

Chapter 30 NUISANCES¹

Sec. 30-1. Definitions.

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

A-weighted means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.01.

Abandoned vehicle means any motor vehicle which is determined by the zoning administrator, chief of police, or their assigns, to be an inoperable vehicle as herein defined or to which the last registered owner of record has relinquished dominion or control.

Acceptable prairie restoration means an area of semi or continuous ground cover consisting of native grasses and forbs, with an identified plant species matrix that does not include identified, state-listed noxious weeds or invasive non-native plants. With respect to any undesirable plants, the establishment and long-term maintenance plan shall address the eradication measures to be employed.

Agricultural land means the areas in the state lying south and west of a line along the following highway right-of-way: starting at the North Dakota border, the line goes east along State Highway 10 to State Highway 23, then follows Highway 23 east to State Highway 95, which it follows to the Wisconsin border. The agricultural zone referred to in this guide applies only to ATV use.

All-terrain vehicle (ATV) means a motorized, flotation-tired vehicle with at least three but no more than six low-pressure tires.

Daytime means those hours from 7:00 a.m. to 10:00 p.m.

dBA means unit of sound level expressed in decibels (dB) and A-weighted (A).

Decibel means a unit of sound pressure level, abbreviated as "dB."

Diseased tree means any diseased or insect infested tree that poses a threat to public trees in the city.

Dwelling unit means a residential building or portion thereof intended for occupancy including but not limited to single-unit or multiunit homes, apartments, hotels, motels, nursing homes, seasonal cabins, boardinghouses or rooming houses, tourist homes or trailers.

Impulsive noise means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Inoperable or junk vehicle means any motor vehicle which cannot meet ~~all~~ [any one](#) of the following criteria:

- (1) The vehicle must be able to be driven or propelled under its own power upon demand in its existing condition; and

¹State law reference(s)—Nuisances generally, Minn. Stats. ch. 561; authority to define and abate nuisances, Minn. Stats. §§ 410.33, 412.221, subd. 23; public nuisances prohibited, Minn. Stats. § 609.74 et seq.

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- (2) The vehicle must be able to be driven or propelled under its own power in a safe manner and not be wrecked, junked, or dismantled at the time of inspection and/or abatement; and
 - (3) The vehicle must have current license plates and tabs; and
 - (4) The vehicle must have current proof of liability insurance, as required by state law.

L10 means a sound level, expressed in decibels (dBA) which exceeded ten percent of the time for a one-hour time period, as measured by test procedures approved by the commissioner.

L50 means a sound level, expressed in decibels (dBA) which exceeded 50 percent of the time for a one-hour time period, as measured by test procedures approved by the commissioner.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power. The term "motor vehicle" includes, but is not limited to, automobiles, motorcycles, snowmobiles, motor bikes, scooters, all-terrain vehicles, and go-carts.

Nighttime means those hours from 10:00 p.m. to 7:00 a.m.

Outdoor or, outside means a location within a yard or lot that not within an approved structure. Such a structure can include a shed, garage, or other accessory structure with four constructed walls. Lean-tos, tarps, carports, and fencing are not considered an approved structure.

Person means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, the term "person" shall include employees and licensees.

Public nuisance means any action, situation, land use, or existence of any activity that unreasonably annoys, injures, or endangers the general health, safety, welfare, or public peace such that the comfortable enjoyment of life or property is disrupted, or which is offensive or has a blighting influence on the community.

Public road right-of-way means the entire right-of-way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders, and medians.

Recreational vehicle describes all-terrain vehicles, [campers, camping trailers, motorhomes](#), off-highway vehicles, and off-road vehicles.

[Shade tree means a woody perennial grown primarily for aesthetic or environmental purposes.](#)

Sound measuring device means a decibel meter that meets standards set by the Specifications for Sound Level Meters published by the American National Standards Institute as referenced in Minn. Rules ch. 7030.

Sound pressure level, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

Track or trail means a course built or created by a repetitive or continued use of a motor vehicle.

