

**TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. ANIMALS**
- 91. FIRE PREVENTION**
- 92. STREETS AND SIDEWALKS**
- 93. NUISANCES**
- 94. RESERVED**
- 95. VOLUNTEER AMBULANCE SERVICE**
- 96. TRAILER HOUSES**
- 97. USE OF PARKS**



## CHAPTER 90: ANIMALS

### Section

- 90.01 Definitions
- 90.02 Dogs and cats
- 90.03 Non-domestic animals
- 90.04 Farm animals
- 90.05 Impounding
- 90.06 Kennels
- 90.07 Nuisances
- 90.08 Seizure of animals
- 90.09 Animals presenting a danger to health and safety of city
- 90.10 Diseased animals
- 90.11 Dangerous animals
- 90.12 Dangerous animal requirements
- 90.13 Basic care
- 90.14 Breeding moratorium
- 90.15 Enforcing officer
- 90.16 Pound
- 90.17 Interference with officers

- 90.99 Penalty

### ***Cross-reference:***

*Drainage; pollution control; restrictions on confined animal facilities, see § 151.07*

### **§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and nonconstricting reptiles or amphibians, and other similar animals.

**Watkins - General Regulations**

(2) **NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

(3) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

**AT LARGE.** Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

**CAT.** Both the male and female of the felidae species commonly accepted as domesticated household pets.

**DOG.** Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

**OWNER.** Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

(Ord 2001-3, passed - -)

**§ 90.02 DOGS AND CATS.**

(A) *Running at large prohibited.* It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under 18 years of age, to run at large. A person who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading “Dogs or Cats Prohibited.”

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

(C) *Vaccination.*

(1) All dogs and cats kept, harbored, maintained, or transported within the city shall be vaccinated by a licensed veterinarian for rabies and distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner’s name and address, the animal’s name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian’s signature. Upon demand made by the City Clerk or a police officer, the owner shall present for examination the required certificate of vaccination for the animal. In cases where certificates are not presented, the owner or keeper of the animal shall have seven days in which to present the certificate to the City Clerk or police officer. Failure to do so shall be deemed a violation of this section.

(Ord 2001-3, passed - -; Am. Ord. 2023-5, passed 8-10-2023)

**§ 90.03 NON-DOMESTIC ANIMALS.**

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city limits. Any owner of such an animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this chapter. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

(Ord 2001-3, passed - -)

**§ 90.04 FARM ANIMALS.**

(A) Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

(B) *Backyard chickens.* Notwithstanding other provisions of this chapter, a person may keep up to eight female chickens on a parcel they own that is less than ten acres in size. The keeping of domesticated chickens shall be permitted on single-family residential properties within all residential zoning districts, provided the owner obtains a backyard chicken permit from the city. No permit shall be issued except in compliance with this section.

(1) *Definitions.*

**CHICKEN.** A farm bird that serves as a source of eggs or meat.

**COOP.** The structure for the keeping or housing of chickens permitted by this section.

**HEN.** A female chicken.

**ROOSTER.** A male chicken.

**RUN.** A fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.

(2) Any person wishing to keep chickens in the city on a property zoned as residential shall first obtain a permit from the city. This shall be a one-time permit. A written application must be made to the City Clerk on a form provided by the city. The application must include a site plan that shows the location of the chicken coop including the distance of the coop from adjoining structures and property lines and the coop's dimensions. The city may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

(3) The principal use of the property shall be single-family residential.

(4) The property shall contain one detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, town homes and apartments.

(5) No more than eight hen chickens shall be permitted.

(6) No person shall keep a rooster.

(7) The use of chickens for cock fights is prohibited.

(8) Chickens shall not be kept inside the principal structure.

(9) No person shall slaughter chickens on-site except when in an area of the property not visible to the public.

(10) Chicken coops and attached exercise pens shall be provided for all chickens.

(11) Coops and pens shall be fully enclosed including overhead and constructed of durable materials.

(12) The floor area of the coop shall be a minimum of two square feet in area per chicken.

(13) The floor area of the attached run pen shall be a minimum of four square feet in area per chicken, with a maximum capacity of 120 square feet.

(14) Coops and pens shall meet all accessory structure setback requirements.

(15) Coops and pens shall be located in rear yards only.

(16) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in backyards while under supervision.

(17) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings.

(18) Any coop or run shall be set back at least 25 feet from a delineated wetland edge, the top of a bank of a pond, filtration basin, or infiltration basin.

(19) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.

(C) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the this code.

(D) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.

