

ZONING

ARTICLE II. GENERAL REGULATIONS

SECTION 2.02. ACCESSORY BUILDINGS AND USES

A.3.

3. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally and shall not occupy an area more than ~~one thousand (1,000)~~ one thousand, two hundred (1,200) square feet.

B.2.

~~When located within ten (10) feet of the side or rear wall of the principal building, a detached accessory building shall comply with all yard requirements applicable to the principal building on the lot or tract.~~

In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements applicable to the principal structure. An accessory building, unless attached to and made part of the principal structure, shall not be closer than five (5) feet to the principal structure.

B.3.

~~No detached accessory building shall be erected or placed within five (5) feet of any principal building, property line or alley easement line.~~

No detached accessory building shall be erected or placed within five (5) feet of any principal building, property line, alley easement line or utility easement.

Setbacks shall be measured from the property line to the wall of the structure. Accessory buildings may be located in the side and rear yards of a lot, except, however, that no such encroachment may occur on required side yard setbacks abutting a street in the case of a corner lot.

All accessory buildings shall be located at least five (5) feet away from any other building or structure on the same parcel.

Garages having an overhead door that directly faces an alley shall be setback at least fifteen (15) feet from the alley.

B. 8.

Temporary accessory structures may be allowed for a designated length of time and design

as approved by the planning and zoning commission. Any temporary accessory structures must be removed six (6) months after permit issuance.

Temporary Accessory Structure Standards:

1. Must comply with all standards in Detached Accessory Buildings – Residential Districts

2. Cannot be used as a dwelling

3. Cannot be an obscenely bright color per Planning Commission’s discretion

4. No temporary structure shall be allowed to be serviced by water, sewer, electric, gas or any other type of utility.

5. There can be no more than one (1) temporary structure per parcel.

6. The structure must be sufficiently anchored to withstand overturning, uplifting, or sliding from an eighty (80) mile-an-hour wind.

7. The structure must be able to withstand a snow load of twenty (20) pounds per square foot if the structure will be in place at any time during the months of November through April.

Temporary Accessory Structure Approval Process

1. Plans must be submitted to City Clerk

a. Dimensions,

b. Overview of Materials

c. Site Plan

d. Timeline

e. Purpose

2. If the above standards are met, Planning Commission will approve the structure. Any structure found in violation of this section shall be ordered for

~~removal or a penalty shall be assessed.~~ **OR** Any temporary structure not approved shall be deemed a violation of this Ordinance and punishable as provided herein.

ARTICLE VII. ADMINISTRATION, PERMITS AND FEES

Section 7.05. APPROVAL OR DENIAL OF ZONING PERMIT. Upon approval or denial, the Zoning Administrator shall attest to same by his signature on the zoning permit. If the zoning permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the zoning permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of zoning permit. ~~If construction is not commenced within thirty (30) days and/or completed within twelve (12) months of issuance, this permit shall be void. This permit shall be reissued for a fee of \$500.00 with a \$50.00 per day penalty until completed.~~

Section 7.08. CERTIFICATION OF TAXES PAID.

Prior to approving an application for any city permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, unpaid utility charges certified for payment as taxes, interest, or city utility fees due upon the parcel of land to which the land use permit relates. The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.

Section 7.09. EXPIRED PERMITS.

A land use permit shall become void if the work described therein has not begun within six (6) months from the date of issuance. If the work described in any land use permit has not been substantially completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the City Clerk. Further work shall not proceed unless and until a new land use permit has been obtained.

ARTICLE XI. VIOLATIONS AND PENALTIES

Section 11.01. VIOLATIONS. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any

building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under Minnesota Statutes 394.21 to 394.37, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.

Section 11.02. PENALTIES. Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as established by state law or sentenced to imprisonment for a specified term as established by state law or as determined by a court of competent jurisdiction for each offense, or both, plus the costs of prosecution in either case. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance and the City may pursue, by appropriate actions or proceedings, any or all additional remedies.

Section 11.03 RELIEF FROM PERSONAL RESPONSIBILITY.

Any claim based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Ordinance and any claim based upon the performance of the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to Minnesota Statutes, Section 466.02 and said Section does not apply. The City shall defend, save harmless and indemnify any of its officers or employees whether elective or appointive, against any tort claim or demand whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Zoning Ordinance except as provided in Minnesota Statutes, Section 466.07.

ARTICLE XII. SITE PLAN SECTION 12.02 DESIGN STANDARDS

F. Lot Coverage Maximums

These are ratios of improved surface allowed on a lot in each district.

Lot Coverage Maximums for Each District

R-1 & R-2: 50%

B-1 & B-2: 100%

M-1: 80%

AG: 30%

ARTICLE XIII. PERFORMANCE STANDARDS.

Section 13.01. MANUFACTURED HOME PARK DESIGN STANDARDS.

A. PERMIT ISSUANCE AND APPROVAL PROCEDURE. It shall be unlawful for any person to establish, maintain or operate a Manufactured Home Park or the facilities therein unless such person shall first procure a Conditional Use permit from the City. Compliance with the provisions of this Ordinance is necessary to obtain said permit. An application for a Manufactured Home Park shall be filed with the Zoning Administrator and shall contain the following:

SECTION 13.08. PARKING AND STORAGE OF CERTAIN VEHICLES.

~~C. Boats and trailers, less than twenty feet in length, must be stored in the rear yard and be placed a minimum of at least ten feet from the property line or in the side yard a minimum of six feet from the property line.~~ Boats and trailers, less than twenty-eight feet, must be stored in the rear yard and be placed a minimum of at least ten feet from the property line or in the side yard a minimum of six feet from the property line.

The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

SECTION 13.09. SEWER AND WATER PROVISIONS.

B. All water shall be procured from the public water system when available. ~~Where it is not feasible to connect to a public water supply or if on-site water supplementation is required, a well may be drilled in accordance with the specifications and provisions of the Minnesota Department of Health.~~

SECTION 13.10. EXTERIOR STORAGE.

