

CHAPTER 6. NUISANCES

Section 600 – Nuisances

600.01 Public Nuisances Prohibition.

Subd 1. A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purposes of this section, a person that does any of the following is guilty of maintaining a public nuisance:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Does any other act or omission declared by law or this ordinance to be a public nuisance.

600.02 Public Nuisances Affecting Health.

Subd. 1 The following are hereby declared to be nuisances affecting health:

- A. The exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Accumulation of junk, trash, rubbish, manure, refuse, or other debris;
- F. Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All noxious weeds and other rank growths of vegetation upon public or private property and all other weed or grass growing to a height of six (6) inches or more;
- I. Dead trees, fallen trees, or tree limbs which are a fire hazard or are otherwise detrimental to the neighborhood;
- J. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- K. All public exposure of people having a contagious disease; and
- L. Any offensive trade or business as defined by statute not operating under local license.

600.03 Public Nuisances Affecting Morals And Decency.

Subd. 1 The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- B. Betting, bookmaking, and all apparatus used in those occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- E. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

600.04 Public Nuisances Affecting Peace And Safety.

Subd. 1 The following are declared to be nuisances affecting public peace and safety:

- A. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- E. All unnecessary and annoying vibrations;
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- G. Radio aerials or television antennae erected or maintained in a dangerous manner;
- H. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
- J. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
- K. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
- L. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- M. Wastewater cast upon or permitted to flow upon streets or other public properties;
- N. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials 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 other safety hazards from such accumulation;
- O. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- P. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- Q. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- R. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- S. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel;
- T. Any storage container placed on a property outside of any enclosed building for more than fourteen (14) consecutive days. Storage containers include but are not limited to portable on demand storage (PODS), intermodal cargo containers, or similar types of equipment intended for temporary or long-term storage but not including lawful accessory buildings; and
- U. All other conditions or things that are likely to cause injury to the person or property of another.

610.01 Abatement Procedure.

Subd. 1 Procedure. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of

violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

Subd. 2 Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

Subd. 3 Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (1) and (2) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (one) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 4 Immediate Abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety, or from immediately abating any of the conditions described in sections 600.02(E), (H) and 600.04(A), (D), (E), (H), (J), (M), and (P) if the city determines, in its discretion, that the public interest would be served by immediate abatement.

Subd. 5 Unlawful Parties or Gatherings. When law enforcement determines that 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 disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. 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.

Subd. 6 Judicial Remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

610.02 Recovery of Cost.

Subd. 1 Personal Liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subd. 2 Assessment. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, 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 clerk 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 Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

610.03 Administrative Offense and Penalty.

In addition to abatement procedures outlined in this Section 610, violations of the nuisance ordinance are designated as an administrative offense and subject to an administrative penalty as established in the Fee Schedule by Ordinance of the City Council.

Subd. 1 Notice. Any officer of the Carver County Sheriff's Department, or any other person employed by the city, and having authority to enforce a code provision designated as an administrative offense, shall, upon determining that there has been a violation, notify the violator pursuant to Section 610.01-610.05 above of the violation. In addition to this notice, the violator shall be provided:

- A. A statement that failure to take remedial action by the specified deadline will result in an administrative penalty for violation of the nuisance ordinance; and
- B. A statement that additional violations of the same or substantially similar offense within a 12 month period of the abatement deadline stated above will result in an automatic administrative fine, which shall be increased for each subsequent offense

Subd. 2 Payment. Once such notice is given, the alleged violator must, within 10 days after issuance of the notice or passing of the specified deadline for abating the nuisance ordinance violation, pay the amount set forth established in the Fee Schedule by Ordinance of the City Council, or may request a hearing in writing, pursuant to Section 610.02 above. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Subd. 3 Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violation in accordance with applicable statutes, or any unpaid fines may be charged against the real estate as a special assessment. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

Subd. 4 Disposition of Penalties. All penalties collected pursuant to this chapter shall be paid to the City Clerk's Office and may be deposited in the city's general fund.

Subd. 5 Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except when otherwise provided by ordinance. *(Amended by Ord. 242, 05-13-13)*

Section 620 – Guns & Explosives

620.01 Guns. It shall be unlawful for any person to shoot or discharge any gun, air gun, pistol, revolver or other firearm or bow and arrow within the corporate limits of the City.