[Vehicle means any motorized or unmotorized vehicle including but not limited to, automobiles, trucks, motorcycles, buses, recreational vehicles, snowmobiles and trailers.](#)

(Code 1978, § 5.08.02; Ord. No. 07-14, § 3, 9-11-2007; Ord. No. 08-20, § 2, 7-22-2008)

Sec. 30-2. Purpose.

The purpose of this chapter is to take all reasonable measures within the city's jurisdiction to prevent the establishment of activities that maintain or permit a condition which unreasonably annoys, injures or endangers

the health, morals, decency, safety, or public peace so that such activities do not affect the comfortable enjoyment of life or property.

(Code 1978, § 5.08.01; Ord. No. 07-14, § 3, 9-11-2007)

Sec. 30-3. ~~Property~~ Conditions constituting a public nuisance.

The following are declared to be nuisances affecting public peace, health, welfare, and/or safety of the community:

Subd. 1. General Nuisances

A. ~~(1)~~ Exposed accumulation of decayed or unwholesome food or vegetable matter.

~~(2) All diseased animals running at large.~~

~~(3) Carcasses of animals not buried at least three feet deep or destroyed within 24 hours after death.~~

~~(4) Accumulations of manure, refuse or other debris, except that any manure maintained in conformance with chapter 10 shall not be declared a public nuisance.~~

B. ~~(5)~~ 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.

C. ~~(6)~~ The storage or accumulation of waste, refuse, or garbage that is not contained in a closed container designed or reasonably adapted for such purpose, except for 30 days preceding pick-up by a hauler. This includes any accumulation of appliances, plumbing fixtures, furniture, equipment, remnants of wood (decayed or weathered) unused construction materials, stockpiles of rocks or dirt, or any items that could not be put to use in the manner that they are intended.

D. ~~The outdoor accumulation and storage of junk, trash, refuse, debris, materials or other items to include, but not limited to, those items not customarily used outdoors.~~

~~(7) The depositing of garbage or refuse on a public right-of-way or adjacent private property.~~

~~(8) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such surface.~~

E. ~~(9)~~ The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.

F. ~~Dense smoke, noxious fumes, gas and soot, or cinders that creates a hazard or nuisance to the public.~~

G. ~~Radio aerials or television antennas erected or maintained in a dangerous manner.~~

H. ~~All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code.~~

I. ~~The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.~~

J. ~~All dangerous, unguarded machinery in any place, or so situated or operated on private property as to attract the public.~~

K. ~~Any barbed-wire fence less than six feet above ground and within three feet of a public sidewalk or way unless for agricultural purposes permitted by zoning code. unless a permit is granted by the city.~~

L. ~~Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to anyone coming on the premises where it is located.~~

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- M. The existence of any sign, fence, structure or part of any structure which, because of fire, wind, or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
- N. The existence of any vacant dwelling, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals for no longer than 1 year or less.
- O. The outdoor or outside parking or storage of any junk, abandoned or inoperable vehicles, equipment, trailers and the like.
- P. The outdoor or outside storage of any part of a vehicle, or piece of machinery that is deteriorating or unusable or intended to be used as salvageable parts.
- Q. Temporary accessory structures not approved by the City, including but not limited, to shipping containers and structures made from canvas or plastic with tubular metal hoops.
- R. Logs and brush piles that create a habitat for rodent and vermin.
- S. Failure to follow or comply with requirements set forth in development agreements, Conditional Use Permits, or Interim Use Permits, unless otherwise approved by the City.
- T. Camping, squatting, or living on public or private land unless within a designated campground or for the personal enjoyment on privately owned property by the owner. Tents, campers, vehicles and the like, cannot be used for commercial or private permanent or temporary dwelling units.
- U. It shall be unlawful to place any sign or advertisement in the public right of way.
- V. Addressing must be clearly visible and each property identifiable, to include constructions sites from the start of construction throughout development, as to allow for first responders, emergency services and wayfinding.
- W. Any other act or omission declared to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Grass, Weeds, and Noxious Growths

~~(10)~~ A. All grass, weeds, or noxious growths of vegetation upon public or private property exceeding eight inches in height, or whatever height specified in the appropriate zoning district, excluding acceptable prairie restoration plant materials.

