

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 86**

AN ORDINANCE DEFINING NUISANCES, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

Section 1. Public Nuisance Defined. A public nuisance is a thing, act, or use of property which shall:

- 1.1 Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
- 1.2 Offend public decency;
- 1.3 Unlawfully interfere with the use of or obstruct, or tend to obstruct or render dangerous for passage, a public water, park, square, street, alley, or highway;
- 1.4 Depreciate the value of the property of the inhabitants of the City of Gem Lake or of a considerable number thereof; or
- 1.5 In any way render the inhabitants of the City of Gem Lake, or a considerable number thereof, insecure in life or in use of property.

Section 2. Definitions.

- 2.1. The term "City" as used herein means the City of Gem Lake.
- 2.2. The term "person" as used herein includes any person, firm, or corporation, and the singular shall include the plural.
- 2.3. Where references are made herein to particular officers, councils, boards, or agencies, such officers, councils, boards, or agencies are those of the City of Gem Lake.
- 2.4. The term "Council" as used herein means the City Council of the City of Gem Lake.

Section 3. Public Nuisances Affecting Health, Safety, Comfort, or Repose. The following are hereby declared to be public nuisances, affecting health, safety, comfort, or repose:

- 3.1 All decayed or unwholesome food offered for sale to the public;
- 3.2 All diseased animals running at large;
- 3.3 Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale to the public;
- 3.4 Carcasses of animals not buried or destroyed within 24 hours after death;
- 3.5 Accumulations of manure or rubbish;
- 3.6 Privy vaults and garbage cans which are not fly-tight;
- 3.7 Dumping the contents of any cesspool, privy vault, or garbage can except at places authorized by law;

- 3.8 All noxious weeds and other rank growth;
- 3.9 An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans, or other materials of any kind on private property;
- 3.10 Dense smoke, noxious fumes, gas, and soot or cinders in unreasonable quantities;
- 3.11 Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
- 3.12 All public exposure of persons having a contagious disease;
- 3.13 The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed; and
- 3.14 All other acts, omissions of acts, occupations, and uses of property which are deemed by the board of health to be a menace to the health of the inhabitants of the City or a considerable number thereof.

Section 4. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be public nuisances affecting public morals and decency:

- 4.1 All gambling devices, slot machines, and punch boards;
- 4.2 Betting, bookmaking, and all apparatuses used in such occupations;
- 4.3 All houses kept for the purposes of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
- 4.4 All places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquor bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
- 4.5 Any vehicle used for the illegal transportation of intoxicating liquor or any immoral purpose;
- 4.6 All indecent or obscene pictures, books, pamphlets, magazines, newspapers, and billboards;
- 4.7 The public use of profane or obscene language;
- 4.8 The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as "window peeping"; and
- 4.9 All other things, acts, omissions, or occupations that may be considered detrimental to the moral well being of the inhabitants of the City or a considerable number thereof.

Section 5. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

- 5.1 All snow and ice not removed from public sidewalks twelve (12) hours after the snow and ice has ceased to be deposited thereon;
- 5.2 All wires which are strung less than fifteen (15) feet above the surface of any public street or alley;
- 5.3 All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one half their original value or which are so situated as to endanger the safety of the public;
- 5.4 All explosives, inflammable liquids, and other dangerous substances of materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;
- 5.5 All use of display of fireworks except as provided by law or ordinance;
- 5.6 All unnecessary noises and annoying vibrations;
- 5.7 All buildings and all alterations to buildings made or erected in violation of fire ordinances concerning manner and materials and construction;
- 5.8 Obstructions and excavations affecting the ordinary use of the public of streets, alleys, sidewalks, or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;
- 5.9 Radio aerials strung or erected in any manner except that provided by law or ordinance;
- 5.10 The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
- 5.11 The use of property abutting on a public street or sidewalk, or any use of a public street or sidewalk, which cause large crowds of people to gather, obstructing traffic and the free use of public streets or sidewalks;
- 5.12 All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance or without proper permit;
- 5.13 The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
- 5.14 All dangerous, unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract minor children;
- 5.15 The distributing of handbills except as provided by law or ordinance;
- 5.16 Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the City from an airplane, balloon, or other aircraft, or in such a manner as to cause such materials to fall on land in the City;
- 5.17 Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface of grade of public streets, alleys, or sidewalks without proper permit;
- 5.18 Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when it will not unduly impede or interfere with traffic;

- 5.19 Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
- 5.20 Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
- 5.21 All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation thereof; and
- 5.22 All other conditions, acts, or things which are liable to cause injury to the person or property of anyone.