(E) The city may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the city code.

(Ord 2001-3, passed - -; Am. Ord. 2018-3, passed 8-9-2018)

**§ 90.05 IMPOUNDING.**

(A) *Running at large.* Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer or dog catcher may impound any dog or other animal found unlicensed or any animal

found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer or dog catcher shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C), it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the City Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 90.11 in which case it shall be kept for seven regular business days or the times specified in § 90.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- (1) Payment of a \$25 release fee; and
- (2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and
- (3) If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) above, if the animal has not been reclaimed in accordance with the provisions of this section, the officer or dog catcher appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer or dog catcher may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Clerk.

(Ord 2001-3, passed - -)

**§ 90.06 KENNELS.**

(A) *Definition of kennel.* The keeping of more than five dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a **KENNEL**; except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be a **KENNEL**.

(B) *Kennel as a nuisance.* Because the keeping of more than five dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of more than five dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.

(Ord 2001-3, passed - -)

**§ 90.07 NUISANCES.**

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

(B) *Damage to property.* It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this section or a complaint may be issued by anyone aggrieved by an animal under this section, against the owner of the animal for prosecution under this section.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property. Any person violating this section shall be punishable by a fine of \$10 or five hours of public lands fecal clean-up. Any person who is found guilty of subsequent violations of this section shall be punished by a fine of at least \$25 but not more than \$50.

(D) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in § 90.05.

(Ord 2001-3, passed - -)

**§ 90.08 SEIZURE OF ANIMALS.**

Any police officer or dog catcher may enter upon private property and seize any animal provided the following exist:

(A) There is an identified complainant other than the police officer or dog catcher making a contemporaneous complaint about the animal;

(B) The officer or dog catcher reasonably believes that the animal meets either the barking dog criteria set out in § 90.07(A); the criteria for cruelty set out in § 90.13; or the criteria for an at large animal set out in § 90.01;

(C) The officer or dog catcher can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer or dog catcher has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;

(E) The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

(Ord 2001-3, passed - -)

**§ 90.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.**

If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under § 90.05. If the animal is destroyed, a charge of \$75 to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 90.05(C).

(Ord 2001-3, passed - -)

**§ 90.10 DISEASED ANIMALS.**

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public may be apprehended and confined in the pound by any person or police officer. The police officer or dog catcher shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the city, the officer or dog catcher shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable for at least \$75 to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased within the meaning of this section, the animal shall be released to the owner or keeper free of charge.  
(Ord 2001-3, passed - -)

### § 90.11 DANGEROUS ANIMALS.

(A) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(B) *Destruction of dangerous animal.* The police officer or dog catcher shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) *Definitions.*

***DANGEROUS ANIMAL.*** An animal which has:

- (a) Caused bodily injury or disfigurement to any person on public or private property;
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- (d) Bitten one or more persons on two or more occasions; or
- (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

***POTENTIALLY DANGEROUS ANIMAL.*** An animal which has:

- (a) Bitten a human or a domestic animal on public or private property;

(b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

(c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

***PROPER ENCLOSURE.*** Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A ***PROPER ENCLOSURE*** does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

(a) Have a minimum overall floor size of 32 square feet;

(b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1 ¼ inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground;

(c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches;

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

***UNPROVOKED.*** The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) *Designation as potentially dangerous animal.* The police officer or dog catcher shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in the definition of “potentially dangerous animal” above. When an animal is declared potentially dangerous, the police officer or dog catcher shall cause one owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

(E) *Evidence justifying designation.* The police officer or dog catcher shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

**Watkins - General Regulations**

(1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in the definition of “dangerous animal” above;

(2) That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in the definition of “dangerous animal” above.

(F) *Authority to order destruction.* The police officer or dog catcher, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) *Procedure.* The police officer or dog catcher, after having determined that an animal is dangerous, may proceed in the following manner:

(1) The officer or dog catcher shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

(2) If no appeal is filed, the orders issued will stand or the police officer or dog catcher may order the animal destroyed.

(3) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the dog catcher or City Clerk’s office shall be admissible for consideration without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the police officer or dog catcher take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the police officer or dog catcher.

(4) No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.

(H) *Stopping an attack.* If any police officer or dog catcher is witness to an attack by an animal upon a person or another animal, the officer or dog catcher may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous must notify the City Clerk in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.  
(Ord 2001-3, passed - -)

**§ 90.12 DANGEROUS ANIMAL REQUIREMENTS.**

(A) *Requirements.* If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

(1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 90.11(C);

(2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51;

(3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;

(4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;

(5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51;

(6) All animals deemed dangerous by the dog catcher or police officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the city.