Nothing in this Code shall be construed to prohibit any firing of a gun, pistol or firearms when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

620.02 Explosives. It shall be unlawful for any person to keep, store, or harbor any explosive substances such as dynamite, blasting caps, nitroglycerin, black powder or any other substance designed as an explosive, in Minnesota

Statutes § 299F.72, without a permit as required by Minnesota Statutes § 299F.74 and explained in Minnesota Statutes § 299F.73.

Section 630 – Building Alarm Systems

630.01 Citation. This Section shall be known, cited and referred to as the “Alarm Users Section.”

630.02 Purpose and Scope. The purpose of this Section shall be to protect the public safety services which serve the City from misuse and to provide for the maximum possible service to alarm users. This Section shall provide regulation for the use of burglary, robbery, fire, and medical alarms and shall establish a system of administration and an alarm users fee.

630.03 Definitions. For the purposes of this Section, certain terms and words shall be defined as follows:

Subd. 1 Public Safety Personnel. “Public Safety Personnel” shall mean all personnel employed by any law enforcement agency, and any firefighting personnel and any ambulance personnel.

Subd. 2 Alarm User. “Alarm User” shall mean any person in control of any building, structure, facility or tract of land wherein or whereon an alarm system is used or maintained within the City.

Subd. 3 Public Safety Communications Center. “Public Safety Communications Center” shall mean the central facility used to receive emergency requests for public safety services and general information from the public to be dispatched to public safety personnel.

Subd. 4 Alarm System. “Alarm System” shall mean any equipment or device which emits an audible, visual, or electronic signal upon the detection of a potential burglary, robbery, fire, medical emergency, trespass, or property intrusion. The term alarm system shall not include anti-theft or tampering alarms installed in any motor vehicle.

Subd. 5 Sheriff. “Sheriff” shall mean the Carver County Sheriff or his or her designee.

Subd. 6 Person. “Person” shall mean any human being, any corporation, partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subd. 7 False Alarm. “False Alarm” shall mean an alarm signal eliciting a response by public safety personnel when a situation requiring a response shall not exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the owner or lessee of the alarm system or of his or her employees or agents. False alarms shall not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or alarm user.

630.04 Compliance.

Subd. 1 Compliance. No person shall locate, construct, alter, repair, install, use, or maintain any alarm system within the City except in full compliance with this Section and the standards adopted in this Section.

Subd. 2 Audible Alarms. All audible alarms shall meet the following requirements:

- A. Every person maintaining an alarm system with an audible alarm signal shall post a notice containing the name and telephone number of a person to be notified to render repairs or service to the alarm system during any hour of the day or night upon activation of the alarm system. The notice shall be posted at the main entrance to the premises or near the alarm in such a position as to be legible from the ground level adjacent to the building.

- B. Alarm systems with audible alarm signals that sound like police or fire sirens shall be prohibited.
- C. All alarm systems with audible alarm signals, except for fire alarms, shall have an automatic shut-off which shall silence the audible alarm signal within a period not to exceed fifteen (15) minutes.

Subd. 3 Registration. All persons using or maintaining any alarm system within the City shall register the alarm system with the sheriff, utilizing registration forms to be furnished by the sheriff, no later than the 30th day after the installation of the alarm system. Alarms installed prior to the adoption of this Code shall be registered within sixty (60) days of the effective date of this Code.

Any alteration or modification of any previously registered alarm system shall be registered with the sheriff, utilizing registration forms to be furnished by the sheriff, within thirty (30) days of the commencement of the alteration or modification.

Subd. 4 Multiple Function Alarm Systems. Alarm systems that have more than one alarm signal function (burglary, fire, etc.), shall report specifically which of the functions has been violated, when reporting to the Public Safety Communication Center for the purpose of dispatching public safety personnel to the site of the alarm system.

Subd. 5 Communication Center. No alarm system shall connect directly to the Public Safety Communications Center except financial institutions, and/or public buildings. All other alarms shall report to the Public Safety Communications Center in some other manner. No automatic telephone dialing device shall be allowed to dial direct or be programmed so that it dials directly into the Public Safety Communications Center.

630.05 False Alarm Fees.

Subd. 1 False Alarm Fee Imposed. A false alarm fee shall be hereby imposed upon any alarm user from whose alarm system emanates more than three (3) false alarms within any twelve (12) consecutive month period. The fees payable under this Section shall be as set in the fee schedule as adopted from time to time by the Council.