Section 6. Traffic and Vehicles.

6.1 Snowmobiles

6.1.1. Incorporation by Reference. The provisions of Minnesota Statutes, Sections 84.81 through 84.90, and the provisions of the Regulations of the Minnesota Commissioner of Natural Resources contained in Sections 7460.5100 and 7460.5200 of Minnesota Rules 1989, and any amendments to those statutes or regulations or substitutes for those statutes or regulations that may from time to time become effective, are hereby adopted and incorporated herein by reference.

6.1.2. Limitation of Operation. No person shall operate a snowmobile in the City of Gem Lake except on public trails, waterways, and highways specifically designated for such use, or on private property where lawful permission has been obtained from the property owner, occupant, or lessee. No snowmobile shall be operated within any public right-of-way or on a public sidewalk or trail provided or used for pedestrian or bicycle travel.

6.1.3. Hours of Operation. No person shall operate a snowmobile in the City of Gem Lake between the hours of eleven (11) o'clock p.m. and seven (7) o'clock a.m. prevailing time in Ramsey County, Sunday through Thursday, and from one o'clock a.m. to seven o'clock a.m. on other days, including the day preceding a national holiday.

6.1.4. Speed. No person shall operate a snowmobile in the City of Gem Lake at a speed in excess of limits specifically posted for such use or at a speed in excess of fifteen (15) miles per hour within one hundred fifty (150) feet or any fisherman, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area, or other areas where such operation would conflict with or endanger other persons or property.

6.1.5. Tow Bars. No person shall operate a snowmobile so as to tow any person, sled, or other conveyance except by the use of a rigid low bar attached to the rear of such snowmobile. Persons towing disabled snowmobiles shall be exempt.

6.1.6. Mandatory Lights. No person shall operate a snowmobile unless such vehicle is equipped with a head light and tail light that are illuminated at all times

during such operation. Snowmobiles equipped with an engine of five (5) horsepower or less shall be exempt.

6.1.7. Mandatory Pennant. No person shall operate a snowmobile unless such vehicle is equipped with a red or orange blaze pennant flag of at least forty (40) square inches in area and displayed at a height of not less than five (5) feet above the roadway.

6.1.8 Authorized snowmobiles. Authorized snowmobiles may be used on any public property within the City for rescue, emergency or law enforcement purposes.

6.2 All Terrain Vehicles – (ATVs)

6.2.1. Limitation of Operation. No person shall operate an all terrain vehicle in the City of Gem Lake except on public trails, waterways, and highways specifically designated for such use, or on private property where lawful permission has been obtained from the property owner, occupant, or lessee. No all terrain vehicle shall be operated within any public right-of-way or on a public sidewalk or trail provided or used for pedestrian or bicycle travel.

6.2.2. Hours of Operation. No person shall operate an all terrain vehicle in the City of Gem Lake between the hours of eleven (11) o'clock p.m. and seven (7) o'clock a.m. prevailing time in Ramsey County, Sunday through Thursday, and from one o'clock a.m. to seven o'clock a.m. on other days, including the day preceding a national holiday.

6.2.3. Speed. No person shall operate an all terrain vehicle in the City of Gem Lake at a speed in excess of limits specifically posted for such use or at a speed in excess of fifteen (15) miles per hour within one hundred fifty (150) feet or any fisherman, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area, or other areas where such operation would conflict with or endanger other persons or property.