~~5. Boats and unoccupied trailers, less than twenty feet in length, if stored in the rear yard at least ten feet from the property line or in the side yard a minimum of six feet from the property line.~~

Boats and unoccupied trailers, less than twenty-eight feet in length, if stored in the rear yard at least ten feet from the property line or in the side yard a minimum of six feet from the property line. The side yard setback may be encroached upon only if the owner of the property adjoining the petitioner's property agrees, in writing, that such encroachment be allowed. The City shall require a copy of the written agreement for its records.

SECTION 13.11. VISIBILITY AT INTERSECTIONS.

~~On a corner lot in any district no fence, wall, hedge, tree or other planting, or structure that will obstruct vision above a height of forty-two (42) inches above the centerline grade of the intersecting streets shall not be erected, placed or maintained within the triangular area bounded by the lot lines and a line connecting points on each lot line forty (40) feet from the intersection of such lot lines.~~

On a corner lot in any district no fence, wall, hedge, tree or other planting, structure, automobile, recreational vehicle, or boat that will obstruct vision above a height of forty-two (42) inches above the centerline grade of the intersecting streets shall not be erected, placed, stored, or maintained within the triangular area bounded by the lot lines and a line connecting point on each lot line forty (40) feet from the intersection of such lot lines.

Section 13.12. SWIMMING POOLS. The following standards are to be applied to swimming pools.

A. The interior vertical wall of swimming pools shall not be closer than six (6') feet to any side or rear lot line.

B. No swimming pool shall be located beneath or within ten (10') of any overhead utility lines or over any underground utility lines.

C. All outdoor swimming pools shall be completely enclosed by a security fence or wall at least four (4') but not more than (6') feet high and be located no less than four (4') feet from the edge of the pool. The bottom of the fence or wall shall be no higher than four (4") inches above the surface of the ground. Fence openings or points of entry to the pool area shall be equipped with self-closing and self-latching lockable gates.

D. Above-ground pools, spas, and hot tubs with sides or attached fences which create a barrier at least four (4) feet in height do not require an additional fence or barrier. Any entrance to the pool must be secured with a self-closing and self-latching lockable gate.

E. No swimming pool shall be used, kept, maintained or operated in such a manner as to constitute a nuisance or as to be hazardous to health, life or property. All swimming pools shall have and operate adequate equipment to filter and otherwise keep the water clean and free from contamination.

F. No person shall construct, alter or renovate a pool without a land use permit.

SECTION 13.13 FENCING.

G. Fences shall not be permitted within five (5) feet of the curb.

H. Fences around flower and/or vegetable gardens that are temporary and do not exceed 4 feet in height do not require a land use permit.

SECTION 13.14 MINIMUM HOUSING CODE

B. 5. Every building occupied/used in the city as dwelling unit must have running water on site provided by the property owner or occupant.

SECTION 13.20. BUILDING RELOCATION

(A) Review Process.

The relocation of any used building or structure older than 10 years on a lot or onto another lot within the City shall be subject to approval of a conditional use permit. Accessory buildings less than two hundred (200) square feet in floor area shall be allowed without issuance of a conditional use permit, but shall comply with all other provisions of this section and require a land use permit.

(B) Performance Standards.

- (1) Upon relocation, the building shall comply with all applicable building, plumbing, heating and electrical codes of the state of Minnesota.
- (2) The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the City Council.
- (3) The relocated use will not result in a depreciation of neighborhood or adjacent property values.
- (4) Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.

ARTICLE XVIII. B-1 CENTRAL BUSINESS DISTRICT

SECTION 18.05. LOT AREA & DESIGN STANDARDS.

B-1 Central Business District

Exterior Finish. All new construction and alterations to an existing building or structure must meet the following requirements. Steel is acceptable provided the lower four (4) feet of the building's face (excluding windows and doors) consists of a material other than steel unless it's a different color.

Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal surface. Structures more than forty (40) feet in width shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.

ARTICLE XIX. B-2 HIGHWAY BUSINESS DISTRICT. SECTION 19.01. USES PERMITTED.

Q. Storage facilities for the storage of personal items by persons renting the space as a permitted use.

ARTICLE XX. M-1 INDUSTRIAL DISTRICTS. SECTION 20.01. USES PERMITTED.

I. Storage facilities for the storage of personal items by persons renting the space as a permitted use.

ARTICLE XXII. DEFINITIONS.

Section 22.16. DWELLING. Any house or building or portion thereof which was constructed to be non-mobile and which is placed on a permanent foundation which enclosed the entire perimeter of the home; and which is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings. ~~Garage space, whether in an attached or detached garage, shall not be deemed part of a dwelling.~~ No cellar, basement, tent, camper, trailer, or garage shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

Section 22.32. IMPROVED SURFACE. Is a driveway or parking surface constructed of concrete, asphalt, paving stones or other hard material.

CITY CODE OF ORDINANCES

TITLE V. PUBLIC WORKS

Chapter 51. WATER AND SEWER

51.22 METERS.

(A) *Meters required; unauthorized handling prohibited.* Except for extinguishing of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person, unless authorized by the ~~Clerk or Administrator~~ City Council or Public Works Director, shall connect, disconnect, take apart, or in any manner change or caused to be changed or interfere with any such meter or ~~its use~~ the action thereof, or break any meter or valve seal. The approved meter for the city is a Radio Frequency Read Meter. Any customer that has a meter that is non-compliant with the Radio Frequency Read Meter shall be charged a \$50 meter reading fee per billing period. The city reserves the right to disconnect water service to any property with a non-compliant meter subject to the Cold Weather Rule in M.S. 216B.097. If the water service is disconnected due to a non-compliant meter, the service shall not be reconnected until such time when the meter is replaced with an approved Radio Frequency Read Meter. If the water service is disconnected due to a non-compliant meter, it shall not be reconnected until a \$150 reconnect fee is paid and an approved meter is installed.

(B) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement of a meter is made necessary by act or neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against the property and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

(C) *Complaints; meter testing.* When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of \$25, have the meter tested. If the test shows an error in the city's favor exceeding 5%

of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the request.