Subd. 2 Exemptions.

- A. Public Buildings. All Federal, State, County and/or Municipal buildings and all public schools shall be exempt from the false alarm fee.
- B. New Alarm Systems. All newly installed alarm systems shall be hereby granted a thirty (30) day probationary period, commencing on the date of first operational use thereof, during which period false alarms shall not be counted for the purpose of computing the amount of any fee imposed by this Section.
- C. Alterations to Existing Alarm Systems. All alarm systems which are altered by the addition to any new alarm feature shall be hereby granted a fifteen (15) day probationary period, commencing on the date of the first operational use of the new feature, during which period false alarms shall not be counted for the purpose of computing the amount of any fee imposed by this Section.

Subd. 3 Payment of Alarm User Fees. Subsequent to any false alarm, the sheriff shall notify the affected alarm user in writing of the date of the false alarm, the apparent reason therefore, and the false alarm fee imposed pursuant to this Section. It shall be the duty of each alarm user to pay all fees imposed by this Section to the sheriff within thirty (30) days of the date of mailing of the sheriff's fee statement specifying the amount of the fees. For the purpose of mailing the sheriff's fee statement under this Section, the statement shall be mailed to the affected alarm user at his or her or its address shown on the registration form required by Subsection 630.04 of this Section.

One-half of all false alarm fees collected by the sheriff shall be remitted to the City to defray its administrative and prosecution costs incurred in connection with the enforcement of this Section. The other half of the false

alarm fees shall be retained by the sheriff to defray his or her administrative costs incurred in enforcing this Section.

630.06 Enforcement.

Subd. 1 User to Respond. If in the judgment of public safety personnel at the scene of an alarm, it is determined that the alarm user should appear at the location of any alarm for the purpose of admitting public safety personnel to the subject premises to investigate any alarm system signal, or for the purposes of deactivating any alarm system signal, or for the purpose of identifying third parties found on the subject premises during the investigation of any alarm system signal, the alarm user shall appear immediately if so requested by the sheriff.

Subd. 2 Remedial Action by User. If an alarm user has had more than three (3) false alarms in a twelve (12) month period, the alarm user, upon the written request of the sheriff, shall be required to submit in written form a description of any steps being taken to remedy any problems with false alarms emanating from the alarm user's location.

Subd. 3 Administrative Rules/Regulations. The sheriff shall promulgate the rules/regulations as shall be necessary for the implementation and/or administration of this Section.

630.07 Violations and Penalties.

Subd. 1 Misdemeanor. Any person who fails to comply with the provisions of this Section, shall be guilty of a misdemeanor, in addition to being subject to the false alarm fees imposed by this Section. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subd. 2 Injunctive Relief. In the event of a violation or a threat of violation of this Section, the City may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate the violation or threatened violation.

Subd. 3 Civil Action. If a person fails to comply with the provisions of this Section, the City may recover costs, damages, or false alarm fees in a civil action in any court of competent jurisdiction.

Subd. 4 Governmental Services Lien. In addition to the remedies specified in Subd. 1 and Subd. 2 above, but in lieu of the remedy specified in Subd. 3 above, the City may certify any unpaid false alarm fees to the County Auditor or County Finance Director as a governmental services lien for collection with the real property taxes imposed on the real property upon which the alarm system is or was located.

Section 640 – Curfew

640.01 Curfew Imposed. The City shall enforce the provisions of the Carver County ordinance.

Ordinance No. 25
Carver County

JUVENILE CURFEW ORDINANCE

The County Board of Carver County ordains:

Subd. 1. Purposes and Findings.

(a) The Board of Commissioners of Carver County finds that there has been an increase in juvenile violence and crime by juveniles in recent years.

(b) Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.

(c) Because of the foregoing, special and extenuating circumstances presently exist within this County that require special regulation of juveniles within the County in order to protect them and other persons during the nighttime hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease juvenile crime rates; and

(d) In accordance with prevailing community standards, this Ordinance serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidents of juvenile criminal activities, for the furtherance of family responsibility and for the public good, safety and welfare; and

(e) It is the intent of the County Board to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this Ordinance on the incidents of juvenile criminal activity and protection of juveniles against criminal activity.

