

CHAPTER 7. PUBLIC NUISANCES

Section 7.1: General Provisions

7.1.01 Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty intentionally does any of the following shall be guilty of maintaining a public nuisance, which shall be punishable as a misdemeanor:

- A. Maintains or permits a condition which unreasonably annoys or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs or renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Section to be a public nuisance and for which no sentence is specifically provided; or
- D. Is guilty of any violation of State law included in Minnesota Statutes 609.74, the same being incorporated in this Section by reference.

State law references: Public Nuisance, Minn. Stats. §609.74.

7.1.02 Public Nuisances Affecting Health. The following shall be hereby declared to be nuisances affecting health:

- A. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Excessive accumulations of manure, refuse or other debris;
- F. Privy vaults and garbage cans which are not rodent free or fly tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All excessive accumulations of noxious weeds and non-native vegetation and other rank growths of vegetation upon public or private property;
- I. Dense smoke, noxious fumes, gas and soot or cinders, in unreasonable quantities;

- J. All public exposure of persons knowingly having a dangerous contagious disease;
- K. Any offensive trade or business as defined by statute not licensed by the Carlton County Board of Health as defined by law;
- L. All decayed or unwholesome food offered for sale to the public;
- M. All excavations made for foundations, basements, wells, or any other purposes which are permitted to remain uncovered or protected so as to be accessible to children or to the public, except when the same is made for purposes of construction which is in progress. In situations where construction is in progress, the owner or contractor shall exercise all reasonable methods to prevent accessibility to the sites by children or the general public;
- N. All other acts, omissions of acts, occupations and uses of property which are deemed by the Board of Health or the City Inspector to be a menace to the health of any inhabitant or inhabitants of this City, or any considerable number thereof.

7.1.03 Public Nuisances Affecting Morals and Decency. The following shall be hereby declared to be nuisances affecting public morals and decency:

- A. All unlawful and unlicensed gambling devices, slot machines and punch boards;
- B. Betting through bookmaking and all apparatus used in the operations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- D. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;
- E. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

7.1.04 Public Nuisances Affecting Peace and Safety. The following shall be declared to be nuisances affecting public peace and safety;

- A. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection which have been identified by the City Inspector or a peace officer as posing a danger to safety;

- B. All limbs of trees which are less than eight (8) feet above the surface of any public sidewalk or less than nine (9) feet above the surface of any street, and all other limbs or trees which are so close to the surface of the sidewalk or street so as to constitute a danger to pedestrians or vehicles as identified by the City Inspector or a peace officer;
- C. All wires which are strung upon streets, alleys or highways less than fifteen (15) feet above the surface of the ground;
- D. All unnecessary excessive noises and annoying vibrations as deemed such by a peace officer;
- E. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as shall be permitted by this Code or other applicable law;
- F. Radio aerials or television antennae erected or maintained in a dangerous manner;
- G. 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 unless authorized by the City Council or its authorized agent;
- 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 such that it creates a hazardous risk to members of the public in the opinion of a peace officer;
- J. Any barbed wire fence less than six (6) feet above the ground and within three (3) feet of a public sidewalk or right of way;
- K. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- L. Wastewater cast upon or permitted to flow upon the streets or other public property;
- M. Accumulations in the open of discarded or disused machinery, abandoned vehicles, household appliances, excess refuse, non-licensed automobile bodies, non-running vehicles, not worked on for a length of time, or not more than one of these vehicles per property, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of excessive or noxious vegetation among the items so accumulated;

- N. Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or third person coming onto the premises where it is located;
- O. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
- P. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over the item or substance;
- Q. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- R. All buildings, walls and other structures which have been damaged by fire, decay or otherwise, to the extent exceeding one-half the original value, and which are so situated as to endanger the safety of the public;
- S. All other objectionable conditions or things as determined by a peace officer which are likely to cause injury to the person or the property of anyone.
- T. Strewing, scattering, littering, throwing or disposing of any garbage or refuse onto any premises except into receptacles provided for such purposes.
- U. Blocking the doorway of any building, or standing, sitting, lying down upon the steps, window sills, railing, fence, entry area, patio or parking area adjacent to any building in such a manner as to obstruct or partially obstruct ingress to or egress from such building or obstruct or partially obstruct use of the parking area, patio, or entry area of such building.
- V. Obstructing pedestrian or vehicular traffic or otherwise causing an obstruction or interference with premises or rendering any premise danger for passage, unless done for the sole purpose of facilitating public safety in cases of emergency.
- W. Failing or refusing to vacate or leave any dangerous or unsafe premises after being requested or ordered, either orally, in writing or by posted sign, to do so by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official, and also the return at any time thereafter to any such premises after having been so requested or ordered to vacate or leave such premises.
- X. For the purposes of this section, premises shall include any yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, café, church, school, any car or other motor vehicle, parking lot, drive-in, building used for business, commercial or industrial purposes, washroom, restroom, or lavatory, apartment hallway or other location whether public or private in the City.

- Y. Races the motor of any motor vehicle so as to cause unnecessary and unreasonable noise. Violations of this provision shall constitute a petty misdemeanor and may in the discretion of a peace officer be treated as an administrative offense.
- Z. Causes, produces or creates any unnecessary and unreasonable noise by shouting, by mechanical means, by the blowing of motor vehicle horns, or by other similar noise. Violations of this provisions shall constitute a petty misdemeanor and may, in the discretion of a peace officer be treated as an administrative offense.
- AA. Improper or annoying use of spot lights by focusing them onto persons or premises constitutes a petty misdemeanor of an administrative offense in the discretion of a peace officer;
- BB. Using profane, abusive, indecent or threatening language in public constitutes a petty misdemeanor or city administrative offense in the discretion of a peace officer.

(Ordinance No. 166A, 120A, 40A)

7.1.05 Prohibited Attractive Nuisances. No person within the City shall keep a dwelling, gaming area, party room or meeting area which attracts people to the neighborhood at times or in such a manner that their arrival or leaving or activities while in the neighborhood results in an unreasonable disturbance of the peace, quiet, comfort or decency of the neighborhood. Nor shall any person, his or her agent or owner, let a building or portion thereof, knowing it is intended to be used for any purpose prohibited by this Section or permit a building, or any portion thereof, to be used for any such prohibited purpose. A violation of this Subpart shall be a misdemeanor.

(Ordinance No. 180A, 40A)

7.1.06 Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor unless otherwise specifically indicated to be a petty misdemeanor or administrative violation. Each day of violation shall be a separate and distinct violation of this Section. In addition to any penalty assessed upon conviction, the City can seek abatement as provided herein and may seek reimbursement for all costs necessarily incurred in abating the nuisance as permitted by law.

Section 7.1.07 Abatement of a Public Nuisance. Upon being cited by a police officer or designated agent of the City of maintaining a public nuisance in violation of this section, the City Attorney will be notified. If the City Attorney has reason to believe, based upon the evidence, that a nuisance condition exists and determines that abatement is necessary, the City Attorney will provide written notice consistent with Minn. Stat. §617.81 of the conditions to be abated. If the conditions identified are not abated within thirty (30) days of the service of said notice, a complaint seeking judicial relief consistent with the provisions of Minn. Stat. §617.80 to §617.87 may be sought in District Court.

Subd. 1. Immediate Abatement. Nothing in this section shall prevent the City, with or without notice, of immediately abating a condition which poses an imminent and serious hazard to human life or safety.

Subd. 2. Recovery of Costs. The owner of premises on which a nuisance has been abated by the City consistent with this section shall be personally liable for the costs incurred by the City to abate the nuisance condition, including administrative costs. As soon as the work has been completed and the cost determined, the City Administrator (or his/her designee) shall prepare a bill and mail it to the owner by certified mail. Thereupon the amount due shall be immediately due and payable at City Hall.

(A) Assessment of Unpaid Costs. If the costs of abatement remain unpaid, the City Administrator shall, on or before November 30th next following the abatement, list the total unpaid costs along with all other charges (as well as other charges for current services to be assessed under Minn. Stat. §429.101 as it may be amended from time to time) against each separate lot or parcel to which charges are attributable. As authorized by the City Council, any amounts assessed may be spread against such property for certification to the County Auditor for collection with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine.

Section 7.2: Public Health and Safety Concerns Involving Grass, Weeds and Trees**7.2.01 Definitions.**

- A. **Street Trees.** "Street Trees" shall be defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines or within the right-of-way lines on either side of all streets, avenues, or ways within the City.
- B. **Park Trees.** "Park Trees" shall be defined as trees, shrubs, bushes and all other wood vegetation in public parks or areas owned by the City not defined as "Street Trees".
- C. **Grass.** Any natural occurring or seeded or sodded vegetative ground cover that does not include "noxious weeds" as defined by state statute or A natural area@ as defined in this section.
- D. **Noxious Weeds.** "Noxious weeds" means an annual, biennial, or perennial plant that the commissioner of agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or person or property.
(Minn. Stat. §18.77 Subd. 8).
- E. **Natural Area.** An area that does not include noxious weeds and that is purposely left to grow in a natural state and contains vegetation that can maintain itself in a stable condition.
- F. **Weed Inspector.** The individual designated by the City Administrator to undertake the responsibilities of inspecting conditions to determine a violation of this section.
- G. **Heavily Forested Area.** Any area in a planted or natural state that is impractical to maintain due to the density of trees.
- H. **Vegetation Public Nuisance.** Any weeds or grass growing to a height greater than six (6) inches or which have gone or are about to go to seed, all accumulations of noxious weeds, other rank growths of vegetation, fallen trees, dead tree limbs or invasive brush that is injurious to managed landscapes, lawns and the natural flora of the City, are declared to be a nuisance condition and a hazard to the public health, safety and good order of the City, whether found upon public or private property. (Ord. 448A)

7.2.02 Utilities. No tree shall be planted under any overhead utility wire or over any underground waterline, sewer line, transmission line or other utility line without being reviewed and approved by the controlling public agency, including the City Inspector, or any affected utility.

7.2.03 Permitted Public Tree Care. The City shall have the right to plant, maintain, spray and remove trees, plants and shrubs within all City of Cloquet areas of ownership as may be

necessary to insure public safety or to preserve or enhance the symmetry and beauty of the public grounds. The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, waterlines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

7.2.04 Required Pruning, Corner Clearance. Trees overhanging any street or right of way within the City shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen (14) feet above the surface of the street or sidewalk. All tree pruning shall be done in a manner consistent with approved practices and shall be at the expense of the landowner. Specifically, and where possible, branches should be cut flush to the stem or point of intersection with another branch without a stub being left. Severe tree topping which destroys the normal shape of the tree shall not be practiced except in instances where required such as emergency cleanup following a storm or when utility or other obstruction prevents normal pruning practice.

7.2.05 Maintenance and Removal of Tree Stumps. All stumps of street and park trees shall be flush with the surface of ground and as practical removed below the surface of the ground.

7.2.06 Grass and Weeds on Private Property.

- A. It shall be unlawful for any owner, occupant, or agent of the owner of any lot or parcel of land in the City to allow noxious weeds to grow on any such lot or parcel or to allow grass and weeds upon any such lot or parcel to grow to a height in excess of six (6) inches or to allow such weeds or grass to go to seed, or to otherwise maintain a vegetation public nuisance. Grass or weeds can be grown to a height in excess of six (6) inches or allowed to go to seed without being deemed a vegetation public nuisance in the following circumstances:

The area of the lot or parcel constitutes wetlands or a wetland buffer area;
The area in question is a storm water pond;
The area in question is heavily forested;
The area in question is a park or nature preserve;
The area in question is a natural area not to exceed a quarter of the lot;
The area in question is deemed agricultural land and is used as such;
The area in question is on a slope in excess of a slope ratio of 3 to 1.