(D) *Meters property of city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

(E) *Meter reading and inspection; right of entry.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

(F) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

~~51.23 WELL CONSTRUCTION PERMITS. (A) Permit required. Before proceeding within the city with construction or reconstruction of any well which involves drilling or casing insertion, the owners of the premises upon which the well is located or to be located shall obtain a permit from the City Council. (B) Application and fee. Application for a well permit shall be in writing on a form provided by the Clerk or Administrator, shall contain the information required thereon, and shall be accompanied by a fee of \$25. (C) City Council consideration. The City Council shall study the proposed well location, design, depth, capacity, cost, and proposed water use, and consider whether the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the public require a denial. (Ord. 93-4, passed 11-18-1993) Penalty, see '10.99-2012 S-2~~

51.23: NO WELLS.

No person may use any private well, sand point, or source of water other than water provided by the City municipal water system. Every residence, business, and structure shall connect to the municipal water supply system

OR

51.23 PRIVATE WELLS PROHIBITED.

Section 1. Definitions: Domestic use means water used for drinking or potable water, non-potable water or irrigation purposes, but shall not include water from wells drilled for such purposes as dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

Irrigate means to supply (land) with water by any artificial means, as by diverting streams, flooding, or spraying, to moisten or wet.

Private Wells for Domestic Use means any well not owned by the City Water Utility which is drilled for potable water, non-potable water or irrigation purposes including sand point or drive point wells. "Private Wells for Domestic Use" shall not include wells drilled for such purposes as dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

Sand point or drive point well means a shallow well that is a 1-1/4 to 2-inch steel casing constructed by driving or pounding the casing down into the ground until an aquifer is encountered.

Section 2: Private Wells for Domestic Use. The drilling of new private wells for domestic use on any property to which City Water Utility Service is available within 1,000 feet is prohibited.

TITLE V: PUBLIC WORKS

CHAPTER 52: RIGHT OF WAY MANAGEMENT

52.01 Findings, Purpose and Intent

52.02 Election to Manage the Public Rights-of-Way

52.03 Definitions

52.04 Administration

52.05 Permit Required

52.06 Permit Applications

52.07 Issuance of Permit; Conditions

52.08 Permit Fees

52.09 Right-of-Way Patching and Restoration

52.10 Joint Applications

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52.13 Denial of Permit

52.14 Inspection

52.15 Work Done Without a Permit

52.16 Supplementary Notification

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52.19 Location and Relocation of Facilities

52.20 Pre-excavation Facilities Location

52.21 Damage to Other Facilities

52.22 Right-of-Way Vacation

52.23 Indemnification and Liability

52.24 Abandoned and Unusable Facilities

52.25 Appeal

52.26 Severability

Section 52:01. Findings, Purpose, and Intent. To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. The city hereby enacts this section of this code relating to right-of-way permits and administration. This section imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this section, persons excavating and

obstructing the rights-of-way will bear financial responsibility for their work. Finally, this section provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way

Section 52.02. Election to Manage the Public Right-of-Way Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city elects pursuant Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

Section 52:03. Definitions.

“Abandoned Facility” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

“Applicant” means any person requesting permission to excavate or obstruct a right-of-way.

“Commission” means the State Public Utilities Commission.

“Congested Right-of-Way” means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, section 216D.04., over a continuous length in excess of 500 feet.

“Construction Performance Bond” means any of the following forms of security provided at registrant’s option: a. Individual project bond; b. Cash deposit; c. Security of a form listed or approved under Minn. Stat. Sec. 15.73, subd. 3; d. Letter of Credit, in a form acceptable to the city e. Self-insurance, in a form acceptable to the city f. A blanket bond for projects within the city, or other form of construction bond, for a time specified and, in a form acceptable to the city.

“Culvert” means a structure that allows water to continually flow under a road, trail, driveway or similar obstruction from one side to the other. A right-of-way permit is required to construct a culvert in the right-of-way.

“Degradation” means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

“Degradation Cost” subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

“Degradation Fee” means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

“Department” means the Public Works Department of the City.

“Department Inspector” means any person authorized by the city to carry out inspections related to the provisions of this section.

“Director” means the Public Works director of the city, or her or his designee

“Delay Penalty” is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

“Emergency” means a condition that (1) poses a danger to life or health or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

“Equipment” means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

“Excavate” means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

“Facility or Facilities” means any tangible asset in the right-of-way required to provide Utility Service.

“High Density Corridor” means a designated portion of the public right of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

“Hole” means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

“Local Representative” means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this section.

“Management Costs” means the actual costs the city incurs in managing its rights-of-Way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of way permits. Management costs do not include payment by a telecommunications right-of-way User for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Statutes Sections 237.162 or 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to subsection 52.26 of this section.

“Obstruct” means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

“Patch or Patching” means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

“Pavement” means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

“Permit” has the meaning given “right-of-way permit” in Minnesota Statutes, section 237.162.

“Permit holder” means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this section.

“Registrant” means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way. Water pipes, sanitary sewer pipes and appurtenances thereto installed for the purpose of connection to the City water or sewer services are not required to be registered pursuant to this Section.

“Restore or Restoration” means the process by which an excavated right of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before excavation.

“Restoration Cost” means the amount of money paid to the city by a registrant to achieve the level of restoration according to plates 1 to 13 of Minnesota public Utilities Commission rules.

“ROW Excavation permit,” means the permit which, pursuant to this section, must be obtained before a person may excavate in a right-of-way. An Excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

“ROW Excavation permit fee” means money paid to the city by an applicant to cover the costs as provided in Section 52.08.

“ROW Obstruction Permit” means the permit which, pursuant to this section, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

“ROW Obstruction Permit Fee” means money paid to the city by a permit holder to cover the costs as provided in Section 52.08.

“Public Right-of-Way” means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

“Right-of-Way Permit” means either the right-of-way excavation permit or the right-of-way obstruction permit, depending on the context, required by this section.

“Right-of-Way User” means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

“Service or Utility Service” includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subd. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, sewer, steam, cooling or heating services.

“Supplementary Application” means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

“Temporary Surface” means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. “Trench” means an excavation in the right-of-way, with the excavation having a length equal to or greater than the width of the pavement, includes all various forms of trenchless methods.

“Telecommunication right-of-way User” means a person owning or controlling a facility in the right-of-way or seeking to own or control a Facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this section, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. Sec. 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453A, or a cooperative electric association organized under Minn.

Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this section.

Subsection 52.04. Administration. The director and city clerk are the principal city officials responsible for the administration of the rights of-way and right-of-way permits. The director may delegate any or all of the duties under this section.

Section 52.05. Permit Requirement.

Subd. 1. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city to do so.

(a) ROW Excavation Permit. An excavation permit is required by a registrant to excavate any part of a right-of-way and to hinder free and open passage of the right-of-way. The permit will describe the right-of-way affected, the facilities used and expected duration of the excavation.

(b) ROW Obstruction Permit. An obstruction permit is required by a registrant to hinder the free and open passage of a right-of-way. The permit will describe the right-of-way, the equipment used, and the extent and duration of the obstruction. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subd. 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) the person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay Penalty. In accordance with Minnesota Rule 7819.1000 subd. 3 and notwithstanding subd. 2 of this Section, the city will establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty will be established from time to time by city council resolution.

Subd. 4. Permit Display. Permits issued under this section will be conspicuously displayed or otherwise available at all times at the work site and will be available for inspection by the city.

Section 52:06. Permit Applications.

Application for a permit is made to the city. Right-of-way permit applications will contain, and will be considered complete only upon compliance with the requirements of the following provisions:

Subd. 2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

Subd. 3. Payment of money due the city for:

(a) permit fees, estimated restoration costs and other management costs

(b) prior obstructions or excavations

(c) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city (d) franchise fees or other charges, if applicable.

Subd.4. Posting an additional or larger construction performance bond for additional facilities when applicant requests a right of way excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

Section 52.07. Issuance of Permit; Conditions.

Subd. 1. Permit Issuance. If the Applicant has satisfied the requirements of this section, the city will issue a permit.

Subd. 2. Conditions. The city may impose reasonable conditions upon the issuance of the permit and upon the applicant's performance under the permit to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

Section 52:08. Permit Fees.

Subd. 1. ROW Excavation Permit Fee. The City will establish a right of way excavation permit fee in an amount sufficient to recover the following costs:

(a) the city management costs;

(b) degradation costs, if applicable.

Subd. 2. ROW Obstruction Permit Fee. The City will establish the obstruction permit fee which will be in an amount sufficient to recover the city management costs.

Subd. 3. Payment of Permit Fees. No ROW excavation permit or ROW obstruction permit will be issued without payment of excavation or obstruction permit fees. The city may allow Applicant to pay such fees within thirty (30) days of billing.

Subd. 4. Non-Refundable. Permit fees that were paid for a permit that the city has revoked for a breach as stated in subsection 52.18 are not refundable.

Subd. 5. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Subd. 6. Rates for Permit Fees. The rates for all right-of-way permit fees will be listed in the fee schedule

Section 52.09. Right-of-Way Patching and Restoration.

Subd. 1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required by this section, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permit holder or when work was prohibited as unseasonal or unreasonable under Section 52.11.

Subd. 2. Patch and Restoration. Permit holder will patch its own work. The city may choose either to have the permit holder restore the right-of-way or to restore the right-of-way itself.

(a) City Restoration. If the city restores the right-of-way, the permit holder will pay the costs of restoration within 30days of billing. If, following the Restoration, the pavement settles due to the permit holder's improper backfilling, the permit holder will pay to the city, all costs associated with correcting the defective work, within thirty (30) days of billing.

(b) Permit holder Restoration. If the permit holder restores the right-of-way itself, it will at the time of application for an Excavation permit post a construction

performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

(c) Degradation fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user will remain responsible for patching and the degradation fee will not include the cost to accomplish these responsibilities.

Subd. 3. Standards. The permit holder will perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the city and will comply with Minnesota Rule 7819.1100.

Subd. 4. Duty to Correct Defects. The permit holder will correct defects in patching, or restoration performed by permit holder or its agents. The permit holder upon notification from the city, will correct all restoration work to the extent necessary, the methods required by the city. The work will be completed within five calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

Subd. 5. Failure to Restore. If the permit holder has elected to restore the right-of-way and fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do the restoration work. In that event the permit holder will pay to the city the cost of restoring the right-of-way within 30 days of billing. If permit holder fails to pay as required, the city may exercise its rights under the construction performance bond.

Section 52.10. Joint Applications.

Subd. 1. Joint application.

Permit holders may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subd. 2. Shared fees.

Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree

among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. With city projects.

Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

Section 52.11. Supplementary Applications.

Subd. 1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of way specified in the permit. No permit holder may do any work outside the area specified in the permit, except as provided in this section. Any permit holder who determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension, and (ii) pay any additional fees required, and (iii) be granted a new permit or permit extension.

Subd. 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permit holder may begin its work before the permit start date or, except as provided by this section continue working after the end date. If a permit holder does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

Section 52.12. Other Obligations.

Subd. 1. Compliance with Other Laws. Obtaining a right-of-way permit does not relieve permit holder of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permit holder will comply with all requirements of local, state and federal laws, including Minn. Stat. Chapter 216D. (Gopher One Call Excavation Notice System). A permit holder will perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all

work done in the right-of-way pursuant to its permit, regardless of who does the work.

Subd. 2. Prohibited Work. Except in an emergency, and with the approval of the city, no right of-way Obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work. Subd. 3.

Interference with Right-of-Way. A permit holder will not so obstruct a right-of-way that the natural, free and clear passage of water through the gutters or other waterways are interfered with. The private vehicles of those doing work in the right-of-way may not be parked within or next to the permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Section 52.13. Denial of Permit. The city may deny a permit for failure to meet the requirements and conditions of this section or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. Section 52.14. Inspection.

Subd. 1. Notice of Completion. When the work under a permit is completed, the permit holder will furnish a Completion Certificate in accordance Minnesota Rule 7819.1300.

Subd. 2. Site Inspection. The permit holder will make the work-site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of Director.

(a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(b) The director may issue an order to the permit holder for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order will state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permit holder will present proof to the director that the violation has been

corrected. If such proof has not been presented within the required time, the director may revoke the permit.

Section 52.15. Work Done Without a Permit.

Subd. 1. Emergency Situations. Each permit holder will immediately notify the director of any event regarding its facilities that it considers to be an emergency. The permit holder may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the permit holder will apply for the necessary permits, pay the associated fees and fulfill the rest of the requirements necessary to bring itself into compliance with this section for the actions it took in response to the Emergency. If the city becomes aware of an emergency regarding a permit holder's facilities, the city will attempt to contact the local representative of each permit holder affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which will be borne by the permit holder whose facilities occasioned the emergency.

Subd. 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for the permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this section.

Subsection 52.16. Supplementary Notification. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permit holder will notify the city of the accurate information as soon as this information is known.

Subsection 52.17. Revocation of Permits.

Subd. 1. Substantial Breach. The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permit holder includes but will not be limited to, the following:

(a) The violation of any material provision of the right-of-way permit;

(b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

(c) Any material misrepresentation of fact in the application for a right-of-way permit;

(d) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permit holder's control; or

(e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Section 52.14.

Subd. 2. Written Notice of Breach. If the city determines that the permit holder has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city will make a written demand upon the permit holder to remedy such violation. The written notice will state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within a time period established within a written notification of breach received from the city, the permit holder will provide the city with a plan acceptable to the director that will cure the breach. The permit holder's failure to contact the city, the permit holder's failure to timely submit an acceptable plan, or permit holder's failure to reasonably implement the approved plan, will be cause for immediate revocation of the permit.

Subd. 4. Reimbursement of city costs. If a permit is revoked, the permit holder will reimburse the city for the city's reasonable costs, including restoration costs, the costs of collection and reasonable attorneys' fees incurred in connection with the revocation.

Section 52.18. Mapping Data.

Subd. 1. Information Required. Each permit holder will provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100.

Section 52.19. Location and Relocation of Facilities.

Subd. 1. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. Corridors. The city may assign a specific area within the right-of-way, or any particular segment of the right-of-way as may be necessary, for each type of facilities that is or, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities will designate the proper corridor for the facilities at issue. Any permit holder who has facilities in the right-of-way in a position at variance with the corridors established by the city will, no later than the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the permit holder.

Subd. 3. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the city has the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city will strive to the extent possible to accommodate all existing and potential users of the right-of-way, but will be guided primarily by considerations of the public interest, the public's needs for the particular Utility Service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Section 52.20. Pre-excavation Facilities Location. In addition to complying with the requirements of Minn. Stat. 216D.01-.09 (“One Call Excavation Notice System”) before the start date of any right-of-way excavation, each registrant

who has facilities or equipment in the area to be excavated will mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than 20 inches below a concrete or asphalt surface will notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Section 52.21. Damage to Other facilities. When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city will notify the local representative as early as is reasonably possible. Associated costs will be billed to that registrant and must be paid within 30 days from the date of billing. Each registrant is responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each registrant is responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an Emergency occasioned by that registrant's facilities.

Section 52.22. Right-of-Way Vacation. Reservation of right. If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

Section 52.23. Indemnification and Liability By accepting a permit under this section, a permit holder agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

Section 52.24. Abandoned and Unusable Facilities.

Subd. 1. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this section have been lawfully assumed by another registrant.

Subd. 2. Removal. Any registrant who has abandoned facilities in any right-of-way will remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city. Section 52.25. Appeal. A right-of-way user that:

(1) has been denied a permit;

(2) has had a permit revoked; or

(3) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. The city council will act on a timely written request at its next regularly scheduled meeting. A decision by the city Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Section 52.26. Severability. If any portion of this section is for any reason held invalid by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision and such holding will not affect the validity of the remaining portions. Nothing in this section precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth in this section.

CHAPTER 53: Excavations

53.01 Permit Required

53.02 Permit Exceptions

53.03 Application for Permit

54.04 Granting of Permit

53.05. Conditions of Permit

53.06. Penalty

53.01. Permit Required. No individual, firm, or corporation shall dig, directionally drill, tunnel, bore, excavate, cut, remove or cause or permit to be directionally drilled, tunneled, bored, dug, excavated, cut or removed any earth, soil, sand, gravel, concrete, bituminous or other type of pavement, or other substance; or cut, remove, or cause to be cut or removed any tree or shrub in or upon any street, alley or public grounds or upon any part thereof; or fill up, drain, open or otherwise alter, obstruct, change or cause or permit to be altered, obstructed or changed any watercourse, ditch or sewer in or upon any street, alley, boulevard, sidewalk, public ground, or easement without first having secured a permit from the office of the City Clerk.

53.02. Permit Exceptions. Private property owners performing work on their property must comply with all of ordinance 53.01 for any project that will disturb a surface area greater than 500 square feet or dig deeper than 24 inches below the surface. Private property owners performing work that does not meet or exceed these dimensions are exempt from ordinance 53.01.

53.03. Application for Permit. All applications for an excavation permit shall contain the following information: 1. Disclosure. Full disclosure of the nature and the location of the excavation to be done. 2. Utility Location Information. Verification by the applicant that the applicant has obtained utility location information from the natural gas company, the telephone company, the electric power company, cable television company, the City water works, and the sanitary sewer department, and such excavation shall not affect any of the equipment of such companies or departments. If the proposed excavation endangers any facilities, then specific and pertinent directions shall be included on the permit application to avoid such injury, destruction or interference with such facilities. 3. Insurance Policy. Proof that the applicant has in force an insurance policy protecting them from liability to the public, including the City, in an amount equal to the maximum claim the City may be required to pay under Chapter 466 of the Minnesota Statutes. The insurance policies will provide that no cancellation of the insurance policy will be made by the principal, the insured or the surety or insurance company, for any cause, without first giving ten days' notice to the City, in writing, of the intention to cancel. The notice will be addressed to the City Clerk by registered mail or will be delivered to the City Clerk personally.

53.04. Granting of Permit. The City Engineer shall determine whether all requirements for issuance of the excavation permit have been met by the applicant and on payment of such fee as may from time to time be set by the Council by resolution for the permit shall issue an excavation permit to the applicant, which permit shall be subject to the conditions hereinafter set out.