6.2.4 Authorized snowmobiles. Authorized all terrain vehicles may be used on any public property within the City for rescue, emergency or law enforcement purposes.

6.3 Use of Streets and Highways; Incorporating State Traffic Laws

6.3.1. Highway Traffic Regulation Act Incorporated by Reference. The regulatory provisions of Minnesota Statutes, Chapter 169, and any amendments thereto or substitutes therefor that may from time to time become effective, are hereby adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the City of Gem Lake and are hereby incorporated in and made a part of this Code as completely as if set out here in full.

6.3.2. Penalty. Any violation of the statutes adopted by reference in 6.2.1 is a violation of this Code when it occurs within the City of Gem Lake.

6.4 Parking Regulations

6.4.1 In General. It is unlawful for any person to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten (10) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at any intersection;
- (7) In a sign-posted fire lane;
- (8) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) On any bridge or elevated structure of a street;
- (13) At any place where official signs prohibit stopping;
- (14) In front of a mailbox during the hours of 9:00 A.M. to 4:00 P.M. Monday through Saturday. Postal carriers must be able to drive into and out of the delivery area without backing up.

6.4.2 Winter Parking Regulations. In the event of snow accumulation of two (2) inches or greater, no owner or operator of any vehicle shall park or allow any vehicle to stand on any street until snow has been removed from the street. Any vehicle found standing on the street in violation of this paragraph may be summarily removed by the city and stored in a safe storage facility. The owner or operator shall be responsible for the towing and storage costs incurred in removing the vehicle.

6.4.3 Penalty. Any person violating any of the provisions of 6.3.1 shall be guilty of a petty misdemeanor.

Section 7. Weapons

7.1. No person in the City of Gem Lake shall have in his possession, except within his own domicile, or carry, use, or discharge any air gun, "BB" gun, gas-

operated or spring gun, or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, whether such instrument is called by any name set forth or any other name.

7.2. The prohibition of 7.1 above shall apply in private grounds or premises under circumstances when such instrument can be and is fired, discharged, or operated in such a manner as to endanger persons, property or wild animals or birds; and further provided that nothing herein contained shall be construed to prevent the carrying of any type gun whatsoever when unloaded and properly cased.

7.3. Any person wishing to discharge any instrument referred to in 7.1 for some special reason or purpose must secure a written permit from the City Council.

Section 8. Curfew for Minors

8.1. Restrictions on Minors. It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City of Gem Lake between the hours of ten o'clock p.m. and five o'clock a.m. the following day. It shall be unlawful for any minor who is sixteen (16) or seventeen (17) years of age to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places, and public buildings, places of entertainment and amusement, vacant lots, and other supervised places in the City of Gem Lake between the hours of twelve o'clock midnight and five o'clock the following morning. Provided, however, that the provisions of this section do not apply to a minor accompanied by his or her guardian, or other adult person having the care and custody of the minor, to a minor who is upon an emergency errand or other legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession, or occupation in which said minor is permitted by law to be engaged.

8.2. Duties of Parents or Guardians. It shall be unlawful for the parent, guardian, or other adult person having charge of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, places, and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places in the City of Gem Lake during the hours prohibited by this ordinance; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by his or

her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place is connected with and required by some legitimate business, trade, profession, or occupation in which said minor is permitted by law to be engaged.

8.3. Minors in Amusement Places. No person, operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor under the age of eighteen (18) years to remain in such place during the hours prohibited by this ordinance; provided, however, that the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

Section 9. Duty of owners and occupants; removal of nuisances by City

9.1 Ice, snow, and rubbish from sidewalks. The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, leaves, or rubbish to remain on the sidewalk longer than 24 hours after its deposit.

9.2 Weeds. Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any public street or alley in the City to a height of six (6) inches or greater or which have gone or are about to go to seed are hereby declared a nuisance. The owner and the occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the public street or alley abutting on public property. The City shall give the owner and occupant written notice directing the abatement of such weeds, and stating that if not destroyed within ten (10) days of the notice, the weeds shall be destroyed by the City at the expense of the owner, and that, if not paid, the charge for such work shall be made a special assessment against the property concerned.

