ORDINANCE NO. 104
Amended December 21, 2026

AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF SILVER LAKE, MINNESOTA

The City Council of Silver Lake, Minnesota ordains:

SECTION 1. PUBLIC NUISANCE PROHIBITION.

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

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or

(B) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(C) Drive through or interrupt any funeral, military or civil procession within the limits of said City.

(D) Firearms, Discharge within the City Limits. It is unlawful for any person to fire or discharge any cannon, gun, fire arm, air gun, pistol compound bow, or other weapon, or to fire or explode any rocket, roman candle. Fireworks or other explosive instruments within the limits of the City of Silver Lake without first obtaining written permission from the City Council stating the time and place for such exhibition.

(E) Loitering

a. Definitions

i. "Loitering" means to stand around, move slowly about, or to linger.

ii. "Public Building" means a structure or area owned and/or operated by the City or School District or other Governmental unit for the conduct of governmental functions but shall also include, but not be limited to, public and private school, churches, and business or commercial buildings which are open to the general public for the transaction of commercial business.

b. Restrictions

i. No person or persons shall remain in a public building or upon the grounds thereof after being requested to leave said premises by persons lawfully responsible for the control and maintenance thereof when the continued presence of any persons or persons therein and thereon shall injure or endanger the safety or said buildings, or property, or unreasonably interfere with the administration thereof.

ii. No person shall stand, loiter, or assemble on any public sidewalks, public streets or other public ways so as to impede or obstruct the free passage or flow of pedestrian traffic thereon or to interfere with the use thereof.

iii. No person shall stand or loiter in or upon the driveway of any public or commercial property, not sit upon the steps, window sills, or railings of any building in such a manner so as to obstruct ingress and egress to and from such building or in such a manner so as to cause annoyance to the owner or occupant thereof, or to the customers of such owner or occupant thereof, or to the persons lawfully within said building or while entering or leaving said building.

iv. No person shall loiter in or upon the public parks of the City of Silver Lake without a prior permit having been obtained from the city Clerk/Treasurer of the City of Silver Lake after the hours of 10:00 PM. A permit to use the City Park after 10:00PM must be obtained by any organization so desiring to use the park and only those people within the purview of the permit may use the part after that hour.

(F) Loitering of Minors Prohibited (*Amended July 19, 2001-Ordinance #22)*

a. It shall be unlawful for any minor 16 years of age or under to loiter, idle, wander, stroll, or play in or upon the public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 10:00p.m. and 6:00a.m. of the following day, official city time; provided, however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by her or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Section shall constitute a separate offense.

b. Responsibility of parents. It shall be unlawful for the parent, guardian, or other adult person having care and custody of a minor to loiter, idle, wander, stroll or play in or upon public streets,

highways, roads, alleys, park, playgrounds, or other public grounds, public places and public buildings, place of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00p.m. and 6:00a.m. of the following day, official city time; provided however, that the provisions of this Section do not apply when the parent is upon an emergency errand or legitimate business. Each violation of the provisions of this Section shall constitute a separate offense.

c. The policemen of the City of Silver Lake, upon finding a minor 16 years of age or under, in or upon any of the public streets, highways, alleys, parks or other public places of the City of Silver Lake in violation of any of the provisions of this ordinance after the hours of 10:00p.m. shall take the name of such child and the name and address of the parent, guardian or legal custodian of such minor, send such minor home, and make report of the same to the Chief of Police within 24 hours, whereupon the Chief of Police shall send to the said parent, guardian or legal custodian of such minor, a written notice of the violation of this ordinance together with a notice to such parent, guardian or legal custodian that unless the terms of this ordinance are complied with the penalty thereof will be invoked against such parent, guardian, or legal custodian or such minor.

(G) False Fire Alarms and Interference with the Fire Department.
No person shall give an alarm of fire without probable cause, nor neglect nor refuse to obey any reasonable order of the Fire Chief nor interfere with the fire department in the discharge of its duties.

(H) Unsafe storage of freezer or any other air-tight chests.
No person shall keep or store any refrigerator, freezer, or any other air tight chest of a size that would be sufficient to enclose the person of a child without first removing the door or lid of said chest.

(I) Forbidding climbing of water towers (*Added Jan 10, 1994, Ord. #18)*.
All people are hereby forbidden to climb any water tower owned by the City of Silver Lake, or to go upon the roof, legs, structure or top of said tower(s), or upon the roof of the pump house of power house of the City's water works system, unless authorized by the City or its employees in charge of the waterworks system.

(J) Storage Containers

a. The use of semitrailers, shipping containers, and other similar structures or containers for storage on a lot for more than 180 days in any one-year period if prohibited. This prohibition shall not apply to construction storage trailers used on site during a construction project provided all required permits are obtained for the project, the project remains in compliance, and the trailer is removed from the lot upon completion of the project.

(K) Does any other act or omission declared by law or this ordinance to be a public nuisance.

SUBD. 2. COMMON LAW AND STATUTORY NUISANCES ADOPTED BY REFERENCE.