53.05. Conditions of Permit. Every excavation permit issued pursuant to the provisions of 53.00 of this Code shall be subject to the following conditions: 1. Regulations. All excavation work shall be done in accordance with applicable ordinances and regulations. 2. Indemnify and Hold Harmless. The permit holder shall indemnify and hold the City harmless from any and all damages, claims or

liabilities caused by or resulting from the excavation work. 3. Pay Costs for Damages. The property owner, applicant and contractors shall be jointly and severally liable for all costs and damages suffered by the City by reason of the failure of the property owner, applicant or contractors to observe the terms and conditions of this Ordinance and other applicable ordinances and regulations or negligence in execution of the work. 4. Utility Damage. The property owner, applicant and contractor are jointly and severally liable for any damage to utility property by the property owner, applicant or the contractor doing the excavation work. 5. Extending Water and Sewer. The City shall be responsible for extending water and sewer to the property line of any platted street, subject to Council approval for more than three (3) lots. The homeowner is responsible for installation of water and sewer lines from their property line or main to the dwelling or other building located on the property. System connection fees shall be determined by the City Council. All surcharges and assessment fees will be included on the excavation permit. 6. Completion of Work. All work to be done under the permit must be completed within 180 days of the issuance of the permit.

53.06. Penalty. Any person violating any provision of 53.00 of this Code shall be guilty of a misdemeanor, as defined by this Code. After a conviction for violation of any provision of this ordinance becomes final, the continued violation of such provision will constitute a separate offense for each day such violation continues to exist, and if such non-compliance by a person holding a permit is not corrected within 20 days after such conviction becomes final, the violator will not qualify to receive any additional permits.

CHAPTER 54: DEMOLITION AND WRECKING OF BUILDINGS

54.01 License Required

54.02 Fee

54.03 Licensing Requirements

Sec. 54.01 License required; exceptions.

(a)License. No person shall engage in the business of, or do any work on, wrecking or demolishing any building or structure in Watkins without a license. (b)Permit in certain cases. The owner of any one- or two-family dwelling may be issued, upon

proof of ownership, a permit authorizing the wrecking of any accessory building on the premises, including, but not limited to, garages, sheds, barns and other structures not designed or intended for human habitation, without the necessity of obtaining a license under this chapter, surety bond or certificate of extermination.

Sec. 54.02. - Fee. (A fee needs to be established)

The fee required is as set forth in Watkins City Ordinance

Sec. 54.03. - Licensing requirements.

(a)Surety bond. The applicant shall file a surety bond in the amount of ten thousand dollars (\$10,000.00) to indemnify and hold the City of Watkins harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building.

(b)Certificate of extermination. Further, no permit shall be issued as herein provided for the wrecking, demolition or tearing down of any building or structure in the city until satisfactory evidence is furnished that a licensed pest control company has exterminated all nuisance pests, including wood-destroying insects, from the structure and premises.

TITLE IX. GENERAL REGULATIONS.

Chapter 90. ANIMALS

~~(B) License required. (1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk upon payment of the license fee. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog which has not been vaccinated against distemper and rabies, as provided in this section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the city shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application. (2) It shall be the duty of each owner of a~~

~~dog subject to this section to pay to the City Clerk the license fee as imposed by the Council by resolution. (3) Upon payment of the license fee, the City Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk. A charge of \$2 shall be made for each duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period. (4) The licensing provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place. (5) The funds received by the City Clerk from all dog licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this subsection; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs~~

(C) Cats. Cats shall be included as controlled by this division insofar as running at large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

CHAPTER 92.

92.04 CURB CUTS.

No person shall make any breaks, cuts or openings in any curb, for driveways or otherwise, without first having obtained written permission from the City Council. The Council shall consider each curb cut request separately, and may seek the advice of the Public Works Supervisor or City Engineer before deciding on the request. The Council shall grant or deny requests by resolution. Any resolution denying a curb cut request shall set for the reasons for the denial.

CHAPTER 93. NUISANCES

93.01 PUBLIC NUISANCES GENERALLY.

(C) Keeps upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to neighbors and passerby in the public right of way is hereby declared to be a nuisance. Accordingly, no person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right of way or from the ground level of adjacent property, and no property owner or property manager shall knowingly permit any such activity to occur on property owned or managed by such person.

1. The following shall constitute specific defenses to any alleged violation of this section:

a. That such furniture was placed in the location in question in order to allow it to be moved during a move of a resident or residents of the premises or has been removed as part of a trash or recycling program on a day scheduled for such moving or removal.

b. That such furniture was temporarily placed in the location in question in order that it be offered for sale at a yard or garage sale if each of the following conditions exist; provided, however, that this defense shall not apply if upholstered furniture is located in an outside location for more than five (5) days in any six-month period:

i. The furniture is located in an outside location only between the hours of 7:00a.m. and 7:00p.m.

ii. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale; and

iii. A sign is in placed on or near the furniture indicating that it is for sale.

(D) No vehicles, whether self-propelled or towed, shall be parked or kept in the front or side yard area of a residence. Properly licensed and operable vehicles may be stored in the rear yard of a residential unit; however, such storage is limited to a maximum of three (3) vehicles. Parking areas, other than the principal

driveway, must maintain a minimum 3-foot setback from lot lines. For this section, definitions as described in Minnesota Statutes 168.011 shall apply.

(E) At all times that a vehicle which is being repaired or restored is not being worked on, said vehicle shall be covered by a vehicle cover capable of resisting wind, rain, and other weather-related circumstances. The area where the vehicle is being repaired or restored shall be free of debris, litter, discarded parts or equipment. The vehicle cover must cover the entire vehicle and be securely fastened to the vehicle. The use of bricks, stones, blocks or other material as a fastener shall not be permitted. Any such vehicle repairs or restoration shall be limited to a period not longer than 30 calendar days or the area wherein the vehicle is being repaired or restored shall be in an enclosed structure.

(F) No person operating a business within the City of Watkins shall display or permit to be displayed, whether self-propelled or towed, more than 5 vehicles for sale, unless he/she has obtained a license from the State of Minnesota to operate as a car dealer and operates under the regulations specified in that license.

