

City Code, Chapter 5: PUBLIC SAFETY AND PUBLIC NUISANCE

CHAPTER 5

PUBLIC SAFETY AND PUBLIC NUISANCE

[Chapter 5, retitled by Ord. No. 88-2, effective July 1, 1988.]

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CHAPTER 5
PUBLIC SAFETY AND PUBLIC NUISANCE
[Chapter 5, retitled by Ord. No. 88-2, effective July 1, 1988.]

ARTICLE 1
NUISANCE

SECTION 5-100. PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act or use of property which shall:

- A. Annoy, injure or endanger the health, safety, comfort or repose of any considerable number of members of the public;
- B. Offend public decency;
- C. Unlawfully interfere with the use of or obstruct or tend to obstruct or render dangerous for passage, a public water, park, square, street, alley, road or highway;
- D. Depreciate the value of the property of the inhabitants of City of Columbus or of a considerable number thereof; or
- E. In any way render the inhabitants of City of Columbus, or a considerable number thereof, insecure in life or in use of property.

[§ 5-100 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-101. PUBLIC NUISANCE PROHIBITION. A person must not act, or fail to act, in a manner that is or causes a public nuisance.

[§ 5-101 added by Ord. No. 10-01, effective March 18, 2010.]

ARTICLE II
DEFINITIONS

SECTION 5-200. WORDS AND PHRASES.

- A. The term “City” as used herein means City of Columbus, Anoka County, Minnesota.
- B. The term “person” as used herein includes any person firm or corporation, and the singular shall include the plural.
- C. Where references are made herein to particular officers, councils, board or agencies, such officers, councils, board or agencies are those of the City of Columbus.
- D. The term “City Council” as used herein means the City Council of the City of Columbus, Anoka County, Minnesota.
- E. The term “noxious weeds” as used herein means an annual, biennial, or perennial plant that the Minnesota Commissioner of the Department of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. The lists of plants deemed noxious under the Minnesota Noxious Weed Law are contained in Minnesota Rules 1505.0730 to 1505.0730 to 1505.0750 available to the public upon request.
- F. The term “junk” as used herein is defined by Minnesota Statute § 161.242, subdivision 2(b) and means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or

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construction machinery or parts thereof, iron, steel, and other ld or scrap ferrous or nonferrous material.

[§ 5-200 amended by Ord. No. 07-02, effective March 1, 2007, and amended by Ord. No. 10-01, effective March 18, 2010.]

ARTICLE III
HEALTH, SAFETY, COMFORT OR REPOSE

SECTION 5-300. PUBLIC NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE. The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

- A. All decayed or unwholesome food offered for sale to the public;
- B. All diseased animals running at large;
- C. 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;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Accumulations of garbage or rubbish;
- F. Privy vaults and garbage cans which are not fly-tight;
- G. Dumping the contents of any cesspool, privy vault or garbage can except at places authorized by Chapter 14 of this Code; or allowing any cesspool or individual sewage disposal system to overflow in any manner contrary to the provisions of Chapter 14 of this Code;
[CHAPTER 5, ARTICLE III, § 300 (7) (now § 5-300, Paragraph G), amended by Ord. No. 82-2, June 11, 1982.]
- H. All noxious weeds;
- I. An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or disposing of any dead animals, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans, or other material or debris of any kind on private property;
- J. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;
- K. Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
- L. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- M. All other acts, omission of acts, occupations and uses of property which are deemed by the City Council to be a menace to the health of the inhabitants of the City or a considerable number there.

[§ 5-300 amended by Ord. No. 07-02, effective March 1, 2007, and amended by Ord. No. 10-01, effective March 18, 2010.]