(7) If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) *Seizure.* The Police Department or dog catcher shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

**Watkins - General Regulations**

(C) *Reclaiming animals.* A dangerous animal seized under division (B) above may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to the police officer or dog catcher that each of the requirements under division (B) is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 90.11(F), and the owner is liable to animal control for costs incurred in confining the animal.

(D) *Subsequent offenses.* If an owner of an animal has subsequently violated the provisions under § 90.11 with the same animal, the animal must be seized by the Police Department or dog catcher. The owner may request a hearing as defined in § 90.11(F). If the owner is found to have violated the provisions for which the animal was seized, the police officer or dog catcher shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 90.12(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 90.11(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

(Ord 2001-3, passed - -)

**§ 90.13 BASIC CARE.**

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this chapter.

(Ord 2001-3, passed - -)

**§ 90.14 BREEDING MORATORIUM.**

Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

(Ord 2001-3, passed - -)

**§ 90.15 ENFORCING OFFICER.**

The Council is hereby authorized to appoint a dog catcher to enforce the provisions of this chapter. In the dog catcher's duty of enforcing the provisions of this chapter, he or she may from time to time, with the consent of the Council, designate assistants.

(Ord 2001-3, passed - -)

**§ 90.16 POUND.**

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.  
(Ord 2001-3, passed - -)

**§ 90.17 INTERFERENCE WITH OFFICERS.**

No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this chapter.  
(Ord 2001-3, passed - -)

**§ 90.99 PENALTY.**

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable by a fine of up to \$700 or imprisonment for up to 90 days.

(C) *Petty misdemeanor.* Violations of §§ 90.02, 90.07, 90.13 and 90.14 are petty misdemeanors punishable by a fine up to \$200.  
(Ord 2001-3, passed - -)



## CHAPTER 91: FIRE PREVENTION

### Section

- 91.01 Fire limits
- 91.02 Burning of leaves, trash, and the like
- 91.03 Ashes; live coals

- 91.99 Penalty

### ***Cross-reference:***

*Solid waste; burning of waste prohibited, see § 50.07*

### **§ 91.01 FIRE LIMITS.**

The fire limits within the city include all property within the corporate limits of the city. (Ord. 9, passed 5-3-1897; Am. Ord. 40, passed 10-1-1936)

### **§ 91.02 BURNING OF LEAVES, TRASH, AND THE LIKE.**

The burning of leaves is permitted under the following conditions:

(A) Such burning of leaves will only be permitted from April 10 through May 15, and September 15 through November 15 of each year;

(B) A responsible person shall be in constant attendance until the fire is completely extinguished;

(C) Burning will only be allowed between the hours of 3:00 p.m. and 6:00 a.m. the following day. All fires must be extinguished at 6:00 a.m.;

(D) Such fires shall not be less than 25 feet from any structure, wood fence, hedge, or bush and not less than five feet from any property line;

(E) The burning of leaves is prohibited on city streets, boulevards, lake shores, or any public property by private citizens;

**Watkins - General Regulations**

(F) No open burning of leaves shall take place during an air pollution alert warning or emergency declared by the Minnesota Pollution Control Agency;

(G) The Mayor or Fire Chief may temporarily discontinue burning between April 10 through May 15 and September 15 through November 15 due to unsafe conditions (such as excessive dryness, and the like) at his or her discretion. Under these circumstances, the last day of burning may be extended;

(H) No burning shall take place until a burning permit is issued from designated members of the Watkins Fire Department. Permits shall be for a period of no longer than two weeks; and

(I) This section pertains only to the burning of leaves. Any burning of rubbish, trash, or other material is prohibited.

(Ord. 82-5, passed 9-9-1982; Am. Ord. 90-1, passed 4-12-1990) Penalty, see § 91.99

**§ 91.03 ASHES; LIVE COALS.**

No person shall throw or deposit any ashes into or upon any street or public alley in the city, or deposit or keep any ashes not entirely free from fire, live coals, or cinders in any wooden ash house or other wooden receptacle, nor within such distance of any wooden building, structure, or fence, as to endanger the same, within the city.

(Ord. 3, passed 6-10-1893) Penalty, see § 91.99

**§ 91.99 PENALTY.**

Any person, firm, or corporation 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.