(G) No vehicle, whether self-propelled or towed, shall be parked or stored or offered for sale on any vacant property in the City of Watkins, unless the property is zoned appropriately and a designated parking area for vehicle display has been established. The display or storage of vehicles on such sites shall be in compliance with other provisions of this Code in regard to time limits for parking.

(H) No person shall store or accumulate any worn out or discarded materials or items which are no longer used for the purposes for which they were manufactured or made, including, but not limited to, motor vehicle parts, motor vehicle waste, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard or other debris, brush or materials. This section does not apply to persons and sites licensed as solid waste or recycling operations.

(I) Cans, buckets, pots, tires, pools, and other similar containers that may hold standing/stagnant water is considered potential breeding grounds for mosquitoes and are thus considered a public nuisance and must be removed.

(J) All motor vehicle vital component parts and related accessories must be kept or stored within a building.

(K) Storage of junk automobiles and junk equipment prohibited. In any area within the city, the storage upon any property of junk automobiles and junk equipment is prohibited.

(1) For the purpose of this chapter, the term **JUNK AUTOMOBILES** shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either:

(a) Unusable or inoperable because of lack of, or defects in component parts; or

(b) Unusable or inoperable because of damage from collision, deterioration, or having been

(c) Beyond repair and therefore not intended for future use as a motor vehicle; or

(d) Being retained on the property for possible use of salvageable parts.

(2) The term **JUNK EQUIPMENT** shall include equipment such as farm equipment and other machinery, all-terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed and is either:

(a) Unusable or inoperable because of lack of, or defects in component parts; or

(b) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or

(c) Beyond repair and therefore not intended for future use as a motor vehicle; or

(d) Being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

(L) Storage of junk, rubbish and refuse prohibited. In any area within the city storage or accumulation of junk, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days is prohibited.

(1) The term **JUNK** shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for sale as approved building materials; metal or any other material or cast-off material of any kind whether or not the same could be put to any reasonable use.

(2) The term **RUBBISH** shall include any material rejected or thrown away as worthless.

(3) The term **REFUSE** shall include all organic and inorganic material resulting from the manufacture, preparation or serving of food or food products; spoiled, decayed or waste foods from any source; crockery, ashes, rags and discarded clothing; tree, lawn or bush clippings and weeds; furniture, household furnishings or appliances, or parts or components thereof; human or household waste of all kinds not included in any other portion of this definition.

(M) Exterior of structures.

(1) The exterior of structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

(2) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amount of peeling paint.

(3) All doors and windows shall be maintained in good repair, fit reasonably well within their frames and be free of open breaks or holes.

(4) Exterior renovation projects must be completed in a timely manner (180 days) and shall be maintained in good repair throughout the duration of the renovations.

(N) Interior areas of structures, including residential dwellings. (1) The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

(2) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.

(3) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks and defects.

(4) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

(O) In any area the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

(P) In any area the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

(Q) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

(R) In any area the existence of any noxious or poisonous vegetation, such as poison ivy, ragweed, or other poisonous plants, or any weeds, grass over six inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

(S) In any area, outdoor storage of any material, whether or not it can be considered junk, rubbish, or refuse, if in the judgement of the City Council or their agents said material is considered unsightly or detrimental in appearance to the neighborhood, said material must be removed from the area and the area cleaned to the satisfaction of the city.

(T) Any audio or visual blight, or smell, is prohibited within the city. This means that in the judgement of the City Council, they may act on any complaint of a non-conforming use of land or a building in a residential area or other nuisance within the city. (Ord 98-2, passed 6-11-1998)

(U) The placement of storage/cargo containers including, but not limited to, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, transport containers, any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity, storage PODS's, shall be prohibited EXCEPT as follows:

1.For purposes of loading and unloading household contents for a period of time not exceeding 60 days in any one calendar year; or

2.During a construction project, provided all local, state and other necessary permits are obtained and the construction project remains in compliance with all local, state and federal laws for the duration of the project not to exceed 180 days. Once the construction project is complete, said containers must be removed within 30 days of the date of completion.

3.Existing lots or parcels which contain a portable storage device prior to the adoption of this ordinance are hereby "grandfathered" and may be continued for that purpose as non-conforming until moved.

Vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(V) Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided. (Ord. 93-2, passed 7-8-1993) Penalty, see 10.99

SECTION 93.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

(D) All unnecessary noises and annoying vibrations, to include, but not be limited to:

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

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

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

~~(2) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine, air nailers, or other power equipment, or any loud or excessive pounding except between the hours of 7:00 a.m. and 10:00 p.m. on any day of the week, including weekends and holidays.~~

(2) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine, air nailers, or other power equipment, or any loud or excessive pounding except between the hours of 7:00 a.m. and 9:00 p.m. on any day of the week, including weekends and holidays.

A business or firm may request an exemption to exceed these hours at the discretion of Council. If an exemption is granted, neighbors within a 500ft radius of the property line of the project must be notified. The grantee shall be responsible for notifying the neighbors.

(W) No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.; and

(X) All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 93-2, passed 7-8-1993; Am. Ord. 2005-8, passed 11-10-2005) Penalty, see 10.99.

SECTION 93.05 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) vehicles 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. 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.

93.06 DOMESTICATED ANIMAL NUISANCE.

Any nuisance caused by dogs, other pets and domesticated animals is prohibited within the city. The City Council may act upon a complaint such as a barking dog, or odors, noise, litter, or anything else coming from these pets that may affect the health or peace of mind of the residents. (Ord 98-2, passed 6-11-1998)

93.15. 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.

93.16. 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.

93.17. 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 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.

93.18. 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.

93.19. 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.

93.20. 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.