- B. If any such owner, occupant or agent fails to comply with this height limitation or otherwise maintains a vegetation public nuisance, and after an abatement notice given by the City Administrator or his designee, has not within five (5) days following service of such notice complied, the City shall cause such grass or weeds to be cut or otherwise abate such vegetation public nuisance and the expenses thus incurred shall be billed to the property owner, and any outstanding charges unpaid on the fifteenth (15th) of November following said abatement shall be made a special assessment and become a lien upon such real estate. The notice shall contain a description of the nuisance condition to be abated and a general notice that the City may abate future violations of Section 7.2.06(A)

throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. This notice shall remain in effect through October 31st of the year in which it is sent. The City Administrator shall be authorized to certify to the Carlton County Auditor a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes.

- C. All individual notices provided for herein may be served personally or may be served by mail. Service by mail shall be complete upon mailing to the property owner at the address listed on the current property tax statement for that parcel, as found in the records of the County Auditor or Treasurer's office, and following posting of the notice upon the premises.
- D. The bill to the property owner for the abatement of a vegetation public nuisance shall state the amount and basis for the costs, and shall include the same general notice as contained within the abatement notice, that the City may abate future violations of Section 7.2.06(A) throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. The bill shall further provide notice that any outstanding charges unpaid on the fifteenth (15th) of November following said abatement shall be made a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes, and that any objection to such assessment must be made in writing to the City Administrator prior to that date. The notice shall also provide the time, place and date of a hearing before the City Council to determine the validity and the amount of the proposed assessments, and shall state that no objections thereto shall be heard unless properly made in writing to the City Administrator as provided above. (Ord. 448A)

7.2.07 Tree Maintenance on Private Property.

- A. General. The City shall have the authority to order the trimming, treatment and removal of trees, shrubs or plants upon private property when such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs or plants located on public property. The cost of removal in such instances will be at the expense of the landowner.
- B. Street/Sidewalk Overhang. Any tree or shrub situated upon private property, but so situated as to extend its branches over the improved portion of a public street or highway easement shall be so trimmed by the owner of the real property upon which the same is located that there is a clear height of fourteen feet over that portion of the easement that is used for vehicular traffic, and over that portion of the easement used for pedestrian travel, unobstructed by branches, and such persons shall remove the dead or diseased branches or stubs of trees which are or may become a hazard to the public use of the easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned at the expense of the landowner to a height established by the City to

insure proper safety for motorists or pedestrians.

- C. Notice. All orders to trim, remove or treat trees, shrubs or plants given pursuant to this Section shall be in writing and shall be served by certified mail upon the owner of the property where the trees, shrubs or plants are located. The orders shall give the owner of the property not less than twenty (20) days from the date of mailing of the notice to comply with the order. It shall be unlawful for an owner of property receiving such an order to fail to comply with the order within the specified time. Each day of a continuing violation thereafter will constitute a separate petty misdemeanor violation.
- D. Abatement. If the required action is not taken by the property owner within the specified time, the City may cause the trees, shrubs or plants concerned to be trimmed, removed or treated, with the costs being borne by the property owners. If not voluntarily paid to the City by the owner, the costs of the trimming, removal or treatment may be certified by the City Administrator shall be to the Carlton County Auditor. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes.
- E. Appeal. In the event any property owner objects to the order of the City with regard to the tree or trees in question, he or she shall serve a written notice of appeal setting forth his or her objections to the order mailed by the City, which notice of objection shall be served upon the City Administrator within ten (10) days of the date of mailing of the order by the City to the property owner. The notice shall set forth specific reasons for the objection to the order of the City. The Administrative Hearing Officer shall hear the objections to the order of the City and shall make findings, which shall be submitted to the City Council for final action within thirty (30) days of the date of receipt of the written notice of objection by the property owner. The City Council shall make a final determination at its next regular meeting following the written findings of the Administrative Hearing Officer.

(Ordinance No. 30A)

7.2.08 Storing Elm Wood Prohibited. It shall be unlawful for any person to store elm logs with bark intact within the City for more than seventy-two (72) hours during the period from April 1 through September 15 in any year out of concern for the spread of disease. Any logs stored contrary to the provisions of this Section may be seized and destroyed by the City.

7.2.09 Transporting Elm Wood. It shall be unlawful for any person to transport within the City any bark bearing elm or diseased wood other than for the direct purpose of authorized disposal.

7.2.10 Entry on Private Premises. The City Planner or authorized agents of the City may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Section and maintain the authority to issue citations for violations.

7.2.11 Interference with City Employees. It shall be unlawful for any person to prevent, delay or interfere with City employees or any authorized agents of the City, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this section.

7.2.12 Arborists License and Bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be established by resolution as adopted from time to time by the City Council; provided, however, that no license shall be required of any public service company or City employee doing the work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$100,000 for bodily injury and \$50,000 property damage indemnifying the City or any person injured or damaged as a result of the pursuit of such endeavors as described in this section.

7.2.13 Nuisances Reported by Neighbors. Whenever an adjacent property owner files a written complaint with the City Administrator that a public nuisance is being maintained or exists upon adjacent property located within the City, the City Administrator will have the property inspected to determine the validity of the complaint. If the complaint is valid the city shall cause the landowner, occupant or agent to be notified in writing of the condition that requires abatement. The notice shall be served in person or by certified mail. The notice shall include a description of the nuisance to be abated and the time frame to abate the nuisance at the landowner or occupant's expense. When no owner or occupant can be found, notice shall be sent by certified or registered mail to the person listed on the records of the county auditor or treasurer as the owner. Service will be complete upon mailing. If the owner does not abate the nuisance within the time prescribed the City may cause to have the nuisance abated at the cost to the

landowner and notice shall be served by mail listing the costs and expenses incurred. Such notice will provide that if the full amount is not paid on or before October 1 the costs and expenses shall be a lien in favor of the City and the maximum allowable interest will be added and certified to the County Auditor as a lien upon such property.