Subd. 2. Authority

This Ordinance is enacted pursuant to Minn. Stat. § 145A.05, Subd. 7a (1994).

Subd. 3. Definitions.

(a) "Authorized adult" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

(b) "County Board" means the Board of Commissioners of Carver County.

(c) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(d) "Juvenile" means a person under the age of eighteen (18) years. The term does not include persons under 18 who are married or have been legally emancipated.

(e) "Parent" means any person having legal custody of a juvenile (i) as natural, adoptive parent, or step-parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

(f) "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment or civic facilities, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

(g) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Subd. 4. Prohibited Acts.

(a) It is unlawful for a juvenile under the age of twelve (12) to be present in any public place within Carver County:

(1) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.

(b) It is unlawful for any juvenile age twelve (12) to fourteen (14) years to be present in any public place within Carver County:

(1) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

(c) It is unlawful for any juvenile age fifteen (15) to seventeen (17) years to be in any public place within Carver County:

(1) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(2) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

(d) It is unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to permit such juvenile to be in any public place within the County during the hours prohibited by Paragraphs (a), (b), and (c) of this Subdivision under circumstances not constituting an exception to this Ordinance. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a juvenile under such person's care.

(e) It is unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any juvenile to be in such place during the hours prohibited by Paragraphs (a), (b), and (c) of this Subdivision under circumstances not constituting an exception to this Ordinance. The term "person operating" shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any such establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 5. Exceptions.

(1) The following constitute valid exceptions to the operation of the curfew:

(a) if a juvenile is accompanied by his or her parent or an authorized adult;

(b) if a juvenile is involved in, or attempting to remedy, alleviate, or respond to an emergency;

(c) if the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment;

(d) if the juvenile is attending an official school, religious, or other social or recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;

(e) if the juvenile is going to or returning home from, without any detour or stop, the official school, religious, or other recreational activity supervised by adults and sponsored by a city or the County, a civic organization, or another similar entity that takes responsibility for the juvenile;

- (f) if the juvenile is on an errand as directed by his or her parent, without any detour or stop;
 - (g) if the juvenile is engaged in interstate travel;
 - (h) if the juvenile is on the public right-of-way, boulevard, or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure, or residence;
 - (i) if the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and the right of assembly; or
 - (j) if the juvenile is homeless or uses a public or semi-public place as his or her usual place of abode.
- (2) It is an affirmative defense to prosecution under Subd. 4(e) that:
- (a) the owner, operator or employee of an establishment promptly notified the police department or sheriff's department that a juvenile was present on the premises of the establishment during curfew hours.
 - (b) the owner, operator or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, Subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

Subd. 6 Enforcement.

Before taking any enforcement action under this section, a police officer or sheriff's deputy shall ask the apparent offender's age and reason for being in a public place. The officer/deputy shall not issue a citation or make an arrest under this section unless the officer/deputy reasonably believes that an offense has occurred and that no exception set forth in Subdivision 5 is applicable.

Subd. 7 Penalties.

- (a) Violation of Subdivision 4(a), (b), and (c) will be prosecuted pursuant to Minn. Stat. § 260.195 and will be subject to penalties therein.
- (b) Violation of Subdivision 4(d) or (e) is a misdemeanor.

Subd. 8. Severability.

If any court of competent jurisdiction adjudges any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Subd. 9. Effective Date.

The effective date of this Ordinance is February 1, 1996.

Section 650 – Open Burning

650.01 Purpose. The purpose of this Section shall be to establish permitted categories of open burn events for residences and businesses within the incorporated areas of the City and provide for burning defined as a "Recreational Fire" as prescribed in this Section.

650.02 Definitions. For the purposes of this Section, the terms in this Section have the meaning given them.

Subd. 1 Local Designated Authority. “Local Designated Authority” shall mean a representative of the city, or the fire chief, fire marshal, or fire warden, who has been trained and certified by the Department of Natural Resources (DNR).

Subd. 2 Open Burning. “Open Burning” shall mean the burning of any matter if the resultant combustion products are emitted directly into the atmosphere without passing through a stack, duct or chimney, except a Recreational Fire as defined in this Section.