CHAPTER 94: BLIGHT

Section

~~94.01 Causes of blight or blighting factors~~

~~94.02 Audio and visual blight~~

~~94.03 Domesticated animal nuisance~~

~~94.99 Penalty~~

~~'94.01 CAUSES OF BLIGHT OR BLIGHTING FACTORS. (A) *Generally.* It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, business, industry, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by such person, business, industry, firm or corporation.~~

~~(B) *Storage of junk automobiles and junk equipment prohibited.* In any area within the city, the storage upon any property of junk automobiles and junk equipment is prohibited. (1) For the purpose of this chapter, the term **JUNK AUTOMOBILES** shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either: (a) Unusable or inoperable because of lack of, or defects in component parts; or~~

~~(b) Unusable or inoperable because of damage from collision, deterioration, or having been~~

~~(c) Beyond repair and therefore not intended for future use as a motor vehicle; or~~

~~(d) Being retained on the property for possible use of salvageable parts.~~

~~(2) The term **JUNK EQUIPMENT** shall include equipment such as farm equipment and other machinery, all terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed and is either:~~

~~(a) Unusable or inoperable because of lack of, or defects in component parts; or~~

~~(b) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or~~

~~(c) Beyond repair and therefore not intended for future use as a motor vehicle; or~~

~~(d) Being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.~~

~~(C) *Storage of junk, rubbish and refuse prohibited.* In any area within the city storage or accumulation of junk, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days is prohibited. (1) The term **JUNK** shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open; remnants of wood; decayed, weathered or broken construction materials no longer suitable for sale as approved building materials; metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.~~

~~(2) The term **RUBBISH** shall include any material rejected or thrown away as worthless.~~

~~(3) The term **REFUSE** shall include all organic and inorganic material resulting from the manufacture, preparation or serving of food or food products; spoiled,~~

~~decayed or waste foods from any source; crockery, ashes, rags and discarded clothing; tree, lawn or bush clippings and weeds; furniture, household furnishings or appliances, or parts or components thereof; human or household waste of all kinds not included in any other portion of this definition.~~

~~(D) Exterior of structures. (1) The exterior of structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.~~

~~(2) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amount of peeling paint.~~

~~(3) All doors and windows shall be maintained in good repair, fit reasonably well within their frames and be free of open breaks or holes.~~

~~(E) Interior areas of structures, including residential dwellings. (1) The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.~~

~~(2) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.~~

~~(3) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks and defects.~~

~~(4) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.~~

~~(F) In any area the existence of any structure or part of any structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.~~

~~(G) In any area the existence of any vacant dwelling, garage, or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.~~

~~(H) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.~~

~~(I) In any area the existence of any noxious or poisonous vegetation, such as poison ivy, ragweed, or other poisonous plants, or any weeds, grass over six inches tall, brush or plants, which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.~~

~~(J) In any area, outdoor storage of any material, whether or not it can be considered junk, rubbish, or refuse, if in the judgement of the City Council or their agents said material is considered unsightly or detrimental in appearance to the neighborhood, said material must be removed from the area and the area cleaned to the satisfaction of the city.~~

~~(Ord 98-2, passed 6-11-1998; Am. Ord. 2005-6, passed 11-10-2005)~~

~~'94.02 AUDIO AND VISUAL BLIGHT.~~

~~Any audio or visual blight, or smell, is prohibited within the city. This means that in the judgement of the City Council, they may act on any complaint of a non-conforming use of land or a building in a residential area or other nuisance within the city. (Ord 98-2, passed 6-11-1998)~~

~~94.03 DOMESTICATED ANIMAL NUISANCE.~~

~~Any nuisance caused by dogs, other pets and domesticated animals is prohibited within the city. The City Council may act upon a complaint such as a barking dog, or odors, noise, litter, or anything else coming from these pets that may affect the health or peace of mind of the residents. (Ord 98-2, passed 6-11-1998)~~

~~'94.99 PENALTY. (A) The owner and the occupant of any property upon which any of the causes of blight or blighted factors set forth hereof are found to exist shall be notified in writing by the City Clerk to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him or her. This notice may be served personally or by mailing the same by first class mail to the last known address of the owner and, if the premises are occupied, to the premises. Additional time may be granted by the City Council where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.~~

~~(B) Failure to comply with such notice within the time allowed shall constitute a violation of this chapter.~~

~~(C) Violation of this chapter shall be a misdemeanor. Any person who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be penalized as provided in ' 10.99.~~

~~(D) In case of failure to remove any blight as defined in this chapter within the time prescribed, the City Council may order city personnel to remove or otherwise destroy all such causes of blight, and shall certify such cost to the County Auditor as a special assessment against the property involved for collection in the same manner as other special assessments. As an additional or alternative remedy, the owner of any interest in the land and the occupant shall be jointly and severally liable for such costs, and the costs shall be recoverable in any action brought against any of them in the name of the city.
(Ord 98-2, passed 6-11-1998; Am. Ord. 2008-3, passed 5-8-2008)~~

CHAPTER 96. TRAILER HOUSES

96.01 DEFINITIONS.

~~MANUFACTURED HOME. Any manufactured home which meets the criteria established by M.S. 327.31 to 327.35.~~

After the date of the adoption of this code, only manufactured homes which comply with the Manufactured Home Building Code established by M.S. § 327.31, as it may be amended from time to time, may be located in and used as a dwelling within the city. A mobile home, manufactured home, house trailer or other mobile dwelling which does not comply with the Manufactured Home Building Code and which is used as a residence after the date of the adoption of this code is a non-conforming use as defined by M.S. § 462.357, subd. 1e, as it may be amended from time to time, and this non-conforming use may be continued, including through repair, maintenance, replacement, restoration or improvement, but if the non-conformity or occupancy is discontinued for a period of more than one year, or the nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit

is applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

96.06 Manufactured Home Parks.

(A) Any person desiring to operate a manufactured home park shall apply for such Conditional Use permit with the City Clerk.

(B) A Conditional Use permit shall be granted for the period of any year at the fee of \$500.

TITLE XIII

Chapter 130. GENERAL OFFENSES.

130.02(D)

~~No person or persons shall use, discharge or carry air rifles or BB guns or carry or use sling shots within the city limits.~~

No person or persons shall use or discharge the following within city limits: air rifles, BB guns, sling shots, a bow & arrow, or crossbow.

(E) It shall be unlawful for any parent or guardian of any minor person to knowingly permit such minor person the use or discharge of the firearms, air rifles, BB guns, sling shots, bow & arrow or crossbow mentioned in subsections (A), (B), and (D) of this section.

(Ord. passed 8-1-1957) Penalty, see § 130.99