7.2.14 Review by City Council. The City Council shall have the right to review the conduct, acts and decisions of its City employees if a proper request and notice in writing is given to the Council in care of the City Administrator in a timely fashion. In such an instance, any person may appeal from any ruling or order of intended action by City employees to the City Council within ten (10) days of receiving notice of any intended action. Thereafter, and at the discretion of the Council, the complaining party may be heard on the matter before a decision or order and final action is taken.

7.2.15 Penalty. Any person violating the provisions of this Section shall be upon conviction or a plea guilty of a petty misdemeanor and each day the violation exists can be considered a separate offense. In their discretion, any authorized City employee or any peace officer may also cite a violation of this section as an administrative offense.

(Ordinance No. 158A, 85A)

Section 7.3: Weapons**7.3.01 Unlawful Possession, Use or Discharge of Weapons.**

- A. No person, except a licensed peace officer of the State of Minnesota while acting in the performance of his or her duties, shall carry, hold or possess a pistol in a motor vehicle, snowmobile, boat, or on or about the person's clothes or person, or otherwise in possession or control in a public place, as defined by state statute (Minn. Stat. §624.7181 Subd. 1c)) without first having obtained a permit to carry the pistol consistent with state law. The violation of this provision will constitute a gross misdemeanor and any subsequent violations will be felonies. (Minn. Stat. §624.714).
- B. In addition, the discharge or use of any pistol, rifle, bow, cross-bow, gun or firearm of any description within the City limits of Cloquet or the transport of a firearm (other than a pistol possessed by a person with a state permit or, if not a pistol unless it is dismantled, unloaded, broken apart or carried in a case in such a manner that it cannot be discharged) is a misdemeanor upon or within any of the following areas:
1. "All lands lying within the following lines within the boundaries of the City described as follows: Commencing at the point of intersection of the North Road and the easterly boundary line of the City; thence northerly along the easterly boundary line of the City for a distance of 660 feet to a point; thence westerly on an extended line parallel to and 660 feet north of the North Road to the easterly edge of the St. Louis River; thence southeasterly along the easterly edge of the St. Louis River to the North Road; thence westerly on an imaginary line across the St. Louis River to the Jarvi Road on the westerly side of the St. Louis River and continuing along said Jarvi Road in a westerly direction to the Reservation Road; thence southerly on an extended line of the Reservation Road to the intersection of County Road No. 7 and Trettle Lane; thence southerly along Trettle Lane to Airport Road; thence easterly on Airport Road to Pinewood Drive; thence southerly on the westerly boundary of Ward No. 1 of the City to the southerly boundary line of the City; thence easterly on the southerly line of the City limits of the City to the easterly boundary line of the City; thence northerly on the easterly boundary line of the City, following the boundary line to the point of intersection with the North Road, the point of beginning.
 2. Any platted lands within the City limits of the City as existing upon the effective date of this Code; or
 3. Anywhere within 500 feet as measured by a straight line from the nearest point of any platted lands within the City limits of the City as existing upon the effective date of this Code;

- C. Nor shall any person, other than a licensed peace officer of the State of Minnesota, discharge any such gun, bow, cross-bow or firearm or use or discharge any air rifle or slingshot as defined in this section, while within the City limits of Cloquet which causes personal injury to another or any type of property damage to the real or personal property of another which other person so injured or other person's property is situated within any of the above-defined restricted areas.

Subd. 1 Air Rifles, Bows, Cross-Bows & Sling Shots. All restrictions in this Section shall apply with equal force and effect to the discharge, use or possession of air rifles, bows, cross-bows and sling shots within the same restricted areas as provided herein.

Subd. 2 Possession of Weapons. No person under the age of 18 years shall possess any of the above-described weapons within the restricted areas as provided herein while not in the presence and under the supervision of his or her parent or legal guardian, except that it shall be lawful for any person under 18 years who is participating in an approved firearm safety course pursuant to Minn. Statute §97B.015 as provided through the Minnesota Commissioner of Natural Resources to possess and carry a properly encased and unloaded firearm to and from class anywhere within the Cloquet City limits and to handle the same during the instruction while not being in the presence or under the supervision of his or her parent or legal guardian. Nothing in this Section shall be interpreted or construed to make it unlawful for any person over the age of 16 years, but under the age of 18 years, to possess or carry any of the above-described weapons within any restricted area set forth above while not in the presence or under the supervision of his or her parent or legal guardian, so long as the weapon is either dismantled, unloaded, or broken apart and carried in a case in such a manner that it cannot be used or discharged, and provided that the person has successfully completed an approved firearm safety course pursuant to Minn. Statute §97B.015 or similar course of instruction pursuant to Minnesota law.

Subd. 3 Offense by Parent, Guardian or Others. It shall be unlawful for any parent, legal guardian or other person to furnish any person under the age of 18 years with any of the above-described weapons when the weapon is used by a person under 18 years of age in a manner which violates any provision of this Section or to otherwise aid or knowingly permit any person under 18 years of age to violate any provision of this subsection.

Subd. 4 Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor. Each day of violation shall be a separate and distinct violation of this Section.

(Ordinance 120A, 40A)

State law references: Dangerous weapons, Minn. Stats. § 609.66; local regulation of firearms, Minn. Stats. § 471.633

7.3.02 Exception for Special Permitted Deer Hunting Bow and Arrow Season

- A. None of the provisions in this section will apply to prohibit or limit the ability of an authorized hunter to participate in a special Bow and Arrow Deer Hunting season approved by the City Council consistent with the provisions of City Code Section 6.15.