ARTICLE IV
MORALS AND DECENCY

SECTION 5-400. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY. The following are hereby declared to be Public Nuisances affecting morals and decency:

- A. All illegal gambling devices, slot machines and punch boards, except as authorized and permitted by federal, state, or local law;
- B. Any illegal betting, bookmaking and all apparatuses used in such illegal occupations;

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- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses;
- D. 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 liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;
- E. Any vehicle used for the illegal transportation of intoxicating liquor or any immoral purpose;
- F. All indecent or obscene pictures, books, pamphlets, magazines and newspapers and billboards;
- G. The public use of profane or obscene language;
- H. 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";
- I. 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.

[§ 5-400, amended by Ord. No. 04-06, effective November 4, 2004, amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE V
PEACE AND SAFETY

SECTION 5-500. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

- A. All snow and ice not removed from public sidewalks twenty four (24) hours after the snow and ice have caused to be deposited thereon;
- B. Allowing rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
- C. All wires which are strung less than fifteen (15) feet above the surface of any public street, road or alley;
- D. All buildings, wall, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value or which are situated so as to endanger the safety of the public;
- E. All explosives, inflammable liquids and other dangerous substances or materials stored and/or accumulated in any manner or in any amount other than that provided by law or ordinance;
- F. All use of display or fireworks except as provided by law or ordinance;
- G. All annoying vibrations and all unnecessary noises which tend to disturb the peace and repose of neighboring property owners, including but not limited to driving motorized scooters, bicycles, motorcycles, or any type of motorized vehicle in a loud, noisy, or unsafe manner as detailed in Section 5-504;
- H. All buildings and all alterations to building made or erected in violation of fire ordinances and building codes; and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;

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- I. The piling, storing or keeping of old machinery, wrecked, junked, or inoperative vehicles, and other junk or debris;
- J. Attractive nuisances, including but not limited to all dangerous, unguarded machinery, equipment or other property in any public place, or situated or operated on private property as to attract persons and create obstructions and excavations affecting the ordinary use of the public of roads, streets, alleys, sidewalks or public ground 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 minors;
- K. Radio aerials strung or erected in any manner except that provided by law or ordinance;
- L. The use of property abutting on a public road or any use of a public road or street, which causes large crowds of people to gather, obstructing traffic and the free use of roads;
- M. All hanging signs, billboards and other similar structures over public roads or streets or so situated as to endanger public safety, not constructed or maintained as provided by law or ordinance, or without proper permit;
- N. 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;
- O. Placing entrance culverts or doing any act which may alter or affect the drainage of public roads, streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;
- P. Making repairs to motor vehicles or tires on public streets, roads or alleys excepting only emergency repairs when it will not unduly impede or interfere with traffic;
- Q. Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass, or other materials on roads, streets or alleys;
- R. Erecting, painting or placing of unauthorized traffic signs or advertising signs on roads, streets or alleys;
- S. All unnecessary interferences and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation thereof;
- T. To operate any outdoor lighting fixtures upon any residential, commercial, industrial, public or institutional premises resulting in direct glare or light from private outdoor lighting fixtures and exceeding one (1.0) foot-candle (one lumen per square foot) as measured at the property line of the property where the lighting is located when abutting any residential property;
- U. The maintenance of any tree or shrub, the roots of which are causing damage to any public sewer, sidewalk, pavement or other public property, or setting out or planting any tree or bush in the public street or any portion thereof;
- V. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- W. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
- X. Wastewater cast upon or permitted to flow upon streets or other public properties;
- Y. 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;
- Z. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- AA. 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;

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BB. The keeping or storing of more than two vehicles, or a watercraft or MRVs as defined in Section 5-503, which are unlicensed or inoperable, unless the said vehicles, watercraft or MRVs are kept at all times in enclosed buildings.

CC. All other conditions, acts, or things which are liable to cause injury to the person or property of another.

DD. Permitting the use or using any structure as a dwelling when that structure is in an unhealthy, unsafe, substandard, hazardous or dangerous condition as determined by reference to Chapters 11, 12, 13, 14, 16A, 16B and 16C of the City Code.

EE. Accumulation of feces from any Animal on any property, public or private, to the point of being unsanitary and allowing the transmission of disease.