9.3 Removal by City. The City Public Works Supervisor may cause removal of the nuisances specified in 9.1 and 9.2 upon expiration of the period of time given the owner and occupant in those sections to remove the nuisance. The City Public Works Supervisor shall keep a record showing the cost of the removal adjacent to each separate lot and parcel.

Section 10. Methamphetamine Labs.

10.1 Purpose and Intent.

The purpose of this Section is to protect the public health, safety and welfare and to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab or chemical dump site may exist. These conditions present health and safety risks to occupants and visitors of such structures and land through fire, explosion and skin

and respiratory exposure to chemicals. The City Council finds that such sites may contain hazardous chemicals, substances, or residues that place people, particularly children or adults of child-bearing age, at risk of exposure through inhabiting the property, visiting the property or using or being exposed to contaminated personal property.

10.2 Definitions.

10.2.1 “**Child**” means any person less than 18 years of age.

10.2.2 “**Chemical dump site**” means any place or area where chemicals or other waste materials have been located.

10.2.3 “**Clandestine drug lab**” means the unlawful manufacture or attempt to manufacture controlled substances.

10.2.4 “**Clandestine drug lab site**” means any place or area where law enforcement has determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site includes any dwellings, accessory structures, buildings, a chemical dump site, a vehicle, boat, trailer or other similar appliance or any other area, land or location.

10.2.5 “**Cleanup**” means proper removal and/or containment of substances hazardous to humans and/or the environment at a clandestine drug lab site or chemical dump site.

10.2.6 “**Controlled substance**” means any drug, substance or immediate precursor in Schedules I through V of Minnesota Statutes Section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

10.2.7 “**Owner**” means any person, firm, corporation, or other entity who owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a clandestine drug lab site or chemical dump site.

10.2.8 “**Public Health Nuisance**” means a nuisance as defined above or under Minnesota Statute Section 145A.02, subdivision 17.

10.2.9 “**Remediation**” means methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminated materials from a clandestine drug lab site or chemical dump site.

10.3. Declaration of Property As a Public Health Nuisance.

10.3.1. Any property containing a clandestine drug lab or chemical dump site will be declared a public health nuisance.

10.3.2. No person may occupy, enter or allow occupancy or entrance to property declared a public health nuisance under this Section until such declaration is vacated or modified to allow occupancy.

10.4. Law Enforcement Notice to Other Authorities.

Upon identification of a clandestine drug lab site or chemical dump site deemed to place neighbors, visiting public, or present and future occupants of the affected property at risk for exposure to harmful contaminants and other associated conditions, law enforcement officials shall notify the City Environmental Health Official and other appropriate municipal, child protection, and public health authorities of the property location, the property owner if known, and conditions found.

10.5. Seizure of Property.

10.5.1. If a clandestine drug lab or chemical dump site is located inside a vehicle, boat, trailer, or other form of moveable personal property, law enforcement authorities may immediately seize such property and transport it to a more secure location.

10.5.2. Personal property may not be removed from a clandestine drug lab site or a chemical dump site without the prior consent from the City Environmental Health Official.

10.6. Action by City Environmental Health Official.

10.6.1. Upon notification by law enforcement authorities, the City Environmental Health Official or other appropriate municipal or public health authority will issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at all probable entrances to the dwelling or property.

10.6.2. Removal of the posted Declaration of Public Health Nuisance by anyone other than the Environmental Health Official, law enforcement authorities, or their designees, is prohibited.

10.6.3. The City Environmental Health Official shall also attempt to notify the following parties of the Declaration of Public Health Nuisance:

1. Owner of the property;
2. Occupants of the property;
3. Neighbors within close proximity that can be reasonably affected by the conditions found;
4. The Ramsey County Sheriff's Department; and
5. Other state and local authorities, such as the Minnesota Pollution Control Agency and the Minnesota Department of Public Health, which are known to have public and environmental protection responsibilities applicable to the situation.