## CHAPTER 92: STREETS AND SIDEWALKS

### Section

#### *General Provisions*

- 92.01 Sidewalk repair
- 92.02 Obstruction of streets, sidewalks, and alleys
- 92.03 Curb cuts

#### *Right-of-way Management*

- 92.10 Findings, purpose, and intent
- 92.11 Election to manage the public rights-of-way
- 92.12 Definitions
- 92.13 Administration
- 92.14 Permit required
- 92.15 Permit applications
- 92.16 Issuance of permit; conditions
- 92.17 Permit fees
- 92.18 Right-of-way patching and restoration
- 92.19 Joint applications
- 92.20 Supplementary applications
- 92.21 Other obligations
- 92.22 Denial of permit
- 92.23 Inspection
- 92.24 Work done without a permit
- 92.25 Supplementary notification
- 92.26 Revocation of permits
- 92.27 Mapping data
- 92.28 Location and relocation of facilities
- 92.29 Pre-excavation facilities location
- 92.30 Damage to other facilities
- 92.31 Right-of-way vacation
- 92.32 Indemnification and liability
- 92.33 Abandoned and unusable facilities
- 92.34 Appeal

- 92.99 Penalty

#### ***Cross-reference:***

*Public nuisances affecting peace and safety; streets, sidewalks, excavations, and the like, see § 93.04*

**GENERAL PROVISIONS****§ 92.01 SIDEWALK REPAIR.**

(A) The owner of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standard specifications approved by the Council and on file in the office of the City Clerk.

(B) It shall be the duty of the Street Commissioner or other designated official to make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and safe for pedestrians. If he or she finds that any sidewalk abutting on private property is unsafe and in need of repairs, he or she shall cause a notice to be served by certified or registered mail or by personal service upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein, ordering such owner to have the sidewalk repaired and made safe within 15 days and stating that if the owner fails to do so, the Street Commissioner or other official will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(C) If the sidewalk is not repaired within 15 days after receipt of the notice, the Street Commissioner or other designated official shall report the facts to the Council and the Council shall by resolution order the Street Commissioner or designated official to repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with law. The Street Commissioner or designated official shall keep a record of the total cost of the repair attributed to each lot or parcel of property and report such information to the City Clerk.

(Ord. 75, passed 10-1-1964)

**§ 92.02 OBSTRUCTION OF STREETS, SIDEWALKS, AND ALLEYS.**

No person shall block a public sidewalk by parking a vehicle across the sidewalk.

(Ord. 3, passed 6-10-1893; Am. Ord. 2023-5, passed 8-10-2023)

**§ 92.03 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 forth the reasons for the denial.

(Ord. 2023-5, passed 8-10-2023)

***RIGHT-OF-WAY MANAGEMENT*****§ 92.10 FINDINGS, PURPOSE, AND INTENT.**

(A) 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 subchapter of this code relating to right-of-way permits and administration. This subchapter 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 subchapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work.

(B) Finally, this subchapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way  
(Ord. 2023-6, passed 8-10-2023)

**§ 92.11 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 M.S. § 237.163 Subd. 2(b), to manage rights-of-way within its jurisdiction.  
(Ord. 2023-6, passed 8-10-2023)

**§ 92.12 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ABANDONED FACILITY.*** 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.*** Any person requesting permission to excavate or obstruct a right-of-way.

***COMMISSION.*** The State Public Utilities Commission.

***CONGESTED RIGHT-OF-WAY.*** 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 M.S. § 216D.04, over a continuous length in excess of 500 feet.

**CONSTRUCTION PERFORMANCE BOND.** Any of the following forms of security provided at registrant's option: (1) individual project bond; (2) cash deposit; (3) security of a form listed or approved under M.S. § 15.73, Subd. 3; (4) letter of credit, in a form acceptable to the city; (5) self-insurance, in a form acceptable to the city; (6) 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.** 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.** 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 Minn. 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 Minn. Rules parts 7819.9900 to 7819.9950.

**DEGRADATION FEE.** 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.** The Public Works Department of the city.

**DEPARTMENT INSPECTOR.** Any person authorized by the city to carry out inspections related to the provisions of this subchapter.

**DIRECTOR.** The Public Works Director of the city, or her or his designee

**DELAY PENALTY.** The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

**EMERGENCY.** 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.** Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

**EXCAVATE.** To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

**FACILITY or FACILITIES.** Any tangible asset in the right-of-way required to provide utility service.

**HIGH DENSITY CORRIDOR.** 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.** An excavation in the pavement, with the excavation having a length less than the width of the pavement.