FF. Habitually barking dogs, defined as barking for repeated intervals of at least five minutes with less than one minute of interruption or intermittently for thirty minutes and audible off of the Owner's or caretaker's premises.

GG. Habitually crowing roosters, defined as daily crowing of roosters between the hours of 10:00 p.m. and 7:00 a.m., whether year-round or seasonally from March through September, and audible off of the Owner's or caretaker's property.

[§ 500 (26) (now § 5-500, Paragraph Z), added by Ord. No. 86-4, effective June 27, 1986, amended by Ord. No. 07-02, effective March 1, 2007, and amended by Ord. No. 10-01, effective March 18, 2010, amended by Ord. No. 11-05, effective, July 21, 2011, amended by Ord. No. 15-03, effective November 5, 2015, amended by Ord. No. 16.10, effective September 8, 2016.]

SECTION 5-501. DEPOSIT OF MATERIALS ON CITY ROADS AND STREETS PROHIBITED. No person shall deposit or permit to be deposited on any public road, street or right-of-way in the City of Columbus leaves, grass, sand, dirt, ash, or any other material; nor shall any person plow, shovel, blow, or otherwise deposit or permit the plowing, shoveling, blowing or depositing of snow onto any public road, street or right-of-way in the City of Columbus . These provisions shall not apply to any person who is in the process of constructing or maintaining a yard or drive provided that material or snow are in the road or right-of-way only for a few minutes and are then immediately removed from the road or right-of-way.

[§ 5-501), added by Ord. No. 87-3, effective September 18, 1987, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-502. UNNECESSARY ACCELERATION. No person shall start or accelerate a motor vehicle with unnecessary speed on any public or private right-of-way. Prima facie evidence of unnecessary acceleration shall be squealing or screeching sounds emitted by the tires as a result of friction with any surface, or the throwing of sand, dirt, gravel or other loose surface material from the tires of said vehicle. Any person who violates any of the provisions of this section shall be guilty of a petty misdemeanor and shall be punished by fine not to exceed \$100.00.

[§ 5-502 added by Ord. No. 87-5, effective October 2, 1987, amended by Ord. No. 07-02, effective March 1, 2007.]

[TOWN CLERK NOTE: Ord. No. 87-5 incorrectly numbered this section as Section 501. Section 501 was adopted in Ord. No. 87-3. Section 502 is numbered correctly herein by my authority as Town Clerk.] /s/ Barbara A. Masteller

SECTION 5-503. OPERATION OF MOTORIZED RECREATIONAL VEHICLES.

A. Registration and Operation

1. Snowmobiles. The registration and operation of snowmobiles in the City of Columbus are governed by Minn. Stat. §§ 84.81 through 84.91 and amendments thereto.

2. All-Terrain Vehicles ("ATVs"). The registration and operation of all-terrain vehicles in the City of Columbus are governed by Minn. Stat. §§ 84.92 through 84.928 and amendments thereto.

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B. Operation on City Streets. Minnesota Statutes and Rules governing the use and operation of snowmobiles and ATVs on county and state roads are incorporated by reference and applied to the use and operation of snowmobiles, ATVs and golf carts on City Streets, except that on City Streets, the following additional rules must be followed:

1. ATVs or golf carts shall not exceed 20 miles per hour.
2. Snowmobiles, ATVs or golf carts shall not be operated on any City Street at any time prior to 6:00 a.m. or after 10:00 p.m. on any given day. Any snowmobile, ATV or golf cart operating prior to sunrise or after sunset must be equipped with a working headlight and tail light.
3. Operations shall be restricted to the far right edge of the traveled portion of the roadway, in the same direction as the normal direction of traffic. Travel in ditches, side slopes, back slopes and boulevard areas is prohibited, except snowmobiles which may operate within ditches.
4. If a snowmobile, ATV or golf cart is not equipped with turn signals, the operator shall use arm signals when executing turning movements.

[§ 5-503 added by Ord. No. 88-2, effective July 1, 1988, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007, as amended by Ord. No. 13-07, effective 12/19/2013.]