1. ~~a.~~ Exemption. All ground cover vegetation located in the following areas are hereby exempt from height restrictions:
- ~~1.~~ a. Shore impact zones;
 - ~~2.~~ b. Bluff impact zones;
 - ~~3.~~ c. Areas within 50 feet of a wetland or natural drainage way;
 - ~~4.~~ d. Areas of native plant communities with approved management plans; and
 - ~~5.~~ e. Significant vegetative stands identified under section 117-148, relating to Mississippi River Corridor Critical Area (MRCCA) Overlay District Development Standards.

Any vegetation management within the MRCCA overlay district shall comply with the requirements and standards of zoning code and with any vegetation clearing permits approved by the City of Ramsey.

f. Areas of steep slope where mowing is not safely possible.

g. Any area that has been undisturbed by development, grading or building and remains in its original natural state.

B. All areas that have been graded or developed must maintain the property to turf grass standards unless an appropriate prairie management plan has been accepted by the City or falls within the exemption list above.

~~(11) Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.~~

Subd.3. Obstructions of Rights-of-Way

A. It is unlawful to place or deposit debris, including but not limited to dirt, leaves, grass, snow, ice, and other materials onto a road, public or private property. Governmental agencies and their contractors performing street maintenance and snow removal activities are exempted.

B. Snow, materials or debris shall not be pushed across a street or public right of way.

C. Snow, ice and other hazards must be removed from sidewalks and trails within 48 hours of a snow fall or other precipitation event causing the hazard.

D. Any obstructions affecting the ordinary use of a public street, trail, or right of way unless specifically permitted by code.

~~(12) Snow, ice, or other precipitation not removed from sidewalks or the allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.~~

~~(13) E. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.~~

~~(14) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.~~

~~(15) Radio aerials or television antennas erected or maintained in a dangerous manner.~~

~~(16) F. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks.~~

G. All trees, hedges, billboards or other obstructions that prevent persons from having a clear view of all traffic approaching an intersection or a violation of the site triangle requirements set forth in City Code.

H. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

I. Wastewater cast or permitted to flow, upon streets or other public property.

~~(17) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code.~~

~~(18) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way unless a permit is granted by the city.~~

~~(19) Wastewater cast or permitted to flow, upon streets or other public property.~~

~~(20) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located.~~

~~(21) f. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.~~

- ~~(22) The existence of any structure or part of any structure which, because of fire, wind, or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.~~
- ~~(23) The existence of any vacant dwelling, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.~~
- ~~(24) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.~~
- ~~(25) The outdoor or outside storage of any abandoned or inoperable vehicles, as defined by this chapter.~~
- ~~(26) The outdoor or outside storage of any part of a motor vehicle or piece of machinery that is deteriorating or unusable or intended to be used as salvageable parts.~~
- ~~(27) Any violation of section 117-355, relating to off-street parking regulations.~~
- ~~(28) Any violation of chapter 10, relating to the keeping of animals.~~
- ~~(29) Any violation of chapter 34, article III, division 3, relating to clandestine drug labs.~~
- ~~(30) Any other act or omission declared to be a public nuisance and for which no sentence is specifically provided.~~
- ~~(31) The use or operation of a radio, musical instrument, amplified music or sound, or other machine or device used for production or reproduction of sound at a volume in the excess of that reasonably necessary for the convenient hearing of the person or in the room, vehicle, or chamber in which the same is being operated, as defined by this chapter. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, amplified music or sound, or other machine or device for the reproducing or producing of sound if the sound therefrom is audible from:~~
- ~~a. An apartment or hallway of a multifamily building adjacent to a unit where the device is operating.~~
 - ~~b. The property line of the real property on which the device is being operated.~~
 - ~~c. A distance of 50 feet from any motor vehicle in which the device is operating.~~
- ~~(32) To operate or to cause to be operated, but not limited to, the use of any noise creating blower or power fan, internal combustion engine, air compressor or steam engine, automobile, motorcycle, snowmobile, motor boat, motor bike, scooter, recreational vehicle, all terrain vehicle, off-highway motorcycle, off-road vehicle, go-cart, or remote controlled airplane, boat, or other vehicle powered by an engine or motor, the operation of which causes noise, unless the noise from the blower or fan is muffled and such engine or compressor is equipped with a muffler device sufficient to deaden and effectively prevent such noise so that the noise shall not annoy, disturb or affect the comfortable enjoyment of life or property.~~
- ~~a. Sound levels. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table 1.~~