Section 7.4: Postings

7.4.01 Definition. The word "person" shall include individuals, corporations, partnerships and associations.

7.4.02 Prohibition. It shall be unlawful for any person to nail, paste, glue, or in any manner affix or fasten any bill, card, advertisement, poster, picture, printed, illustrated or written matter, or painted sign of any description upon any lamp post, mast, electric wire post, telegraph or telephone pole or any pole or post in any street boulevard or public alley of the City, with or without the permission of the owner thereof. It shall be unlawful for any owner of any mast, electric wire pole, telegraph or telephone pole, or post, in any street, boulevard or public alley of the City, to grant permission to any person to do any of the aforesaid prohibited acts. It shall be unlawful for any person to in any manner nail, paste, glue, or fasten any bill, card, advertisement, poster, picture, printed or illustrated matter, or painted sign of any description upon any fence, building or structure or any part thereof, not owned or controlled by the person, without first obtaining the permission of the owner thereof.

7.4.03 Responsibility. Any person who shall employ or procure any other person or persons to distribute or post up any advertising matter of any of the kinds stated herein shall be deemed to constitute such person or persons their agents, and shall be responsible under this Section and subject to the penalties herein described for the acts of the person or persons so procured or employed, in case of the violation by the person or persons of any of the provisions of this Section.

7.4.04 Violation. Any person violating any of the provisions of this Section shall be deemed guilty of a petty misdemeanor. A peace officer or an authorized City official may cite an offense as a City Administrative offense if the circumstances so warrant.

Section 7.5: Curfew

7.5.01 Definitions.

Subd. 1 Curfew Hours. "Curfew Hours" shall mean:

- A. 11:00 p.m. until 6:00 a.m. of the following day on any Sunday, Monday, Tuesday, Wednesday, or Thursday; and ,
- B. 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

Subd. 2 Emergency. "Emergency" shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Subd. 3 Establishment. "Establishment" shall mean any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Subd. 4 Guardian. "Guardian" shall mean:

- A. A person who, under court order, is the guardian of the person of a juvenile; or,
- B. A public or private agency with whom a juvenile has been placed by a court.

Subd. 5 Juvenile. "Juvenile" shall mean any person under 18 years of age.

Subd. 6 Operator. "Operator" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 7 Parent. "Parent" shall mean a person who is:

- A. A natural parent, adoptive parent, or stepparent of another person; or
- B. A person at least 18 years of age and authorized by a parent or guardian to have the care and custody of a juvenile.

Subd. 8 Public Place. "Public Place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals apartment houses, office buildings, transport facilities, and shops.

Subd. 9 Remain. "Remain" shall mean to:

- A. Linger or stay; or,
- B. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Subd. 10 Serious Bodily Injury. "Serious Bodily Injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

7.5.02 Restrictions. It shall be unlawful for any juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours.

7.5.03 Parent Responsibility. It shall be unlawful for any parent or guardian of a juvenile to knowingly permit, or by insufficient control allow, the juvenile to remain in any public place or on the premises of any establishment within the City during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in the legal custody of the parent or guardian.

7.5.04 Operator Responsibility. It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a juvenile to remain upon the premises of the establishment during curfew hours.

7.5.05 Exceptions. The following shall constitute valid exceptions to the operation of the curfew. That the juvenile was:

- A. Accompanied by the juvenile's parent or guardian;
- B. On an errand at the direction of juvenile's parent or guardian, without any detour or stop;
- C. In a motor vehicle involved in interstate travel;
- D. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- E. Involved in an emergency;
- F. On the sidewalk abutting the juvenile's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the juvenile's presence;

- G. Attending an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Cloquet, a civic organization, or another similar entity that takes responsibility for the juvenile, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults or sponsored by the City of Cloquet, or civic organization, or another similar entity that takes responsibility for the juvenile;
- H. Married or had been married and/or legally emancipated.

7.5.06 Defense. It shall be a defense to prosecution under this Section that the owner, operator or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

7.5.07 Enforcement. Before taking any enforcement action under this Section, a police officer is authorized and shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception listed in section 7.5.05 shall be applicable.

7.5.08 Violation and Penalties. A person who violates a provision of this Chapter shall be guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Any juvenile who is convicted of a violation of this Section after the case has been referred for prosecution in the trial court, and any adult persons having the care and custody of such minor who is determined to be in violation of this provision, is guilty of a petty misdemeanor.

(Ordinance 218A, 167);

State law references: Local curfew ordinances, Minn. Stats. §145A.05, Subds. 7a, 9.

Section 7.6: Trespassing

7.6.01 General Prohibition. No person, without lawful authority, or without the express or implied consent of the owner or his or her agent, shall enter any building or enter on any enclosed or improved real estate, lot or parcel of ground in the City; or, being a part of the land of another, shall fail, or refuse to leave the same when requested to do so by the person lawfully in possession thereof, his or her agent or representative or by posted sign; or deposit on the premises of another, or remove therefrom, any material, substance, earth, dirt, ashes, refuse, turf or other article or thing whatsoever. Provided further, all delivery personnel, including letter carriers, whether employed by private firm or government agency or government supported corporation, shall use sidewalks and accepted and approved walkways and shall refrain from traversing lawns or other private property not normally used as a walkway by the general public in order to effect delivery.

(Ordinance 62A)

7.6.02 Trespass. It shall be unlawful for any person to remain in a public or private school building or upon the grounds and office of a school after being requested to leave the premises by the school principal or other persons lawfully responsible for the control of the premises. It shall be unlawful for any person whether on or off school premises willfully to annoy, disturb, interfere with, or obstruct any classroom instruction teaching program or other school organization or assembly being conducted upon the premises of any public or private school.

7.6.03 Violation. Any person who violates this Section shall be guilty of a petty misdemeanor. Each day of violation shall be considered a distinct and separate violation of this Section.

State law references: Trespass, Minn. Stats. §609.605.

Section 7.7: Flammable Liquids

7.7.01 (*See Chapter 10 - Fire Code*)

Section 7.8: Junk Yards

7.8.01 Purpose. This Section shall be for the purpose of promoting the public health, safety, comfort and welfare of the citizens of the City and for the control and abatement of pollution of land, air, and water of the City.

7.8.02 Permission Required. It shall be unlawful for any person, corporation, or business to establish, maintain or operate a junk yard, waste or scrap depository, scrap reclamation facility or any such other business or operation within the City without the specific authorization and permission of the City Council.