**LOCAL REPRESENTATIVE.** 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 subchapter.

**MANAGEMENT COSTS.** 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 M.S. § 237.162 or § 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to § 92.34.

**OBSTRUCT.** 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.** 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.** 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.** The same meaning as “right-of-way permit” in M.S. § 237.162.

**PERMIT HOLDER.** Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this subchapter.

**REGISTRANT.** 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 subchapter.

**RESTORE** or **RESTORATION.** 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.** 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.** The permit which, pursuant to this subchapter, 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.** Money paid to the city by an applicant to cover the costs as provided in § 92.17.

**ROW OBSTRUCTION PERMIT.** The permit which, pursuant to this subchapter, 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.** Money paid to the city by a permit holder to cover the costs as provided in § 92.17.

**PUBLIC RIGHT-OF-WAY.** 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.** Either the right-of-way excavation permit or the right-of-way obstruction permit, depending on the context, required by this subchapter.

**RIGHT-OF-WAY USER.** Includes (1) a telecommunications right-of-way user as defined by M.S. § 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 M.S. § 216B.02, Subds. 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 M.S. Ch. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under M.S. Ch. 308A; and (6) water, sewer, steam, cooling or heating services.

**SUPPLEMENTARY APPLICATION.** 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.** The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation.

**TELECOMMUNICATION RIGHT-OF-WAY USER.** 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 subchapter, a cable communication system defined and regulated under M.S. Ch. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in M.S. § 216B.02, a municipality, a municipal gas or power agency organized under M.S. Ch. 453A, or a cooperative electric association organized under M.S. Ch. 308A, are not telecommunications right-of-way users for purposes of this subchapter.

**TRENCH.** 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.  
(Ord. 2023-6, passed 8-10-2023)

### § 92.13 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.

(Ord. 2023-6, passed 8-10-2023)

### § 92.14 PERMIT REQUIRED.

(A) *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.

(1) *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.

(2) *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.

(B) *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.

(C) *Delay penalty*. In accordance with Minn. Rule 7819.1000 Subd. 3 and notwithstanding division (B) 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.

(D) *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.  
(Ord. 2023-6, passed 8-10-2023)

### § 92.15 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:

(A) 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.

(B) Payment of money due the city for:

(1) Permit fees, estimated restoration costs and other management costs.

(2) Prior obstructions or excavations.

(3) 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.

(4) Franchise fees or other charges, if applicable.

(C) 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.

(Ord. 2023-6, passed 8-10-2023)

### § 92.16 ISSUANCE OF PERMIT; CONDITIONS.

(A) *Permit issuance*. If the applicant has satisfied the requirements of this subchapter, the city will issue a permit.

(B) *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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.17 PERMIT FEES.**

(A) *ROW excavation permit fee.* The city will establish a right of way excavation permit fee in an amount sufficient to recover the following costs:

- (1) The city management costs; and
- (2) Degradation costs, if applicable.

(B) *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.

(C) *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 30 days of billing.

(D) *Non-refundable.* Permit fees that were paid for a permit that the city has revoked for a breach as stated in § 92.27 are not refundable.

(E) *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.

(F) *Rates for permit fees.* The rates for all right-of-way permit fees will be listed in the fee schedule. (Ord. 2023-6, passed 8-10-2023)

**§ 92.18 RIGHT-OF-WAY PATCHING AND RESTORATION.**

(A) *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 § 92.20.

(B) *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.

(1) *City restoration.* If the city restores the right-of-way, the permit holder will pay the costs of restoration within 30 days 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 30 days of billing.

(2) *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 Minn. Rule 7819.3000.

(3) *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.

(C) *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 Minn. Rule 7819.1100.

(D) *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.

(E) *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.

(Ord. 2023-6, passed 8-10-2023)

## § 92.19 JOINT APPLICATIONS.

(A) *Joint application.* Permit holders may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

(B) *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.

(C) *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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.20 SUPPLEMENTARY APPLICATIONS.**

(A) *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.

(B) *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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.21 OTHER OBLIGATIONS.**

(A) *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 M.S. Ch. 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.

(B) *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.

(C) *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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.22 DENIAL OF PERMIT.**

The city may deny a permit for failure to meet the requirements and conditions of this subchapter 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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.23 INSPECTION.**

(A) *Notice of completion.* When the work under a permit is completed, the permit holder will furnish a completion certificate in accordance Minn. Rule 7819.1300.

(B) *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.

(C) *Authority of director.*

(1) 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.

(2) 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 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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.24 WORK DONE WITHOUT A PERMIT.**

(A) *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.