Subd. 3 Recreational Fire. “Recreational Fire” shall mean a fire set with approved starter fuel, that is no larger than three feet in diameter by two feet in height, using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; for recreational, ceremonial, food preparation or social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards shall not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices shall not be defined as recreational fires, but shall be allowed under this Section. *(Amended by Ord. 253, 7-28-14)*

Subd. 4 Starter Fuels. “Starter Fuels” shall mean dry, untreated, unpainted kindling, branches, or cardboard, or charcoal fire starter. Paraffin candles and alcohols shall be permitted as starter fuels and as aids to ignition only.

Subd. 5 Wood. “Wood” shall mean dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cordwood or untreated dimensional lumber. “Wood” shall not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives, nor, leaves and needles. Clean pallets may be used for recreational fires when cut into three foot lengths.

650.03 Prohibited Materials. No person shall conduct, cause or permit the open burning of any material, except as provided by definition in Subsection 650.02. This prohibition shall include but not be limited to the following:

- A. No person shall conduct, cause or permit open burning of oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint fillers.
- B. No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, or open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures. No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
- C. No person shall conduct, cause, or permit the open burning of wetlands, grass lands, pastures, crop residue, or road right-of-ways except as provided in Subsection 650.05 of this Section.

650.04 Allowed Burning. Recreational fires contained in grills, hibachis, and similar devices as defined in Subsection 650.02, Subd. 3 shall be allowed.

Subd. 1 Minimum Requirements for Recreational Fires.

- A. Recreational fires must be at least 25 feet from all buildings, structures, and combustible materials. Combustible materials are things such as wood, paper, and plastics.
- B. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- C. Recreational fires must be constantly attended until the fire burns out completely or is extinguished.
- D. A minimum of one portable fire extinguisher complying with Minnesota State Fire Code or other approved on-site fire extinguishing equipment, such as dirt, sand, or garden hose shall be readily available at all times until the fire is extinguished.

- E. The only materials permitted in a recreational fire are wood from trees, small branches, brush, or charcoal. Treated lumber materials, construction debris, garbage, plastic materials, leaves, grass clippings, or waste materials are not allowed to be burned in recreational fires.
- F. Recreational fires must be immediately extinguished if they pose a fire safety risk, if they are not in compliance with the above, or when directed to do so by a law enforcement officer, firefighter, fire warden, or DNR officer. *(Amended by Ord. 253, 7-28-14)*

650.05 Burning Ban or Air Quality Alert. No recreational fire or open burn shall be permitted when the city, county, DNR, or local designated authority has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert. Information regarding burning bans shall be obtained from the local fire department, DNR, or the MPCA before starting a permitted fire. *(Amended by Ord. 134, 4-24-2000)*

650.06 Penalty. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment.

Section 660 – Noise

660.01 Noise Prohibited. 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 shall not be limited by the specific restriction of the following Sections.

Prima Facie evidence of a violation of this Section shall be given if the noise is plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building.

660.02 Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger pursuant to Minnesota Statutes § 169.68.

660.03 Exhaust. No person shall discharge the exhaust or permit the discharge of the 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 therefrom and complies with all applicable State laws and regulations.

660.04 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.

660.05 Radios, Phonographs, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby.

660.06 Motor Vehicles. No person shall operate a motor vehicle within the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency, or in violation of any Section of this Code relating to motor vehicles.

660.07 Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to unreasonable 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 however, the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by the Sheriff 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.

660.08 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 or vehicle.

660.09 Animals. No person shall keep any animal that disturbs the comfort or repose of any person in the vicinity by its frequent or continued noise as regulated by Section 500 of this Code.

660.10 Pile Drivers, Hammers, Etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. on M-F and 10:00 p.m. and 9:00 a.m. on weekends and holidays, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, bulldozer, or other appliance, the use of which is attended by loud or unusual noise, shall be prohibited.

660.11 Waiver of These Requirements. A waiver of these requirements can be obtained from the City Administrator/City Clerk. The person wishing to receive exception to these rules to conduct necessary business, may make a written application to the City stating when, why and for how long the noise producing activity shall be conducted. If the request is denied by the City Administrator/Clerk, the applicant may appeal the decision to the City Council by appearing before the City Council during a regular Council meeting.

660.12 Enforcement. Each and every violation of this Section shall be a misdemeanor. In addition to this any party making a complaint may also enforce the ordinance, State and Federal noise rules and regulations, by injunction, action for abatement, or other appropriate civil remedy.