10.6.4. Any rental license issued by the City for the property is immediately suspended upon issuance of the Declaration of Public Health Nuisance. Such license will be reinstated only after full compliance with an abatement order.

10.6.5. After issuance of the Declaration of Public Health Nuisance, the City Environmental Health Official will issue an order to the property owner to abate the public health nuisance. The abatement order will include the following:

1. A copy of the Declaration of Public Health Nuisance;
2. An order to immediately vacate those portions of the property, including building or structure interiors, which may place the occupants or visitors at risk;
3. Notification of suspension of the rental license, if applicable;
4. A summary of the owner's and occupant's responsibilities;
5. Information on locating professional services necessary to remove and abate the public health nuisance status as provided in this Ordinance and Minnesota Statute Section 145A.04; and
6. Information about the potentially hazardous condition of the clandestine drug lab site or chemical dump site.

10.7. Responsibilities of Owner.

10.7.1. Upon receipt of an abatement order by the City's Environmental Health Official, the property owner must, at the owner's expense:

1. Immediately vacate those portions of the property, including building or structure interiors, that may place the occupants or visitors at risk. This includes dwellings, buildings, motor

vehicles, trailers, boats, appliances or any other affected area or location. No person shall occupy, enter or allow occupancy or entrance to a building or structure declared a Public Health Nuisance until such declaration is vacated or modified to allow occupancy;

2. Properly secure and post warning signs on the perimeter of any contaminated areas on the property in an effort to avoid exposure to unsuspecting parties;
3. Promptly contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided assurance of appropriate equipment, procedures, and personnel, as determined by the Minnesota Department of Health) to accomplish the following:
 - A. A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;
 - B. Soil testing of the site and testing of all property and soil in proximity to the site that the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;
 - C. A complete cleanup of all property and soil at the site and in proximity to the site that is found to be affected by conditions found at the site (including but not limited to, the cleanup or removal of contaminated plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete cleanup of the demolished site;
 - D. Remediation testing and follow-up testing to determine all health risks are sufficiently reduced, according to the Minnesota Department of Health guidelines, to allow safe human occupancy and use of the site and use of the personal property therein.
4. Regularly notify the City of actions taken and reach agreement with the City on the cleanup schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for cleanup; and
5. Provide written documentation to the City of the cleanup process, including a signed, written statement that the property is safe for human occupancy and that the cleanup was conducted in accordance with Minnesota Department of Health guidelines.

10.7.2. The property may not be re-occupied or used in any manner until the City has obtained the written statement in paragraph (1)(E) and has

confirmed that the property has been cleaned in accordance with the guidelines established by the Minnesota Department of Health.

10.8. Owner's Responsibility for Costs.

The owner is responsible for all costs associated with nuisance abatement and cleanup of the clandestine drug lab site or chemical dump site, including, but not limited to, costs for:

1. Emergency Response;
2. Posting and physical security of the site;
3. Notification of affected parties;
4. Expenses related to the recovery of costs, including the assessment process;
5. Laboratory Fees;
6. Cleanup services;
7. Administrative fees; and
8. Other associated costs

10.9. City Authority to Initiate Cleanup and Recovery of Costs.

10.9.1. If, within ten (10) days after service of notice of the Declaration of Public Health Nuisance, the City is unable to locate the property owner or if the City Environmental Health Official determines that the owner refuses to, or cannot pay the costs, or arrange timely assessment and cleanup that is acceptable to the City, the City Environmental Health Official is authorized to proceed in a prompt manner to initiate the on-site assessment and cleanup.

10.9.2. The City may abate the nuisance by removing any hazardous structure, building, or otherwise, in accordance with Minnesota Statutes Chapter 463, Section 13 of this Ordinance or by any other means provided under law.

10.9.3. If the City abates the public health nuisance, in addition to any legal remedy, it is entitled to recover all costs associated with such abatement plus an additional 25% of the City's costs for administration. In addition to any other legal remedy, the City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner that taxes and special assessments are certified and collected pursuant to Minnesota Statutes Section 429.101.