(B) *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.

(Ord. 2023-6, passed 8-10-2023)

#### **§ 92.25 SUPPLEMENTARY NOTIFICATIONS.**

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.

(Ord. 2023-6, passed 8-10-2023)

#### **§ 92.26 REVOCATION OF PERMITS.**

(A) *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:

- (1) The violation of any material provision of the right-of-way permit;
- (2) 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;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) 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
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to § 92.23.

(B) *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.

(C) *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.

(D) *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.

(Ord. 2023-6, passed 8-10-2023)

### **§ 92.27 MAPPING DATA.**

Each permit holder will provide mapping information required by the city in accordance with Minn. Rules 7819.4000 and 7819.4100.

(Ord. 2023-6, passed 8-10-2023)

### **§ 92.28 LOCATION AND RELOCATION OF FACILITIES.**

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

(B) *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.

(C) *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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.29 PRE-EXCAVATION FACILITIES LOCATION.**

In addition to complying with the requirements of M.S. §§ 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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.30 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.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.31 RIGHT-OF-WAY VACATION.**

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 Minn. Rules 7819.3200.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.32 INDEMNIFICATION AND LIABILITY.**

By accepting a permit under this subchapter, a permit holder agrees to defend and indemnify the city in accordance with the provisions of Minn. Rule 7819.1250.

(Ord. 2023-6, passed 8-10-2023)

**§ 92.33 ABANDONED AND UNUSABLE FACILITIES.**

(A) *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.

(B) *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.

(Ord. 2023-6, passed 8-10-2023)

#### **§ 92.34 APPEAL.**

A right-of-way user that: (a) has been denied a permit; (b) has had a permit revoked; or (c) 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.

(Ord. 2023-6, passed 8-10-2023)

#### **§ 92.99 PENALTY.**

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.

## CHAPTER 93: NUISANCES

Section

### *General Provisions*

- 93.01 Public nuisance prohibition
- 93.02 Public nuisances affecting health
- 93.03 Public nuisances affecting safety, peace, and general welfare
- 93.04 Public nuisances affecting morals and decency
- 93.05 Noise violations
- 93.06 Nuisance parking and storage
- 93.07 Inoperable motor vehicles and equipment
- 93.08 Domesticated animal nuisances

### *Administration and Enforcement*

- 93.15 Duties of city officers
- 93.16 Abatement procedure
- 93.17 Recovery of cost
  
- 93.99 Penalty

***Cross-reference:***

*Nuisance animals, see § 90.07*

## **GENERAL PROVISIONS**

### **§ 93.01 PUBLIC NUISANCE PROHIBITION.**

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

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

(B) Interferes with, obstructs, or deposits garbage or refuse upon, or otherwise renders dangerous for passage, any public highway or right-of-way, any street or sidewalk, or waters used by the public.

(C) Does any other act or omission declared by law or this chapter to be a public nuisance. (Ord. 93-2, passed 7-8-1993; Am. Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

### § 93.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are declared to be nuisances affecting health:

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

(B) All diseased animals running at large;

(C) Carcasses of animals not buried or destroyed within 24 hours after death;

(D) Accumulations of manure, refuse, or other debris;

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

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

(G) All noxious weeds and other rank growths of vegetation, including but not limited to poison ivy, ragweed, other poisonous or invasive plants/weeds, grass over six inches tall, or other brush, plants, vegetation which create a fire hazard or are otherwise detrimental to health and safety;

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

(I) Open or controlled burning in violation of state statutes and regulations;

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

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

(L) All ponds or pools of stagnant water, including but not limited to stagnant water within cans, buckets, pots, tires, or similar objects.

(Ord. 93-2, passed 7-8-1993; Am. Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

#### ***Cross-reference:***

*Solid waste, see Chapter 50*

*Water and sewer, see Chapter 51*

*Dogs and cats; running at large prohibited, see § 90.02*

*Fire prevention, see Chapter 91*

*Drainage; pollution control, see § 151.07*

**§ 93.03 PUBLIC NUISANCES AFFECTING SAFETY, PEACE, AND GENERAL WELFARE.**

The following are hereby declared to be nuisances affecting safety, peace, and general welfare:

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

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

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

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

(E) All unnecessary and annoying noises or vibrations;

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

(G) Radio aerials or television antennas erected or maintained in a dangerous manner;

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

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

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

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

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

(M) Waste water cast upon or permitted to flow upon streets or other public properties;