TABLE 1

	7:00 A.M. — 10:00 P.M.		10:00 P.M. — 7:00 A.M.	
Land Use	L50	L10	L50	L10
Residential	60	65	50	55
Commercial	65	70	65	70
Industrial	75	80	75	80

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- b. ~~Measurement procedure.~~ The following procedures must be used to obtain a representative sound level measurement by the use of a sound measuring device:
1. ~~A decibel meter will be used to obtain readings and be used as evidence.~~
 2. ~~The operator of the device has sufficient training to properly operate the equipment and can testify as to the manner in which the device was set up and operated.~~
 3. ~~The device is operated with minimal distortion or interference from outside sources; and has been certified as being accurate and reliable.~~
 4. ~~Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.~~
 5. ~~Measurements must be made using an A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.~~
 6. ~~Measurements must not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and the noise source being measured.~~
 7. ~~Measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement.~~
 8. ~~Measurement must be made from the property of the person making the complaint, when applicable.~~

(33) ~~Tracks and trails for riding motor vehicles are not allowed in a residential area unless said track or trail is:~~

- a. ~~1,000 feet from any residence except that of the owner; and~~
- b. ~~At least 50 feet from property lines, public streets, utilities, or easements.~~

(Code 1978, § 5-08.04; Ord. No. 04-34, 9-27-2004; Ord. No. 07-14, §§ 2, 3, 9-11-2007; Ord. No. 07-21, § 2, 10-23-2007; Ord. No. 11-06, § 2, 7-24-2012; Ord. No. 12-10, § 2, 7-24-2012; Ord. No. 22-07, § 2, 2-8-2022)

Sec. 30-4. Nuisances affecting public safety.

The following are declared to be nuisances affecting public safety:

- (1) ~~All snow and ice not removed from public sidewalks 12 hours after snow or other precipitation causing the condition has ceased to fall;~~
- (2) ~~All trees, hedges, billboards or other obstructions that prevent persons from having a clear view of all traffic approaching an intersection;~~
- (3) ~~All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;~~
- (4) ~~Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;~~
- (5) ~~Radio aerials or television antennas erected or maintained in a dangerous manner;~~
- (6) ~~Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;~~

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- ~~(7) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code;~~
 - ~~(8) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;~~
 - ~~(9) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way unless a permit is granted by the city;~~
 - ~~(10) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;~~
 - ~~(11) Wastewater cast or permitted to flow, upon streets or other public property;~~
 - ~~(12) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;~~
 - ~~(13) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;~~
 - ~~(14) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such surface;~~
 - ~~(15) The depositing of garbage or refuse on a public right-of-way or adjacent private property.~~

~~(Code 1978, § 5-08.06; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-5. Nuisances affecting public peace Noise.

Subd. 1. Noisy parties and gatherings.

- A. It is unlawful for any person to permit or to be present at or participate in a noisy party or gathering of people from which noise emanates of sufficient volume or nature so as to disturb the peace, quiet or comfort of another or interferes with the right of another to use peacefully his/her property, whether on public or private property. It shall be presumed that a violation of this section has occurred when any noise from a gathering is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m. without having a special event permit.
- B. It is unlawful for any person, owning or possessing property upon which a party or gathering prohibited herein is in progress, to fail to abate such noise upon an order of a police officer. When a police officer has probable cause that a violation of this section is occurring, the officer may order all persons present, other than the owner or person in possession of the property, to disperse and leave the property immediately and failure of any person, other than the owner or person in possession of the property, to refuse to leave after being so ordered by the police officer shall be unlawful.

