardous property condition, or secure a vacant building pursuant to Minn. Stats. §§ 463.15 through 463.26.

(Ord. No. 2010-102, § 2006:31, 4-7-2010)

**Sec. 12-10. Nuisances affecting right of privacy.**

The practice of going in and upon private residences in this city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors for the purpose of soliciting orders for the sale of goods, wares, merchandise, or services of any kind, or for the purpose of peddling the same, upon private residences whose owners or occupants have placed upon or near the usual entrance thereto a sign bearing the notice: "Peddlers and Solicitors Prohibited," or upon private residences whose owners or occupants have not requested or invited them to do so, is hereby declared to be a nuisance.

(Ord. No. 2007-101, § 2006:35, 11-15-2007)

**Sec. 12-11. Applicability.**

This chapter shall not apply to persons duly licensed or specifically exempted from licensing under the constitution, and laws of the state, or ordinances of the city at such times as such persons are conducting only the activity described in such laws and ordinances. It shall not apply to persons making an initiatory uninvited call upon householders of this city as a preliminary to the subsequent establishment of a regular route service for the sale and delivery to customers of the daily necessities of life which are perishable or subject to spoiling within a reasonably short time. Nor does this chapter apply to political organizations,



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charitable organizations, or individuals advocating or seeking support or opposition to a ballot measure or a candidate for elective office.

(Ord. No. 2007-101, § 2006:36, 11-15-2007; Ord. No. 2010-102, §§ 2006:35, 2006:36, 4-7-2010)

**Sec. 12-12. Officer authority to discontinue nuisance.**

- (a) Officers of the police department, the city administrator/clerk, and the public works director are authorized to enforce this chapter.
- (b) When an authorized officer determines there is probable cause that a nuisance continues and constitutes an immediate hazard to persons or property, the officer may take such action to immediately discontinue the nuisance, including entering the property. The officer may not enter a structure, unless there is reason to believe that imminent harm to persons exists.
- (c) In the event a gathering is creating 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.
- (d) No property owner may disregard a legitimate order to discontinue a nuisance which constitutes an immediate hazard to persons or property. A violation of this subsection is a misdemeanor.

(Ord. No. 2007-101, § 2006:60, 11-15-2007; Ord. No. 2010-102, § 2006:60, 4-7-2010)

**Sec. 12-13. Civil action.**

The city may enforce this chapter through seeking any applicable remedy at law, including injunction or other equitable remedies.

(Ord. No. 2007-101, § 2006:70, 11-15-2007; Ord. No. 2010-102, § 2006:70, 4-7-2010)

**Sec. 12-14. Summary abatement.**

- (a) Any nuisance defined under section 12-3, 12-5, 12-7, or 12-8, excluding any structure included under the provisions of Minn. Stats. §§ 463.15 through 463.26, may be removed, corrected, or eliminated from private property through summary abatement as set forth in the following subsections:
  - (1) Whenever an authorized officer determines that a public nuisance is being maintained or exists on private property in the city, the authorized officer shall notify, in writing, the owner or occupant of the property of such fact and order the nuisance to be terminated and abated.
  - (2) The notice shall be served in person or by certified mail. If the property is unoccupied and the owner is unknown, the notice may be served by posting it on the property. The notice shall specify the steps necessary to abate the nuisance. The notice must also provide a reasonable deadline, not exceeding 20 days, for the nuisance to be abated.
  - (3) If the notice is not complied with, a report shall be submitted to the council and a hearing by the council shall be set. The owner or occupant shall be provided with at least ten days' notice of the hearing. The hearing notice shall be served on the owner or occupant in the same manner, as provided in subsection (a)(2) of this section. For posted notice of the hearing, 30 days must elapse between the day of posting and the hearing.

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- (4) At the hearing, the council shall provide the owner or occupant an opportunity to be heard. After hearing all evidence, the council may issue an order providing for the city to abate the nuisance.
- (5) Any abatement order issued by the council may be appealed to the county district court within ten days. Any properly filed appeal shall be limited to the issue of cost recovery by the city.
- (b) Any work performed by the city in abating, removing, correcting or eliminating a nuisance from private property shall be a current service for purposes of section 20-26. Any charges incurred by the city in abating, removing, correcting or eliminating from private property a nuisance may be collected as provided in sections 20-30 through 20-32. Such charges may include any actual costs incurred by the city, including, but not limited to, administrative, legal, engineering, and inspection and monitoring expenses, in connection with the abatement of the nuisance.

(Ord. No. 2007-101, § 2006:75, 11-15-2007; Ord. No. 2010-102, § 2006:75, 4-7-2010)

**Sec. 12-15. Outdoor solid fuel heating devices prohibited.**

(a) *Definitions.*

[The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Outdoor solid fuel heating device* means any device, equipment, structure, or apparatus which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.

*Stacks or chimneys* means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating.

- (b) *Prohibition of outdoor solid fuel heating devices.* Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the city.
- (c) *Pre-existing outdoor solid fuel heating devices.*
  - (1) *Legal nonconformity.* Any legal pre-existing outdoor solid fuel heating devices installed within city limits at the time of adoption of the ordinance from which this section is derived may be deemed a legal nonconformity.
  - (2) *Registration.* All legal pre-existing outdoor solid fuel heating devices must be registered with the city within 30 days of the adoption of the ordinance from which this section is derived. Failure to register a legal pre-existing outdoor solid fuel heating device shall be prima facie evidence that an outdoor solid fuel heating device is not a pre-existing legal nonconformity.
  - (3) *Standards.* All legal pre-existing outdoor solid fuel heating devices are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future. In addition, all legal pre-existing outdoor solid fuel heating devices must meet the following standards:
    - a. The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturer's guidelines.
    - b. All stacks or chimneys must be constructed to withstand high winds or other related elements.
    - c. Outdoor solid fuel heating devices may not be operated from April 1 to October 1 each year.
    - d. Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets; corn; firewood; and clean, untreated lumber or other wood product.
    - e. No outdoor solid fuel heating device shall be utilized in any manner as a waste incinerator.

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f. Outdoor solid fuel heating devices are accessory structures and shall comply with all standards for accessory structures.

- (4) *Compliance.* All legal pre-existing outdoor solid fuel heating devices shall be brought into compliance with these standards within 90 days of the adoption of the ordinance from which this section is derived. Any noncompliant outdoor solid fuel heating device shall be deemed a public nuisance after 90 days of the adoption of the ordinance from which this section is derived.

(Ord. No. 2012-103, § 1, 5-3-2012)

**Sec. 12-16. Administrative fees, fines, or penalties.**

The fees, fines, or penalties for chapter 12 are set by the city's adopted fee schedule, and are subject to change with proper notice to the public or by [the] beginning of each year.

(Ord. No. 2017-106, § 1, 4-20-2017)

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FOOTNOTE(S):

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**State Law reference—** Public nuisances, Minn. Stats. § 617.80 et seq.; public nuisances prohibited, Minn. Stats. § 609.74; permitting public nuisance prohibited, Minn. Stats. § 609.475; authority to define, prevent and abate nuisances, Minn. Stats. § 412.221, subd. 12. ([Back](#))