SECTION 5-504. NOISE VIOLATIONS.

A. Prohibited noises. The following are declared to be nuisances affecting public health, safety, peace, or welfare:

1. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance). Such noise may include, but is not limited to, radios, music devices, paging systems and the like.
2. All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Statute § 169.69 and § 169.693 and Minnesota Rules Chapter 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference:
 - a. A copy of Minnesota Statutes § 169.69 and § 169.693 and Minnesota Rules Chapter 7030 is available at the City Offices; and
 - b. Minnesota Rules Chapter 7030 provides regulations regarding specific sound level standards for land use activities as well as procedures for monitoring sound levels.
3. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
4. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises and complies with all applicable state laws and regulations.

B. Hourly restriction of certain operations.

1. Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar

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domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any day of the week. Snow removal equipment is exempt from this provision.

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

3. Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any day of the week.

4. Noisy parties or gatherings: When a police officer determines that a gathering is creating an excessive noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every effort to see that the disturbance is stopped.

C. Excessive Vehicle Noise.

1. Definitions. The following phrases are defined as follows:

a. Engine retarding brake. A Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

b. Abnormal or excessive noise. A distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value, (b) noise in excess of that permitted by Minnesota Statutes Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

2. Excessive Vehicle Noise Prohibition.

a. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

b. It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake or any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

3. Signing. Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance. The provisions of this ordinance are in full force and effect even if no signs are installed.

D. Noise impact statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. The Council shall evaluate each such statement

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and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changed requested.

[§ 5-504 was added by Ord. No. 10-01, effective October 1, 2010.]

ARTICLE VI **ENFORCEMENT**

SECTION 5-600. ENFORCEMENT. It shall be the duty of the City Council to enforce the provisions of this ordinance and the City Council may by resolution delegate to such 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.

[§ 5-600 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-601. 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 nuisance and require him to terminate and abate said nuisance and to remove such conditions to remedy such defects. Said written notice shall be served upon 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 time and steps 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 with the 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 City 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.

[§ 5-601 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-602. ABATEMENT OF NUISANCES BY CITY COUNCIL. In addition to other lawful remedies, the City Council may order that a nuisance be abated. All nuisance abatements shall be conducted in accordance with Chapter 16C of this City Code.

[§ 5-602 amended by Ord. No. 86-4, effective June 27, 1986, amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-603. PENALTIES. Any person who shall cause or create a nuisance or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this ordinance, upon conviction thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[§ 5-603 amended by Ord. No. 86-3, effective February 21, 1986, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

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ARTICLE VII
SEPARABILITY

SECTION 5-700. SEPARABILITY. Every section, provision, or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provision or part.

ARTICLE VIII
CURFEW FOR MINORS

SECTION 5-800. DEFINITIONS.

- A. Curfew. A regulation requiring the withdrawal of specified persons from the streets, avenues, parks and public property within the City of Columbus at a stated hour.
- B. Minor. For the purposes of this Article, a person who is 16 years of age or under.

[§ 5-800 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-801. CURFEW REGULATION. It shall be unlawful for any person 16 years of age and under to be present on any public street, avenue, park, or other public place in the City of Columbus between the hours of:

- Sunday 10:00 p.m. through Monday 5:00 a.m.
- Monday 10:00 p.m. through Tuesday 5:00 a.m.
- Tuesday 10:00 p.m. through Wednesday 5:00 a.m.
- Wednesday 10:00 p.m. through Thursday 5:00 a.m.
- Thursday 10:00 p.m. through Friday 5:00 a.m.
- Friday 11:00 p.m. through Saturday 5:00 a.m.
- Saturday 11:00 p.m. through Sunday 5:00 a.m.

This rule applies unless the minor is accompanied by a parent, guardian or person having lawful custody and control of said minor, or unless there exists a reasonable necessity for the minor to be unaccompanied.

[§ 5-801 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 5-802. PRIMA FACIE EVIDENCE.