Section 670 – Tree Regulations

670.01 Private vs. Public Tree Ownership. All trees within the public right of way shall be maintained by the City, and the City shall have the right to trim or remove any tree within the right of way regardless of who was responsible for the planting of the tree. All trees upon private property shall be the responsibility of the property owner.

670.02 Public Property – Tree Planting Permit. A permit shall be required to plant any tree upon a public boulevard or right-of-way. Any tree planted in the right of way without a valid permit shall be subject to removal by the City at the planter's expense. The permit application shall be submitted to the City Administrator at least five (5) business days before the planting. The permit shall be approved by the City Administrator. The granting of a permit shall not alter the City's authority to maintain the tree as it deems necessary pursuant to Section 640.01.

Subd. 1 Permit Contents.

- A. Type of tree to be planted.
- B. Size of tree to be planted.
- C. Map showing right-of-way boundary and tree location.

Subd. 2 Permit Fee. The permit fee shall be as set from time to time in the fee schedule adopted by the Council.

670.03 Declaration of Policy Diseased Trees – Private Property. The Council has determined that the health of the Elm and Oak trees within the municipal limits are threatened by fatal diseases known as Dutch Elm Disease and Oak Wilt, respectively. It has further been determined that the loss of Elm and Oak trees growing upon private and public property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It shall be declared to be the intention of the Council to control and prevent the spread of these diseases.

670.04 Appointment of a Tree Inspector. The Council shall designate a tree inspector(s), certified by the Minnesota Commissioner of Agriculture, who shall administer the Dutch Elm Disease and/or Oak Wilt control programs for the City in accordance with this tree disease Section.

670.05 State Code Adopted. The City shall hereby adopt Minnesota Statutes § 18.023 to § 18.024 relating to shade tree disease control, as if set out in full.

670.06 Nuisances Declared. The following shall be declared to be public nuisances whenever and wherever they may be found within the City:

Subd. 1 Diseased Elm Trees. Any standing or living tree or part thereof infected to any degree with the Dutch Elm Disease fungus, *Ceratocystis ulmi* (Busiman) Moreau, or which harbors any of the Elm bark beetles, *Scolytus multistriatus* (Eichh) or *Hylurgopinus rufipes* (Marsch). And also, any dead Elm tree or part thereof with bark intact including logs, branches, stumps, or firewood which has not been disposed of properly.

Subd. 2 Diseased Red Oak Trees. Any living or standing tree or part thereof in the Red Oak group (Red Oak, Pin Oak, Scarlet Oak, Black Oak) infected to any degree with the Oak Wilt fungus, *Ceratocystis fagacearum* (Bretz) Hunt.

Subd. 3 Diseased White Oak Trees. Also, any living or standing tree in the White Oak group (White Oak, Bur Oak, Bi-color Oak) that poses a threat of transmission of the Oak Wilt fungus to other trees of the same species through interconnected root systems.

670.07 Inspection and Investigation.

Subd. 1 Annual Inspection. The tree inspector shall inspect all premises and places within the City as often as practical to determine whether any disease affects trees within the City limits.

Subd. 2 Entry upon Private Premises. The tree inspector so designated by the Council may enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned to him or her under this Code. Before making any inspection on private property within the City, the tree inspector shall give notice of the inspection to all affected residents and property owners either through an oral or written notice, or by publishing the notice in a local newspaper.

Subd. 3 Diagnosis. The tree inspector shall, upon finding indications of Dutch Elm Disease or Oak Wilt, take such steps for diagnosis as may be appropriate, including analysis of twig samples from actively wilting branches by the Minnesota Department of Agriculture Shade Tree Disease Laboratory, or other laboratories capable of performing such services approved by the Minnesota Commissioner of Agriculture. Whenever possible, diagnosis shall be based upon accepted field symptoms.

670.08 Interference Prohibited. It shall be unlawful for any person to prevent, delay or interfere with the City tree inspector or his or her agents while they are engaged in the performance of duties imposed by this Code.

670.09 Procedure for Abatement and Removal – Private Property.

Subd. 1 General Procedure. Whenever it is found with reasonable certainty that a tree has Dutch Elm Disease or Oak Wilt, the tree inspector shall proceed as follows: If the tree inspector finds that there is potential for infection of other Oak or Elm trees, he or she shall notify the owner of the property on which the nuisance is found, by certified mail, addressed to the owner at his or her last known address. The tree inspector shall specify on the notice a reasonable date before which the nuisance shall be abated. The tree inspector shall immediately report the action to the Council and, after the expiration of the time limited by the notice, the tree inspector may proceed to abate the nuisance as provided in this Section. The cost of the abatement, plus an administrative fee as set from time to time in fee schedule adopted by the Council, shall be assessed

against the owner of the property involved, or against the property itself, the amount to be certified to the County Auditor shall be done in accordance with State law.

Subd. 2 High Risk Elm Trees. High risk Elm trees shall be defined as those trees that are dead, barren, or have extensive wilt (30 percent or more of the tree is wilted). Such trees shall be identified and marked. These high risk trees shall be removed with 20 days of notification of the property owner.

Subd. 3 Low Risk Elm Trees. Low risk Elm trees shall be defined as those trees that show early stages of infection in June or subsequently during the growing season with those symptoms not progressing beyond the 30 percent wilting point. Every reasonable effort shall be made to have low risk trees removed within 20 days of notification of the property owner, but in no case shall it be later than April 1 of the year following the appearance of symptoms.

Subd. 4 Oak Trees.

- A. All Oak trees within the City diagnosed as having Oak Wilt should be isolated from neighboring healthy Oak trees of the same species by chemical or mechanical disruption of common root systems to prevent root graft transmission of the Oak Wilt fungus.
- B. To control overland spread of Oak Wilt, the pruning of Oaks shall be avoided during the most susceptible period of infection, from April 15 to July 1. If wounding is unavoidable during this period, as in the aftermath of a storm or when the tree interferes with utility lines, a tree wound dressing shall be applied immediately.
- C. To prevent the Oak Wilt fungus from producing spores and to prevent overland spread of this fungus, any disease material of the Red Oak group wilting in July and August of one year shall be declared hazardous the following spring, from April 15 to July 1.
- D. Any hazardous Oak wood to be used as fuel wood or to be salvaged for other purposes shall be debarked or else completely covered by heavy plastic (4 mil. or greater) from April 15 until July 1 of the year following the appearance of symptoms. After this time there is no danger of spore production, and the wood does not need to be covered.
- E. Any branch greater than 2" in diameter of the Red Oak group determined to be hazardous and not salvaged shall be disposed of by burning, chipping, or removal to an authorized dump site proper to April 15 of the year following the appearance of symptoms. Dead standing Red Oaks that have advanced beyond the potential for spore production need not be removed except where they constitute a hazard to life and/or property. The City tree inspector shall advise accordingly.
- F. Stumps of trees of the Red Oak group removed due to Oak Wilt shall be completely covered, removed, or debarked to the ground line to eliminate all possibilities of spore formation and overland disease spread.
- G. White Oaks: Trees of the White Oak group (i.e. White Oak, Bur Oak, Bi-color oak) diagnosed as having Oak Wilt should be isolated by root graft disruption as previously stated. Diseased material originating from such trees will rarely ever support spore formation, and salvaged material therefore shall not require special treatment to prevent overland spread. Standing trees of this group showing early symptoms of Oak Wilt may be saved by removing affected branches. The City tree inspector shall advise accordingly.

670.10 Root Graft Disruption (Barriers) at Property Boundaries.

Subd. 1 Root Graft. If the tree inspector finds that Dutch Elm Disease or Oak Wilt threatens to cross property boundaries or disease control area boundaries, the tree inspector may require root graft disruption to prevent the spread of disease in this manner. If plowing or trenching is not possible due to terrain, location, or buried utilities, the tree inspector may require chemical root graft disruption. These barriers shall be placed in accordance with current technology and plans as may be designated by the Commissioner of Agriculture, State of Minnesota.

Subd. 2 Cost. The charge, or any portion thereof, for any necessary root graft barriers may be assessed against the property on which the root barriers are placed.

Subd. 3 Community Control. Because Oak Wilt is a community problem and because Oak Wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where Oak Wilt is in danger of spreading across property boundaries.

670.11 Transporting Elm and Oak Wood Prohibited. It shall be unlawful for any person to transport within the City any bark intact Elm wood, or wood from the Red Oak group that shall be determined to be hazardous, without having obtained a permit from the City tree inspector. The City tree inspector shall grant the permits only when such permission does not interfere with the provisions of this Code.