7.8.03 Motor Vehicles. It shall be unlawful for any person to store or keep any motor vehicle not used for commercial purposes or that is in a dilapidated or unsightly condition so as to become obnoxious to the public upon his or her premises except in an enclosed building within the City.

7.8.04 Notice and Abatement. Whoever, after due notice from the City consistent with the notice procedure set forth in Section 7.2.12 herein, and by his or her act or failure to abate a condition identified as a violation of this provision, is guilty of maintaining a public nuisance.

7.8.05 Violation. Any person who shall be in violation of this Section upon the date of enactment of this Code shall have thirty (30) days thereafter in which to comply with this Section. However, any non-compliance after said thirty (30) day period shall constitute a violation of this Section and such person shall be guilty of a misdemeanor. Any other person or entity who shall be found violating any provision of this Section thereafter shall be guilty of a misdemeanor and each day the condition exists will be treated as a separate violation.

Section 7.9: Solid Waste and Recycling

7.9.01 Purpose and Application. The Board of the Western Lake Superior Sanitary District (the "District"), which includes the City of Cloquet (the "City") within its boundaries; is empowered by its enabling legislation to regulate the disposal of Solid Waste within its boundaries; Laws of Minnesota 1989, 1st Special Session, Chapter 1, (the "Score Legislation"). To reduce the volume of Solid Waste requiring disposal, the legislation requires the District and other governmental agencies in the State of Minnesota to be responsible for the disposal of solid waste to provide residents an opportunity to recycle which shall include:

- A. Local recycling center in the District and sites for collecting recyclable materials that are located in areas convenient for persons to use them; and,
- B. Curbside pickup, centralized drop-off, or a local recycling center for recyclable materials in cities with a population of 5,000 or more persons.

The District has adopted a code relating to mixed municipal solid waste management and recycling which is effective within the City unless the City adopts an ordinance modifying or altering those provisions which: (1) creates a system of licensing collectors; (2) regulates rates for collection; (3) mandates the collection of mixed municipal solid waste; (4) provides residents an opportunity to recycle as required by Minn. Stat. Section §115A.552, Subd. 1 and 2; (5) supplies the District copies of all license applications for collectors on a monthly basis; and (6) provides a certified copy of the ordinance to the District within five (5) days following enactment. The City supports the goals of the Score Legislation and believes it is in the best interest of its residents to design methods of accomplishing the goals consistent with factors unique to the City. It shall be the express intent of this Section, specifically the mandatory recycling provision of this Section, to require the recycling of Recyclable Materials within the City in order to aid the District in meeting the goals specified in Minnesota Statutes §115A.551.

It shall be further the express intent of this Section to recognize that the District has regional authority for the solid waste generated by residents of the City. Therefore, where this Section is in contradiction to the rules and regulations of the District, the rules and regulations of the District shall supersede the specific portions of this Section in contradiction or contravention of the rules and regulations of the District.

This Chapter shall not govern or control the disposal of Hospital Waste, Pathological Waste, Infectious Waste, Medical Sharps, Industrial Solid Waste and Hazardous Substances.

State law references: Waste Management Act, Minn. Stats. ch. 115A

7.9.02 Definitions. *(See Chapter 6 - License and Permits - 6.15.01 Definitions)*

7.9.03 Disposal of Recyclable Materials

Subd. 1 Separation Required. Every person or entity disposing of solid waste in the City shall separate recyclable materials from solid waste. The Owner or Occupants of each single family residence and two-four unit residences and the Owner or Occupant of each nonresidential, commercial, or industrial premises authorized to place solid waste in the various waste receiving Facilities of the District, including its sanitary landfill, shall separate recyclable materials prior to collection.

Subd. 2 Containers. Persons or entities shall provide for the placement of recyclable materials in approved containers (an approved container can be either a bin or a bag at the discretion of the licensed hauler) for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice. The District or the City may establish requirements for containers for recyclable materials. At a minimum, every person or entity shall meet the following requirements:

- A. Curbside collection at least monthly of newspaper, glass containers, aluminum containers, steel containers, PETE plastic containers, HDPE plastic containers, and either corrugated paper and other container board, or magazines.
- B. Curbside or drop off collection of bi-metal containers; waste tires, and corrugated paper and other container board, or magazines not collected under Subpart 1 above.

Subd. 3 Public Provision. Owners of establishments at which there is public traffic, including, but not limited to public buildings, hotels, motels, retail stores, theaters, college dormitories and church social halls, shall provide receptacles for recyclable materials along with their present public receptacles for solid waste. The owners of these establishments shall not be required to separate items which the general public places in receptacles intended for solid waste.

Subd. 4 Collection. No person or entity other than the owner or the occupant of a residential, commercial, or industrial structure, or the licensed collector which provides services to the structure, shall collect or gather recyclable materials as set out for collection by a licensed collector.

7.9.04 Disposal of Yard Waste; Composting. Any person disposing of yard waste shall have the option of disposing of the waste by one of the following: (1) disposal in a backyard compost site; or (2) disposal in a yard waste compost facility operated by the City or the District; or (3) disposal in a privately operated yard waste compost facility. Yard waste shall not be placed in the waste receiving Facilities of the District. No persons or entity shall cause, allow or permit the burning of yard waste within the City, notwithstanding any permit which the person or entity may obtain from the State of Minnesota. Leaf burning shall be prohibited. Yard waste may be subject to periodic pickup by a licensed collector. Yard waste collected for the purpose of composting shall not be disposed of in any other manner.

7.9.05 Disposal of Construction Debris. Any person disposing of construction debris shall transport the waste to any site designated by the Minnesota Pollution Control Agency for receipt of the waste.

7.9.06 Disposal of Bulky Items. Any person disposing of bulky items shall transport the waste to any site designated by the District for receipt of the waste. If such service is provided, bulky items may be subject to periodic collection by a licensed collector.

7.9.07 Waste Preparation and Storage.

Subd. 1 Accumulation. No Owner or Occupant of any private property or business property shall permit any accumulation of solid waste, or any similar material or mixture of material upon the property or upon any adjoining property, alley, street, sidewalk, or highway, except in proper containers as described below.

Subd. 2 Containers. Every Owner or Occupant of any private property or business property shall provide in good condition water-tight and rodent-proof containers sufficient to hold all the solid waste which accumulates on the premises during the time between collections. In the case of residential structures containing four or less dwelling units, the containers shall be of a maximum size of thirty-two (32) gallons, shall be provided with handles and a tight and securely fitted cover. All solid waste shall be placed in the containers which shall not be filled in a manner which prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents shall not exceed forty-five (45) pounds in weight.

Subd. 3 Automobile Waste. Every Owner or Occupant shall separate all automobile oil, motor vehicle batteries and tires from all solid waste and shall transport the same to the facility designated by the District for the handling of the waste or deposit them with a service station or merchant that will properly dispose of such materials in conformance of the requirements of the District. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the Owner or Occupant before transporting. Motor vehicle batteries shall be transported in a manner which shall not allow release or escape of their contents.

Subd. 4 Solid Waste Placement. No person or entity shall place solid waste in any container unless specifically authorized by the Owner, Occupant or licensed Collector which provides collection services for the container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.

Subd. 5 Household Hazardous Waste. Every Owner or Occupant shall separate all household hazardous waste from all other solid waste. Containers with household hazardous waste shall be handled or transported in a manner which shall not allow release or escape of the contents. All household hazardous waste shall be disposed of in accordance with the Household Hazardous Waste Program of the District, as the same shall exist at the time, or in such other manner as shall be specified by the District.

Subd. 6 Special and Unacceptable Wastes. Hospital Waste, Pathological Waste, Infectious Waste, Medical Sharps, Hazardous Substances and other Unacceptable Wastes not specifically referred to in this Section shall be disposed of in accordance with State law and as required by the District. Industrial solid waste shall be disposed of in accordance with the Industrial Solid Waste Management Plan of the District, as the same shall exist at the time.

7.9.08 Mandatory Collection of Waste.

- A. Owners of Four or Fewer Dwelling Units. It shall be the duty of the Owner and Occupant of every residential structure containing four or fewer dwelling units to provide for not less frequent than weekly disposal of all mixed solid waste generated by the dwelling units through employment of the services of a licensed collector; provided that collection may be less frequent than weekly where the volume of mixed municipal solid waste generated is sufficiently low to allow less frequent collection in compliance with all other provisions of this Section.
- B. Owners of Single Residential Dwelling Units. Owners or Occupants of a single dwelling residential structure may upon application and approval of the City be exempted from the requirement to have solid waste collection service if the owner or occupant uses or utilizes an accepted environmentally sound alternative.
- C. Owners of Residential Dwelling Units in Excess of Four Units. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall either employ a licensed collector for the removal of all mixed Municipal Solid Waste from their premises or provide the removal service themselves, provided that the Owner shall obtain a license under this Section. For those residential or commercial structures not in compliance with the mandatory collection provisions of this Section, the City may assign collectors on a rotating basis to collect mixed municipal solid waste from the structures. Prior to assignment of collection under this Section, written notice of the assignment shall be served upon the Owner and/or Occupant of the structure in question, ten (10) days before commencement of service. If an Owner and/or Occupant assigned a collector under this Section fails to pay the collector for collection of mixed municipal solid waste, the City may require payment by the Owner and/or Occupant to the collector in the manner as otherwise provided for in this Section and is further authorized to certify unpaid amounts for payment with real estate taxes on the premises.

7.9.09 Collection of Recyclable Materials. The City Council shall designate certain areas of the City in which collectors shall provide curbside collection of recyclable materials at least once each month. For areas of the City in which collectors shall not provide curbside collection of recyclable materials, the City shall construct and operate at least one structure for the collection and disposal of recyclable materials or designate at least one privately operated location for the collection and disposal of recyclable materials.

7.9.10 Charges for Collection. The schedule of rates for the collection of mixed municipal solid waste established pursuant to Carlton County Ordinance shall be applicable within the City.

State law references: Fees authorized, Minn. Stats. §115A.945.

7.9.11 Establishment of Solid Waste Collection Officer; Powers and Duties. There shall be hereby continued a Solids Waste Collection Officer who shall have control over the making of all collections and removal of the materials and substances specified in this Section and shall be responsible for the enforcement of the provisions of this Section. The officer shall receive and investigate any complaints regarding services rendered and shall, if appropriate and with the assistance of a peace officer, direct that remedial measures be promptly taken. The officer shall coordinate the solid waste and recyclable collection requirements of this Section with licensed collectors, the District and County regulations, and shall, whenever possible, assist in the education of the citizens of Cloquet to the benefits and the necessity of recycling and composting. In the performance of official duties, the designated Solid Waste Collection Officer or any designated agent or peace officer shall have the authority to issue citations for criminal violations of the law.

7.9.12 Nuisance. No Owner or Occupant shall permit any accumulation or storage of solid waste which causes a nuisance or unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin.

7.9.13 Unauthorized Deposit of Solid Waste. No person shall:

- A. Deposit solid waste, recyclable materials, construction debris or yard waste upon any public or private highway, street, road or right-of-way; deposit solid waste, recyclable materials, construction debris or yard waste upon or within any river, creek, stream, lake waterway or other body of water of any kind or character; or deposit solid waste, recyclable materials, construction debris or yard waste on the property of another; or,
- B. Cause, maintain or permit the accumulation of solid waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin; or,
- C. Otherwise deposit solid waste, recyclable materials, demolition debris or yard waste within the City in any manner that violates the provisions of this Section.