Subd. 2. Electronic sound system/audio equipment.

- A. No person shall use or operate any device, instrument, electronic sound system or audio equipment including, but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizen band radio, paging system, or any other device designed to produce or reproduce audio sound; in such an unreasonably loud manner that it disturbs the peace, quiet, and comfort of others or interferes with the right of another to use peacefully his/her property or public property without disturbance.
- B. It shall be presumed that a violation of this section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible at a distance of 50 feet or more.

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- C. When sound violating this section is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided that if the vehicle's owner is not present, the person in charge of the vehicle at the time of the violation is guilty of the violation.
- D. This section shall not apply to sound produced by the following:
1. Amplifying equipment used in connection with activities for which a permit has been granted or in connection with activities of any organized school, church, civic, or other event or activity open to the public and occurring between the hours of 7:00 a.m. and 10:00 p.m. while still maintaining decibel limits set by Minnesota State Law.
 2. Anti-theft devices;
 3. Bells, chimes, carillons, or the like in association with a religious institution or school;
 4. emergency civil defense warning signals; and
 5. Authorized emergency vehicles or other vehicles required by law to be equipped with sound devices.

~~(a) Specific acts. The following are declared to be nuisances affecting public peace:~~

- ~~(1) The use or operation of a radio, musical instrument, phonograph, tape recorder or other machine or device used for production of reproduction of sound at a volume in the excess of that reasonably necessary for the convenient hearing of the person or in the room, vehicle, or chamber in which the same is being operated.~~
- ~~(2) The operation between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, phonograph, tape recorder or other machine or device for the reproducing or producing of sound if the sound therefrom is audible from:
 - ~~a. An apartment or hallway of a multifamily building adjacent to a unit where the device is operating.~~
 - ~~b. The property line of the real property on which the device is being operated.~~
 - ~~c. A distance of 50 feet from any motor vehicle in which the device is operating.~~~~

Subd.3. ~~(3)~~ To operate or to cause to be operated, but not limited to, the use of any noise creating blower or power fan, internal combustion engine, air compressor or steam engine, automobile, motorcycle, snowmobile, motor boat, motor bike, scooter, recreational vehicle, all-terrain vehicle, off-highway motorcycle, off-road vehicle, go-cart, or remote-controlled airplane, boat, or other vehicle powered by an engine or motor, the operation of which causes noise, unless the noise from the blower or fan is muffled and such engine or compressor is equipped with a muffler device sufficient to deaden and effectively prevent such noise so that the noise shall not annoy, disturb or affect the comfortable enjoyment of life or property.

Subd.4. ~~(4)~~ Tracks and trails for riding motor vehicles are not allowed in a residential area unless said track or trail is:

- ~~A. a.~~ 1,000 feet from any residence except that of the owner; and
- ~~B. b.~~ At least 50 feet from property lines, public streets, utilities or easements.

Subd.5. The following activity shall be unlawful on public or private property between the hours of 10:00 p.m. and 7:00 a.m.

- A. The use of any power tools for construction activity including, but not limited to: saws; jackhammers; nail drivers; impact wrenches; and air compressors.
- B. The use of power lawn or landscape maintenance equipment, including but not limited to: lawn mowers; hedge clippers; grass/weed trimmers; garden tillers; chainsaws; leaf-blowers; wood chippers.
- C. Repair and servicing of motor vehicles, recreational vehicles or other vehicles or equipment in residentially zoned districts or those district adjacent to residentially zoned properties.

Subd.6. Construction activity, including but not limited to: operation, repair, servicing and engine start-up/warm-up of heavy construction equipment; loading and unloading of heavy equipment; and delivery of supplies between the hours of 8:00 p.m. and 7:00 a.m.