In addition to what is declared in this ordinance to be nuisances, offenses that are known to the common law of the land and identified in Minnesota Statutes as nuisances are hereby adopted by reference to be nuisances for the purposes of this article and may be treated as such and proceeded against as provided in this ordinance and in accordance with any other applicable law.

SUBD. 3. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) The exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

(E) Accumulation of manure, rubbish, refuse, or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(H) All noxious weeds as defined by the Minnesota State Department of Agriculture, and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;

(J) All public exposure of people having a contagious disease;

(K) Any offensive trade or business as defined by statute not operating under local license; and

(L) All other acts, omissions of acts, occupations and uses of property which are deemed by the city council to be a menace to the health of the inhabitants of the city or a considerable number thereof.

SUBD. 4. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

(A) All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;

(B) Betting, bookmaking, and all apparatus used in those occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(D) All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place;

(E) Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose; and

(F) All other things, acts, omissions or occupations deemed by the city council to be detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

SUBD. 5. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(A) All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall.

(B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.

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

(D) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. “Plainly audible” is defined as sound that can be detected by a person using their unaided hearing faculties.

(E) All unnecessary and annoying vibrations.

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

(G) Radio aerials or television antennae erected or maintained in a dangerous manner.

(H) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.

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

(J) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(K) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.

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

(M) Wastewater cast upon or permitted to flow upon streets or other public properties.

(N) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.

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

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

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

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

(S) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel.

(T) All other conditions or things that are likely to cause injury to the person or property of another.

SUBD. 6. NOISE VIOLATIONS.

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

(1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. (This general prohibition is not limited by any specific restrictions provided in this ordinance). "Plainly audible" is defined as sound that can be detected by a person using their unaided hearing faculties.

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.

(3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

(5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.

(6) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

(B) **Hourly restriction of certain operations**.

(1) **Domestic power equipment**. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) **Refuse hauling**. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) **Construction activities**. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(4) **Radios, music devices, paging systems, and the like.** The operation of any device referred to in subdivision (A) (6) between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(C) **Noise impact statements**. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

SUBD. 7. NUISANCE PARKING AND STORAGE.

(A) **Declaration of nuisance**. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(B) **Unlawful parking and storage**.

(1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property. ~~unless more than one hundred (100 feet back from the front property line.~~

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four (4) licensed vehicles, as defined by State Statute Chapter 169 Traffic Regulations, per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside ~~in the front yard areas~~ must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property or within city limits. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(d) If a property located in R-1 Low-Density Residential zoning has no dwelling, the property owner is limited to storing four (4) licensed vehicles which must be on a paved or graveled area, and the property owner must live within city limits. The vehicles must be set back from the right-of-way and neighboring properties a minimum of fifteen (15) feet.

SUBD. 8. ABANDONED AND UNAUTHORIZED MOTOR VEHICLES.

(A) **Declaration of nuisance**. Any motor vehicle in the city, in violation of this section, City Code, or state laws, shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) **Abandoned motor vehicles**. It shall be unlawful to keep, park, store, or abandon any motor vehicle that meets the definition of an abandoned motor vehicle as defined in Minn. Stat. § 168B.011, subd. 2, as it may be amended from time to time, or which has remained for more than 48 hours in a condition as described by the following: disabled; not secure from entry; without license plates conspicuously displayed thereon; or with license plates that have an expiration date more than 90 days prior to the date of inspection.

(C) **Junk vehicles**. It shall be unlawful to keep, park, store, or abandon any motor vehicle that meets the definition of a junk vehicle as defined in Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time.

(D) **Exceptions**. This section does not apply to the following types of motor vehicles:

(1) A classic or pioneer car, as defined in Minn. Stat. § 168.10, as it may be amended from time to time, provided that it is kept secure and as long as it has substantial potential further use consistent with its usual functions.

(2) Vehicles on the premises of a motor vehicle and parts dealer, junkyard, junk dealer, motor vehicle salvage dealer, automobile repair garage, or body shop who is licensed by city ordinance.

(3) A vehicle screened from the view of adjacent residences by landscaping or fencing or kept in an enclosed garage or storage building and does not foster complaint from a resident of the city.

(4) A vehicle which is registered to the owner or occupant of the property and which is being kept for repair on the property, provided that the vehicle is kept for no longer than 30 days in a disabled condition and is kept secure from entry, and provided that only one disabled vehicle may be kept on the property at any given time.

SUBD. 9. DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

SUBD. 10. ABATEMENT PROCEDURE.

(A) **Procedure**. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) **Notice**. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be

served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

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

(D) **Immediate abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) **Unlawful parties or gatherings.** When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(F) **Judicial remedy**. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

SUBD. 11. RECOVERY OF COST.

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

(B) **Assessment**. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

SUBD. 12. PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

SUBD. 13. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SUBD. 14. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council of Silver Lake, Minnesota this 21th day of December 2026.

_____
Mayor

Attested:

_____
City Clerk

Seal of the City: