

**SECTION 700**  
**OFFENSES AGAINST PUBLIC HEALTH AND SAFETY**

**700.01        OPEN BURNING**

Subd. 1        Definition

"Open burning" means the burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.

Subd. 2        Adoption by reference

The regulations of the Minnesota Pollution Control Agency regulating open burning, APC 8 as amended are hereby adopted by reference. The City Clerk shall mark one copy of the regulation "Official Copy" and keep it on file in their office for use and examination by the public.

Subd. 3        Open Burning Permits

Upon determining that all necessary precautions have been taken to protect life and property, the city clerk may issue an open burning permit for any purpose for which open burning under permit is authorized by the state regulation. The permit shall be subject to the restrictions imposed by state regulation and such other restrictions imposed by the city clerk to protect the public health, safety, and welfare in the particular case. Any permit application shall be denied in cases where the proposed "open burning" is prohibited by state regulation. The permit is subject to revocation as state regulations provide. An open burning permit issued under this ordinance or APC Regulation 8 does not excuse the permittee from the consequences, damages, or injuries that may result therefrom.

Subd. 4        Prohibition

No person shall cause, suffer, allow, or permit open burning except as permitted by the regulations of the Minnesota Pollution Control Agency and by this section of the code.

Subd. 5        Open burning nuisances

Except as open burning is otherwise authorized by this ordinance, open burning without a permit is hereby declared to be a public nuisance. Such nuisance may be summarily abated without notice to any party.

**700.02        MINOR USING TOBACCO**

No person under the age of 18 years shall smoke or use cigarettes, cigars or tobacco in any form on any public road, street, alley, park or other lands used for public purposes or in any public place of business. No person, firm or corporation shall furnish any cigarettes, cigars or tobacco in any form to any such minor person, nor shall any person, firm or corporation permit any such minor person to frequent any premises owned, held or managed by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form.

**700.03        DISORDERLY HOUSES**

No person shall own, lease, operate, maintain, reside in, visit or entice or attempt

to entice another to reside in or visit, any building or place with knowledge that unlawful sexual intercourse, prostitution, lewd, lascivious or indecent acts, gambling or the unlawful sale of intoxicating liquor or non-intoxicating malt liquor, or that the unlawful use, sale or keeping for sale of any drug or of any controlled substance as defined in Minnesota Statutes, Section 152.01, subdivision 4, occurs therein. Evidence of the general reputation of such a building or place is one where any of the foregoing occurs shall be prima facie evidence of such knowledge. Any person intentionally violating the provisions of this Section shall be guilty of a misdemeanor. Minnesota Statutes Section 609.33 is a State Statute regulating disorderly houses. In a situation where an accused is charged under this Section, and also under Minnesota Statutes Section 609.33, the State Statute shall take precedence.

**700.04        USE OF BATHING SUITS**

No person shall bathe in any lake, stream or pond within the limits of the city, nor shall any person appear at any bathing beach or waters or land adjacent thereto, while nude.

Subd. 1        "Nude" or "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.