Subd.7. Exemption. The following activities are specifically exempted from the prohibitions under this section:

- A. Mining and excavation regulated by a mining and excavation permit.
- B. All activities and land uses regulated by conditional use permits including but not limited to fuel facilities, fast food establishments, major auto repair, school activities and day care facilities.
- C. Public work, construction and maintenance by federal, state, county or city authorities or their contractors and sub-contractors as approved by the city engineer.
- D. Snow removal activities.
- E. Emergency public works repair/construction.
- F. Parking lot maintenance or sweeping.

Subd.8. (5) All other conditions or things, which are likely to cause injury to the person or property of anyone and to interfere with the comfortable enjoyment of life or property.

~~(b) — Sound levels. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set Table 1.~~

TABLE 1

	7:00 A.M.—10:00 P.M.		10:00 P.M.—7:00 A.M.	
Land Use	150	110	150	110
Residential	65	60	55	50
Commercial	70	65	70	65
Industrial	80	75	80	75

~~(c) — Measurement procedure. The following procedures must be used to obtain a representative sound level measurement by the use of a sound measuring device~~

- ~~(1) — A decibel meter will be used to obtain readings and be used as evidence.~~
- ~~(2) — The operator of the device has sufficient training to properly operate the equipment and can testify as to the manner in which the device was set up and operated.~~
- ~~(3) — The device is operated with minimal distortion or interference from outside sources; and has been certified as being accurate and reliable.~~
- ~~(4) — Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures that would prevent an accurate measurement.~~

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- ~~(5) Measurements must be made using an A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.~~
 - ~~(6) Measurements must not be made in sustained winds or in precipitation that results in a difference of less than ten decibels between the background noise level and the noise source being measured.~~
 - ~~(7) Measurements must be made using a microphone that is protected from ambient conditions that would prevent an accurate measurement.~~
 - ~~(8) Measurement must be made from the property of the person making the complaint, when applicable.~~
- ~~(Code 1978, § 5.08.07; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-6. ~~Powers of city officials.~~ Sound levels and Measurement

The allowable sound levels and measurement standards follow the Minnesota Pollution Control Guidelines for Noise found in the Minnesota Administrative Rules Section 7030. Whenever the City Administrator or designee finds that a violation has occurred, penalties may be issued in accordance with State Law and the City of Ramsey Code.

~~Whenever in the judgment of the City Administrator or their Designee city's health authority, city engineer, or chief of police (or other such city official as may be determined by the city administrator), a finding is made upon investigation that a public nuisance is being maintained or exists within the city, the city may at the direction of the city administrator, issue a citation or written notice to the owner or occupant of the premises where the public nuisance is maintained requiring him to terminate and abate said nuisance. Service of said notice shall be in person or by U.S. 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. If the nuisance is not abated within ten days of the date of issuance of the notice, the city may issue a code violation citation to the notified owner or occupant. As an alternative, the city may elect to prosecute the matter in district court without first issuing the ten-day notice described in this section.~~

~~(Code 1978, § 5.08.08; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-7 ~~Chapter 113~~–Natural Resource and Environmental Preservation and Protection

~~Article III~~– Shade Tree Diseases and Pests

Subd. 1. Purpose ~~Sec. 113 40 (101 Purpose)~~

The City Council has determined that the health of the community forest, including both public and private trees, faces threats from certain lethal diseases and pests, including but not limited to, Oak Wilt, Dutch Elm Disease, and Emerald Ash Borer. Without proper preventative and control measures in place, the loss of trees from these epidemics would result in substantial depreciation of property values, could significantly reduce wildlife habitat and the beneficial wildlife corridor linkages, and detract from the city's rural character. In addition to, and in accordance with, Minn. Stats. 18G and Minn. Stats. 89.54-89.64, the provisions of this chapter are adopted as an effort to control and prevent the spread of these shade tree diseases and pests.

~~Sec. 113 41 (102 Definitions)~~

Subd. 2 License Required ~~Sec. 113 42(103 License Required)~~

- A. Any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota commissioner of Agriculture under Minn. Stat. § 18G.07.