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

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

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

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

(R) Entry upon the premises of another if the person entering has been given oral or written notice not to, or if the premises are clearly marked with 'no trespassing' signs posted so as to be in plain view along all routes of access to the premises, unless such entry is upon official business of a government agency or public utility;

(S) The depositing of garbage, construction debris, or other refuse on a public right-of-way or on adjacent private property;

(T) Keeping upholstered furniture which is not manufactured for outdoor use in outdoor areas, including but not limited to upholstered couches and mattresses;

(U) Reflected glare or light from private exterior lighting exceeding one half foot candles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one foot candle when abutting any commercial or industrial parcel;

(V) Buildings, mobile homes/manufactured houses, or other structures that are abandoned, deteriorated, or a safety hazard;

(W) 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 amounts 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.

(X) *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;

(Y) Interior areas of structures:

(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.

(Z) 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;

(AA) 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;

(BB) 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, 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 chapter are hereby "grandfathered" and may be continued for that purpose as non-conforming until moved.

(CC) *Storage of junk, rubbish, and refuse prohibited.* In any area within the city, storage or the 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; motor vehicle waste, household appliances or parts thereof, stored in the open; remnants of wood; decayed, weathered, or broken construction materials no longer suitable for sale as approved building materials; tools, tin cans, glass, 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, mattresses, box springs, crates, cardboard, or other debris, household furnishings, appliances, or parts or components thereof; human or household waste of all kinds not included in any other portion of this definition.

(DD) 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 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 streets for 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;

(EE) No person operating a business shall display or permit to be displayed, whether self-propelled or towed, more than five 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;

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

(Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

***Cross-reference:***

*Water and sewer, see Chapter 51*

*Snow removal; placement of snow, see § 72.02*

*Streets and sidewalks, see Chapter 92*

*Peddlers and solicitors; exclusion by placard, see § 111.09*

*Drainage; pollution control, see § 151.07*

**§ 93.04 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.**

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

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

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

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

(D) All places where intoxicating liquor and illegal drugs are manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort, for the purpose of drinking intoxicating liquor or using illegal drugs, or where intoxicating liquor or illegal drugs are kept for sale or other disposition in violation of law, and all liquor or drugs and other property used for maintaining such places; and

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

(Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

***Cross-reference:***

*Liquor regulations, see Chapter 110*

*Liquor in public places, see § 130.01*

*Gambling, see § 130.05*

**§ 93.05 NOISE VIOLATIONS.**

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

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

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

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

**Watkins - General Regulations**

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

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

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

(B) *Hourly restriction of certain operations.*

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

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

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

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

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

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

(E) In the event of a storm or any natural disaster, time limits will be waived to accommodate the restoring of utilities, clearing of streets, or any issue dealing with public safety.  
(Ord. 2023-4, passed 8-10-2023)

### § 93.06 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 24 hours in the front yard area of residential property unless more than 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 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.

(d) 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.

(4) At all times that a vehicle, otherwise permitted by this section to be parked outside of a structure, which is being repaired or restored otherwise is 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, block 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.

(5) 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 vehicles. Parking areas, other than the principal driveway, must maintain a minimum three foot setback from lot lines.

(6) No vehicle, whether self-propelled or towed, shall be parked or stored or offered for sale on any vacant property in the city, 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.

(Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

### **§ 93.07 INOPERABLE MOTOR VEHICLES AND EQUIPMENT.**

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

(B) *Inoperable motor vehicles.* It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state.

(C) *Inoperable equipment.* It shall be unlawful to keep, park, store, or abandon any equipment (including but not limited to farm equipment, all-terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part thereof) that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state.

(D) *Screening.* This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

(E) This section does not apply to persons and sites licensed as solid waste or recycling operations. (Ord. 2023-4, passed 8-10-2023) Penalty, see § 93.99

### **§ 93.08 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. 2023-4, passed 8-10-2023) Penalty, see § 93.99

***Cross-reference:***

*Animals, nuisance, see § 90.07*

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 93.15 DUTIES OF CITY OFFICERS.**

City officials may apply and enforce any provision of this chapter 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.

(Ord. 93-2, passed 7-8-1993; Am. Ord. 2023-4, passed 8-10-2023)

**§ 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, as it deems appropriate:

(1) Prosecute criminal/misdemeanor penalties and/or impose administrative fines.