- A. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, or control of any minor to allow or permit such minor to violate the provisions of this Article.
- B. The finding of any minor in violation of the curfew shall be prima facie evidence that a parent, guardian, or other person having lawful care, custody, or control allowed or permitted the violation.

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SECTION 5-803. CURFEW PROCEDURES. Any police officer, sheriff's deputy, or other law enforcement officer, upon finding a minor in violation of this ordinance, shall notify the parents, guardian, or person having custody or control of such minor and shall also notify the juvenile authorities.

SECTION 5-804. VALIDITY. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining provisions of this article.

SECTION 5-805. PENALTY. Any person who violates any provision of this Article upon conviction hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[§ 5-800 - § 5-805 added by Ord. No. 87-4, effective October 2, 1987, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE IX
SHADE TREE DISEASES

[§ 5-901 through § 5-912, adopted by Ord. No. 88-4, effective December 30, 1988, was amended by Ord. No. 93-1, effective February 2, 1996, and was renumbered and moved to Chapter 20, Article V of this Town Code, as sections 20-501 through 20-512.]

ARTICLE X
SOCIAL HOST ORDINANCE

SECTION 5-1001. PURPOSE AND INTENT. The City Council intends to discourage underage consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds that:

- A. Events and gatherings held on private or public property where alcohol is consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol related traffic collisions.
- C. Alcohol, if used irresponsibly, could have drastic detrimental effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- D. Often, events or gatherings involving underage consumption occur outside the presence of parents or other responsible adults. However, there are times when the parent or other adult is present and condones the activity, and, in some circumstances, provides the alcohol.
- E. Even though giving or furnishing alcohol to an underage person is a crime, this subchapter is necessary to help further combat underage consumption.

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F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage consumption occurs.

SECTION 5-1002. DEFINITIONS. For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- B. "Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of 1% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- C. "Event" or "Gathering" means any group of 3 or more persons who have assembled or gathered together for a social occasion or other activity.
- D. "Host" or "Allow" means to aid, conduct, sponsor, entertain, organize, supervise, control, or permit a gathering or event.
- E. "Parent" means any person having a legal custody of a juvenile:
1. As a natural parent, adoptive parent, or stepparent;
 2. As a legal guardian;
 3. As a person to whom legal custody has been given by order of the court.
- F. "Person" means any individual, partnership, co-partnership, corporation, or any association of 1 or more individuals. A person does not include any city, county, or state agency.
- G. "Residence" or "Premises" means any location or structure, including a home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- H. "Underage Person" means any individual under 21 years of age.

SECTION 5-1003. PROHIBITED ACTS.

- A. It is unlawful for any person(s) to host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does:
1. Consume any alcohol or alcoholic beverage; or
 2. Possess any alcohol or alcoholic beverage with the intent to consume it; and
 3. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- B. A person is criminally responsible for violating Section 5-1003(A), above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

SECTION 5-1004. EXCEPTIONS.

- A. This Article does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

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- B. This Article does not apply to legally protected religious observances.
- C. This Article does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, Subd. 1(a)(1).
- D. This Article does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- E. This Article does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event of gathering where alcohol is present.

SECTION 5-1006. ENFORCEMENT. This Article may be enforced by any police officer or sheriff's deputy in Anoka County.

SECTION 5-1007. SEVERABILITY. If any subsection, sentence, clause, phrase, word, or other portion of this Article is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

SECTION 5-1008. PENALTY. Any person who violates any provision of this Article upon conviction hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[Article X – Social Host Ordinance added by Ord. No. 16-02, effective February 18, 2016.]

ARTICLE XI **SEXUAL OFFENDERS AND SEXUAL PREDATORS**

SECTION 5-1101. FINDINGS AND INTENT.

- A. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present a substantial threat to the public safety. Current information indicates that sexual offenders are proven more likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and specifically to the City of Columbus (“City”), while incalculable, clearly exorbitant.
- B. 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 sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

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SECTION 5-1102. DEFINITIONS. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. Designated offender. 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 eighteen (18) years of age, or has been categorized as a Level III sex offender under Minnesota Statutes 244.052 or successor or amended statute.
- B. Designated Sexual Offense. A conviction, adjudication of delinquency, commitment under Minnesota Statutes 253B, or admission of guilt under oath without adjudication involving any of the following offenses: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor or amended statute, or a similar offense from another state.
- C. Permanent Residence. A place where the person abides, lodges, or resides for fourteen (14) or more consecutive days. Permanent residence does not require an ownership interest by the person in such residence.
- D. Temporary Residence. 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 (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

SECTION 5-1103. SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS:

- A. Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within two thousand (2,000) feet of any of the following places:
1. Playground;
 2. Licensed daycare;
 3. Place of worship which provides regular educational programs (i.e., Sunday School) or day care service;
 4. Public park, activity or science center; or
 5. Public or private school providing elementary, middle school or high school education.
- B. Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this paragraph
- C. Measurement of Distance.

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1. 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 nearest outer property line of a school, playground, licensed daycare, public park, place of worship, or school.
 2. The City Clerk shall maintain an official map showing prohibited locations as defined by this Ordinance. The City Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. The map shall not be deemed conclusive or all-encompassing since prohibited zones change from time to time including but not limited to licensed daycares.
- D. Penalties. A person who violates this section shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by confinement for a term not exceeding ninety (90) days, or by both such fine and confinement. Each day a person maintains a residence in violation of this Ordinance constitutes a separate violation.
- E. Exceptions. A designated offender residing within a prohibited area as described in Section 5-1103.A of this Section does not commit a violation of this Section if any of the following apply:
1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166, 243.167, or successor statute, prior to [effective date].
 2. The person was a minor when he/she committed the offense and was not convicted as an adult.
 3. The person is a minor.
 4. The school or daycare center within two thousand (2,000) feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166 or 243.167.
 5. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.
 6. The residence is a property owned or leased by the Minnesota Department of Corrections.

SECTION 5-1104. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES:

- A. 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 this Chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Section 5-1103.A of this Section.
- B. A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code

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enforcement provisions and procedures as provided for in Section 1-109 of the City Code, but shall not be exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Columbus to seek cumulative remedies.

C. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

SECTION 5-1105. SEVERABILITY. Should any section, subdivision, clause or other provision of this section be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the section as a whole, or of any part thereof, other than the part held to be invalid.

[Article XI – Sexual Offenders and Sexual Predators Ordinance added by Ord. No. 16-11, effective October 27, 2016.]



History of ordinances affecting the text of Chapter 5 (since codification on August 26, 1981):

*Ord. No. 82-12, effective June 11, 1982.
 Ord. No. 86-3, effective February 21, 1986.
 Ord. No. 86-4, effective June 27, 1986.
 Ord. No. 87-3, effective September 18, 1987.
 Ord. No. 87-4, effective October 2, 1987.
 Ord. No. 87-5, effective October 2, 1987.
 Ord. No. 88-2, effective July 1, 1988.
 Ord. No. 88-4, effective December 30, 1988.
 Ord. No. 89-17, effective December 8, 1989.
 Ord. No. 92-2, effective April 17, 1992.
 Ord. No. 93-1, effective February 2, 1996.
 Ord. No. 04-06, effective November 4, 2004.
 Ord. No. 07-02, effective March 1, 2007.
 Ord. No. 09-02, effective March 5, 2009.
 Ord. No. 10-01, effective March 18, 2010.
 Ord. No. 11-05, effective July 21, 2011.
 Ord. No. 13-07, effective December 19, 2013.
 Ord. No. 15-03, effective November 5, 2015.
 Ord. No. 16-02, effective February 18, 2016.
 Ord. No. 16-10, effective September 8, 2016.
 Ord. No. 16-11, effective October 27, 2016.*

This Chapter has been updated through the date of the latest ordinance listed above.