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- B. License Required. It shall be unlawful for any individual, partnership, or corporation to conduct, as a business for profit, the cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines in the city without having secured a license from the city to conduct such business.
 - C. Application for a license under this chapter shall be made on a form approved by the city and shall include, among other things, the name and address of the applicant, the number of and names of employees of the applicant, and a description of vehicles and equipment used for the business, including license plate numbers if applicable. It shall also include proof of compliance with Minn. Stat. § 18G.07.
 - D. Insurance Requirements. No license or renewal of a license shall be granted, nor shall the same be effective, until the applicant has filed with the city a certificate of insurance evidencing the holding of liability insurance and the limits required by Minnesota Statutes and proof of workers' compensation insurance. The city shall be named and the insurance provided shall include the city as an additional party insured. Said policy shall provide that it may not be canceled by the insurer except after ten (10) days written notice to the city and, if such insurance is so canceled and the licensee fails to replace the same with another policy conforming to the provisions of this chapter, said license shall be automatically suspended until such insurance has been replaced.
 - E. License Fee. The annual license fee shall be determined by the city's annual Fee Schedule.

Subd. 3 Nuisances Declared ~~Sec. 113-43 (200 Nuisances Declared)~~

- A. The following are considered public nuisances, as their conditions represent a threat to the health of the overall community forest. The city may submit a wood sample to a laboratory, such as the University of Minnesota's Plant Disease Clinic, to confirm the presence of the disease or pest.
 - 1. Any elm tree or part thereof infected to any degree with Dutch Elm Disease fungi (either *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*), or which harbors any elm bark beetle (*Hylurgopinus rufipes*), European elm bark beetle (*Scolytus multistriatus*), or banded elm bark beetle (*Scolytus schevyrewi*), collectively referred to as elm bark beetles.
 - 2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material not properly covered and sealed or from which the bark has not been removed or sprayed with an effective insecticide for elm bark beetles; except that the stockpiling of uncovered bark bearing elm wood shall be permitted during the months of October through March.
 - 3. Any tree, or part thereof, within the Red Oak family (northern red oak, northern pin oak, pin oak, and black oak), infected to any degree with the oak wilt fungus (*Bretziella fagacearum*). This includes any diseased material that is potentially spore producing (PSP).
 - 4. Any tree, or part thereof, within the White Oak family (white oak, bur oak, swamp white oak, and chinkapin oak), that poses a threat of transmission of the oak wilt fungus to other trees of the same species through grafted roots.
 - 5. Any ash tree (*Fraxinus* spp.) or part thereof, infected to any degree with Emerald Ash Borer (EAB), *Agrilus planipennis*.
 - 6. Any tree deemed by the city to be hazardous, which may include structural defects in the roots, stem, and/or branches, that could cause the tree to fail and, should it fall, would land within a public right-of-way or upon public land.

Subd. 4. Nuisance Trees ~~Sec. 113-44 (201 Nuisance trees)~~

- A. ~~Disease or pest-infested trees.~~ Any tree located within the city, which is determined by a certified arborist or a certified tree inspector to be a nuisance tree, as defined above, ~~afflicted with any dangerous or infectious insect infestation or plant disease,~~ may be declared a public nuisance. ~~This shall include trees and shrubs harboring injurious insects or pathogens that may cause significant potential danger to the community forest.~~ A nuisance tree can be declared hazardous or potentially hazardous if circumstances warrant immediate action to abate that nuisance.
 - 1. The city, or its designate, may remove or cause or order to be removed, any nuisance tree or part thereof. ~~which is in an unsafe condition or which by reason of its nature is injurious to sewers,~~

~~electric power lines, gas lines, water lines, or other public improvements, or is infected with Oak Wilt or Dutch Elm Disease~~

2. An evaluation of "imminent danger" means that the hazard to the public is immediate. If the property owner cannot be contacted or refuses to remove the hazard, the city will initiate action immediately.
3. An evaluation of "potentially dangerous" means that a hazard to the public will exist in the near future. The property owner will be notified and should remove the future hazard as soon as possible.