Section 680 – Loitering and Disorderly Conduct

680.01 Loitering Prohibited. No person whether in a vehicle, on a bike, skateboard or similar device, or on foot shall loiter or stroll in, about or upon any of the following without lawful business:

- A. Street
- B. Alley
- C. Public Way
- D. Public Place
- E. Public Gathering/Assembly
- F. Store
- G. Shop
- H. Business
- I. Parking Lot
- J. Private Property

No person shall conduct himself/herself in a lewd, wanton or lascivious manner in speech or behavior. Nor shall any person loiter so as to obstruct any public place or private business establishment so as to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. *(Amended by Ord. 146, 2-25-2002)*

680.02 Disorderly conduct Prohibited. The performance of any of the following acts without authority of law by any person or persons is hereby declared to be disorderly conduct:

- A. Willfully disturbing any assembly or meeting or the peace and quiet of any family or neighborhood.
- B. Engaging in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment of others.
(Amended by Ord. 245, 7-22-2013)
- C. Congregating with others on a public street or highway or other public place and obstructing access to or from any building or place, or obstructing free passage of others and refusing to move or make way when ordered to do so by any law enforcement officer. *(Amended by Ord. 146, 2-25-2002)*

Section 690 – Sexual Offenders and Sexual Predators

690.01 Purpose and Intent. The City Council of the City of Norwood Young America finds that sexual offenders and sexual predators present an extreme threat to the health, safety, and welfare of the citizens of the City. It is the intent of this Section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain Designated Offenders are prohibited from loitering or prohibited from establishing temporary or permanent residency.

690.02 Definitions

1. "Designated offender" means any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, or has been categorized as a Level III sex offender under Minnesota Statute, section 244.052 or successor statute.
2. "Designated sexual offense" means a conviction, commitment under Minnesota Statute, section 253B, or admission of guilt under oath without adjudication involving any of the following offenses under Minnesota Statutes: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another jurisdiction.
3. "Permanent resident" means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
4. "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
5. "Loitering" means standing or sitting idly, whether or not the person is in a vehicle or remaining in or around an area.
6. "Park or Playground" means one of the following:
 - a. Any land, including improvements to the land that is administered, operated or managed for the use of the general public as a recreational area.
 - b. Recreational areas include, but are not limited to, conservation areas, jogging trails, hiking trails, biking trails, recreational centers, water parks, swimming pools, soccer fields or baseball fields.
7. "Places where children regularly congregate" includes public parks, private and public schools, licensed day care facilities, public libraries, places of worship which provide regular educational programming, amusement parks and centers, recreation centers, youth athletic fields, public or commercial and semi-private swimming pools, and specialized schools for children, including but not limited to gymnastic and dance academies.

690.03 Designated offender residence and activity prohibited; penalties; exceptions

1. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,000 feet of any school, licensed day care center, park or playground, bus stop, or any place where children regularly congregate.
2. Prohibited activity. It is unlawful for any designated offender to knowingly loiter at a place where children regularly congregate or at school bus stops. Designated offenders shall not, on each October 30th and 31st (or any other date set by the City for trick-or-treaters) distribute candy or other items to children, leave an exterior porch light on or otherwise invite trick-or-treaters to solicit their residence.
3. Measurement of distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the prohibited area or property. The City Clerk shall maintain an official map showing prohibited locations of residence as defined by this Ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of such prohibited areas.

4. Penalties. Any person violating any provision of this Section shall be guilty of a misdemeanor as defined by state law and shall be subject to the penalties thereof. Each day a person maintains a residence in violation of this Section constitutes a separate violation.
5. Exceptions. A designated offender residing within a prohibited location of residence does not commit a violation of this Section if any of the following apply:
 - a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota, Statutes 243.166 and 243.167 or successor statutes, prior to the effective date of this section.
 - b. The person was a minor when he/she committed the offense and was not convicted as an adult.
 - c. The person is a minor.
 - d. The location became a prohibited location after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167.

690.04 Property Rental Prohibited; Penalties

1. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to Section 690, if such place, structure, or part thereof, is located within a prohibited area and not subject to an exception set forth in Section 690.03, subdivision 5 above.
2. A property owner who violates this Section shall be guilty of a misdemeanor as defined by state law and shall be subject to the penalties thereof.