10.10. Authority to Modify or Remove Declaration of Public Health Nuisance.

10.10.1. The Environmental Health Official is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

10.10.2. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

Section 11. Enforcement. It shall be the duty of the Council to enforce the provisions of this ordinance, and the Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this ordinance, including the power to inspect private premises, and the officers charged with enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 12. Powers of Officers. Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the City, such officer shall notify in writing the person committing or maintaining such public nuisance and require him to terminate and abate said nuisance and to remove such conditions or remedy such defects. Said written notice shall be served on the person committing or maintaining said nuisance, in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove said nuisance, said steps and time to be designated in said notice, but the maximum time for the removal of said nuisance after service of said notice shall not in any event exceed thirty (30) days. Service of notice may be proved by filing an affidavit of service in the office of the City Clerk setting forth the manner and time thereof.

When an order so given is not complied with, such noncompliance shall be reported forthwith to the Council for such action as may be necessary and deemed advisable in the name of the City to abate and enjoin the further continuation of said nuisance.

Section 13. Abatement of Nuisance by Council.

13.1 Normal procedure. If, after such service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the Council, the Council may cause such nuisance to be abated at the expense of the Council and recover such expenditure, plus an additional twenty-five percent (25%) of such expenditures, by civil action against the person or persons served; or if service has been had upon the owner or

occupant by ordering the Clerk to extend such sum, plus twenty-five percent (25%) thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the county auditor of Ramsey County, Minnesota, for collection in the same manner as taxes and special assessments are certified and collected.

13.2 Summary enforcement. In cases where the delay in abatement required to complete the notice and procedure requirements set forth in sections 12 and 13.1 will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the Council may order summary enforcement and abate the nuisance. The officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's decision to seek summary enforcement and the time and place of the council meeting to consider the question of summary enforcement. The council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Council may order summary enforcement and abate the nuisance.

13.3 Emergencies. The city may, without notice or other process, immediately abate any condition which poses an imminent and serious hazard to human life or safety.

13.4 Responsibility for cost. In cases of summary or emergency enforcement, the owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. The clerk shall prepare a bill once costs have been determined and present it to the owner, due and payable immediately.

Section 14. Assessment. On or before September 1 of each year, the Clerk shall list all the total unpaid charges for nuisances' abatement and for each type of current service and charge described hereunder against each separate lot or parcel to which they are attributable under this Ordinance. The Council may then levy the charges against the property benefited as a special assessment under Minn. Stat. § 429.101 and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year in annual installments, not exceeding ten, as the Council may determine in each case. Assessments may be levied for charges, including, but not limited to:

A. Abatement of public nuisances affecting health, morals and decency, peace and safety, and public property as described above.

B. Removal or treatment of snow, ice, dirt, rubbish, weeds, diseased trees or public health and safety as described above.

C. Installation or repair of water service lines, street sprinkling, street flushing, light street oiling or other dust treatment of streets; repair of sidewalks and alleys; and the operation of a street lighting system.

The City Council of Gem Lake authorizes the Ramsey County Auditor and the Ramsey County Treasurer to act as agents for the City of Gem Lake in Ramsey County to collect remaining balances of assessments for improvements in cooperation with the City Clerk and City Treasurer.

Section 15. Penalties. In addition to any fines, costs, or assessments provided for by this Ordinance or other City Ordinances, the City may prosecute a violation of any provision of this Ordinance as a misdemeanor, and a person, if convicted, may be punished by the maximum fine and term of imprisonment provided by Minnesota Statutes § 609.02, subd. 3, as that statute may be amended from time to time.

Section 16. Repealer. This Ordinance supersedes, replaces and repeals all prior Ordinances relating to the same subjects contained within this Ordinance. Any portion of such prior ordinances not incorporated within this Ordinance is expressly repealed.

Section 17. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section 18. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: February 19, 2008

Paul Emeott, Mayor

Bill Short, City Clerk