A. The city shall have the right to cause the removal of any ~~dead or diseased~~ nuisance tree(s), as defined above, on private property. ~~within the city, when such trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the city.~~ In the event of failure of the property owner(s) to comply with such provisions, the city shall have the authority to remove such nuisance trees and charge the cost of removal to the property owner.

1. Notice to take action. ~~An order for~~ A "Notice to Take Action" will be issued upon determination by the city, or its designee, to prevent the spread of disease or insects to public trees and the community forest at large ~~that maintenance work requiring the pruning, preservation, or removal of trees or plants upon private property when such action is necessary to ensure public safety and/or in accordance with the following provisions~~ places. Issuance of a Notice to Take Action may be based on one (or more) of the following:

- a. For Oak Wilt, any of the following: visual confirmation of wilted leaves, presence of a fungal spore pad(s), or laboratory confirmation of the presence of the Oak Wilt fungus.
- b. For Dutch Elm Disease, any of the following: laboratory confirmation of the presence of the Dutch Elm Disease fungi, visual confirmation of leaf symptoms, staining of the sapwood, or visual confirmation of elm bark beetle galleries.
- c. For Emerald Ash Borer, confirmation of EAB galleries or D-shaped exit holes.

2. The Notice to Take Action shall include the following information:

- a. ~~Such notice shall describe~~ Specify the kind of tree, ~~shrub, or other plant or plant part~~ which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance.
- a. Proper disposal procedures of wood, bark and debris from said nuisance shall be detailed in said notice. These disposal procedures shall be followed within the time provided in the notice.
- c. The Notice ~~of violation~~ to Take Action shall state ~~the specific violation and indicate whether immediate enforcement will be sought or if 30 days will be allowed~~ the timeline to correct and/or remove the ~~violation~~ nuisance tree(s).
- d. If the owner of the property to whom an order has been issued fails or refuses to take remedial action in accordance with and within the time specified in ~~an order~~ a Notice to Take Action, the city, or its designate, shall cause the remedial action so ordered to be performed at the expense of the owner. Appeals shall be in accordance with ~~section 117-55~~ Chapter 2 of City Code.

Subd. 5 Preventative Measures ~~Sec. 113-45 (202 Preventative Measures)~~

A. Preventative measures. When managing nuisance trees, as defined herein, preventative measures are generally more cost effective for property owners than control measures. Hence, the following measures, either individually or in combination, shall be implemented:

1. If pruning or removal of oak trees must be conducted during the 'High Risk' timeframe (generally April through July), the cut surface shall be immediately treated with a water-based paint, wound sealant, or shellac to minimize the potential introduction of Oak Wilt.

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2. If a property owner desires to retain Oak Wilt infected wood from the Red Oak family, DED infested elm wood, or EAB infested ash wood on site, the following measures shall be implemented:
 - a. Cut the wood into firewood sized pieces and stack neatly to allow for drying.
 - b. Cover the stacked wood with 4-6 mil thick clear plastic or a tarp and completely bury the edges into the ground to trap any elm bark beetles or emerald ash borers under the covering and to prevent sap feeding beetles from accessing the diseased oak wood.
 - c. The plastic or tarp can be removed after the growing season of the year following removal.

Sec. 30-78. ~~Abatement of nuisances by council~~-Violations

Any Violation of Ramsey City Code is deemed to be a Public Nuisance and is punishable as a Misdemeanor unless otherwise noted as a Petty Misdemeanor. Each day a violation continues is considered a new violation.

~~If, after such service of notice, the party fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the council, said council may cause such nuisance to be abated at the expense of the city and recover such expenditure, plus an additional 25 percent, either by civil action against the person served; or if such service has been had upon the owner or occupant, by ordering the city administrator to extend such sum, plus 25 percent as a special tax against the property upon which the nuisance existed and to certify the same to the county auditor for collection in the manner as taxes and special assessments are certified and collected.~~

~~(Code 1978, § 5.08.09; Ord. No. 04-34, § 9-27-2004)~~

~~State law reference(s)—Collection of charges as a special assessment, Minn. Stats. § 439.101.~~