7.9.14 Enforcement and Inspection.

Subd. 1 Inspections. Inspection and evaluation of containers and collectors shall be made by the City in such frequency as to insure consistent compliance by the owners, occupants and collectors with the provisions of this Section. Each owner, occupant or collector shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the correction shall be accomplished. Each owner, occupant or collector shall be required to allow free access to authorized representatives of the City, or to authorized representatives of any other

governmental agency at any time for the purpose of making the inspections as may be necessary to determine compliance with the requirements of this Section, or any other applicable statute, code, ordinance or regulation.

Subd. 2 Private Property. The City shall have the right to inspect private property to determine if a container or collector is in accordance with the provisions of this Section.

7.9.15 Violations and Remedies.

Subd. 1 Penalties for Violation. Any person who fails to comply with, or violates, any of the provisions of this section may be charged with a misdemeanor violation. A separate offense shall occur for each day on which a violation occurs or continues.

Subd. 2 Equitable Relief. In the event of a violation or a threat of violation of this Section, and in addition to pursuing criminal sanctions as authorized herein, the attorney for the City may take appropriate action to enforce this Section, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate the violations or threatened violations.

Subd. 3 Costs as Special Assessment. If an owner or occupant fails to comply with the regulations in this Section, the City may take the necessary steps to correct the violations and the costs of correction may be recovered in a civil action or may be certified, at the discretion of the City Council, to the County Auditor as a special assessment against real property under Minnesota Statutes, Chapter 429, or other similar law relating to special assessment.

(Ordinance #217A, #195A)

Section 7.10: Smoking Prohibited in Certain Locations

7.10.01 Purpose and Application. Tobacco smoke has been determined to be a major contributor to indoor air pollution and is known to be a leading cause of disease. There is compelling evidence that second hand smoke causes and contributes to the development of health conditions including lung cancer, heart disease, respiratory infection, decreased respiratory function and other health-related problems. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including people with asthma and those with obstructive airway disease. In view of these risks, it is apparent that the simple separation of smokers and nonsmokers within the same air space does not sufficiently protect the general public and nonsmokers from exposure to harmful environmental tobacco smoke and its associated health risks.

Accordingly, the purpose of this section is to:

1. Protect the public health, welfare and safety by better ensuring the ability of citizens to breath safe and uncontaminated air; and,
2. Affirm that the need to breath uncontaminated air has priority over the desire to smoke or to be exposed to tobacco smoke; and,
3. Protect vulnerable populations, including employees, children, the elderly and those with chronic health conditions from exposure to tobacco contaminated air and to guarantee the right of the public and nonsmokers to breath smoke-free air while dining in public restaurants located within the City.

7.10.02 Definitions.

Subd. 1. “Bar” means an establishment that has an on-sale 3.2 percent malt liquor license issued pursuant to Minn. Stat. §340A.403, as amended from time to time, or an on-sale intoxicating liquor license issued pursuant to Minn. Stat. §340A.404, as amended from time to time, which does not serve food or which has a limited food menu selection as defined by Minn. Stat. §157.16, Subd. 3(d)(1), as amended from time to time.

Subd. 2. “Bar/restaurant” means an establishment that has an on-sale 3.2 percent malt liquor license issued pursuant to Minn. Stat. §340A.403, as amended from time to time, or an on-sale intoxicating liquor license issued pursuant to Minn. Stat. §340A.404, as amended from time to time, and that holds a small, medium or large establishment food license as defined by Minn. Stat. §157.16, Subd. 3(d) (2)-(4), as amended from time to time.

Subd. 3. “Other person in charge” has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

Subd. 4. “Proprietor” has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subp. 13, as amended from time to time.

Subd. 5. “Restaurant” has the meaning specified in Minn. Stat. §157.15, Subdivision 12, as amended from time to time.

Subd. 6. “Smoking” means the inhaling, exhaling or combustion of any cigar, cigarette, pipe, tobacco product, weed, plant or any other similar article. “Smoking” includes possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment including but not limited to electronic cigarettes, electronic cigars, electronic pipes, or any other electronic smoking device used to deliver nicotine or other substances to a person obtained from inhaling from the device.

7.10.03. Smoking Prohibited in Restaurants.

Subd. 1. Smoking prohibited indoors. Except as provided in subdivision 3, smoking is prohibited in all indoor areas of any restaurant located within the City.

Subd. 2. Smoking prohibited in certain outdoor areas. To ensure that smoke does not enter restaurants and that restaurant customers and employees are not exposed to smoke involuntarily, and in conformity with Carlton County Smoke-Free Ordinance No. 29, smoking is prohibited within 25 feet of any entrance, exit, open window or ventilation intake of a restaurant.

Subd. 3. Repealed in conformity with Carlton County Smoke-Free Ordinance No. 29.

7.10.04. Responsibilities of Proprietors. The proprietor or other person in charge of a restaurant subject to Section 3 shall:

- (a) Post “no smoking” signs that comply with the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0500, as amended from time to time;
- (b) Ensure that ashtrays, lighters, and matchbooks are not provided in areas where smoking is prohibited; and,
- (c) Ask any person who smokes in areas of the restaurant where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, ask the person to leave.
- (d) Post signs outside the entrance of the business notifying patrons that smoking is prohibited within 25 feet of an entrance, exit, open window, or ventilation intake of a restaurant.

7.10.05. Other Applicable Laws. This section is intended to compliment the Minnesota Clean Indoor Air Act, Minn. Stat. §144.411 to 144.417, as amended from time to time. Nothing in this section authorizes smoking in any location where smoking is prohibited or restricted by other applicable laws. The Carlton County Smoke-Free Ordinance No. 29 is specifically incorporated by reference into this Section 7.10, of Chapter 7 of the Cloquet City Code.

7.10.06. Violation and Penalties.

Subd. 1. Smoking Where Prohibited. It is a violation of this section for any person to smoke in an area where smoking is prohibited by this section.

Subd. 2. Proprietors. It is a violation of this section for the proprietor or other person in charge of any premises subject to this section to fail to comply with the requirements of section 4.

Subd. 3. Penalties. Any person who violates any provision of this section shall, upon conviction, be guilty of a petty misdemeanor.

(Ordinance #286A)