(2) *Abate the nuisance at no cost to the city.* The City Council may by resolution adopt a notice of abatement, which shall set forth the nuisance to be abated and shall indicate a date and time on which the city will enter onto the property and abate the nuisance. The notice shall also notify the property owner that the costs of abatement will be billed to the property owner, and if not paid, will be assessed against the property. The notice of abatement shall be served upon the owner and/or occupant in person or by certified or registered mail at least seven days prior to the proposed date for the city to abate the nuisance. If the premises is unoccupied or the owner and/or occupant cannot be served, notice may be posted upon the premises at least seven days prior to the proposed abatement.

(3) 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 posting 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 divisions (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 division (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) *Judicial/civil remedy.* Nothing in this section shall prevent the city from seeking a judicial remedy or a civil remedy.

(F) *Cumulative remedies.* Each right or remedy accruing to the city under this chapter or at law is separate and distinct and may, in the city's discretion, be exercised independently or simultaneously with any other right or remedy.

(Ord. 93-2, passed 7-8-1993; Am. Ord. 2023-4, passed 8-10-2023)

### **§ 93.17 RECOVERY OF COSTS.**

(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 M.S. § 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 M.S. § 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, as the City Council may determine in each case.

(Ord. 93-2, passed 7-8-1993; Am. Ord. 2023-4, passed 8-10-2023)

### **§ 93.99 PENALTY.**

Any person convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

(Ord. 2023-4, passed 8-10-2023)



**CHAPTER 94: RESERVED**

[Text continues on page 37]



## CHAPTER 95: VOLUNTEER AMBULANCE SERVICE

### Section

- 95.01 Purpose
- 95.02 Volunteer ambulance service established
- 95.03 Election of officers
- 95.04 Duties of Chief
- 95.05 Vice Chief
- 95.06 Practice sessions
- 95.07 Qualification
- 95.08 Loss of membership
- 95.09 Compensation
- 95.10 Establishment of rates
- 95.11 Ambulance funds established
- 95.12 Records
- 95.13 Equipment requirements
- 95.14 Availability of service
- 95.15 Licensing
- 95.16 Relief association
- 95.17 Interference with department

### ***Cross-reference:***

*Police and Fire Departments, see Chapter 32*

### **§ 95.01 PURPOSE.**

This chapter is for the purpose of providing ambulance service for the sick, injured, and endangered citizens of the city and for promoting the public health, safety, comfort and welfare of the citizens of the city and its entire primary service area.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

### **§ 95.02 VOLUNTEER AMBULANCE SERVICE ESTABLISHED.**

There is hereby established in the city a volunteer ambulance service to be known as the Watkins Volunteer Service (hereinafter referred to as "service") consisting of a Chief, Vice Chief, Secretary, Treasurer, and Training Officer. The total number of members at any time shall be set by the city.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.03 ELECTION OF OFFICERS.**

The Chief, Vice Chief, Secretary, Treasurer, Training Officer and two other officers shall be elected annually by the members of the service subject to confirmation by the City Council. Each shall hold office for a one-year term and until his or her successor has been duly elected, except that he or she may be removed by the Council for good cause after a hearing. Members shall be recommended for appointment by other members of the service subject to City Council approval; provided, however, that the initial members of the service shall be those individuals who presently are members of the Watkins Ambulance Service. Members shall continue as members of the service and may be removed by the Council only for good cause after a hearing. To have an officers position, a member is to be licensed for one year and in good standing. Only licensed members are eligible to vote.  
(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.04 DUTIES OF CHIEF.**

The service shall be directed and supervised by the Chief whose duty it shall be to direct all membership to keep ambulance equipment in order and to establish rules and regulations for the use and operation of the equipment. It shall also be the officers and Board of Directors' duties to establish rules and regulations for the operation and administration of the service subject to City Council approval and see that such rules and regulations are obeyed according to city policies. The Chief shall make a report annually to the City Council at its meeting in January as to the condition of the equipment and the needs of the service. He or she may submit additional reports and recommendations at any meeting of the Council and shall provide any such reports at any time when requested by the Council. The Chief shall have the authority to recommend the suspension of any members to the Ambulance Board of Directors, whose responsibility it shall be to make recommendations, and will report to the City Council and the EMSRB (Emergency Medical Services Regulatory Board), for the suspension or retention of the individual for good cause shown and shall report any such suspension to the City Council as soon as possible, on or before the first meeting of the City Council following such suspension. Any such suspension shall be appealable to the City Council by the person aggrieved. Any such appeal shall be perfected by the aggrieved filing a notice of appeal within 30 days with the City Clerk of the filing of any such appeal. The City Council shall hold a hearing on any appeal within 30 days of the filing of any such appeal. EMSRB will always be notified for any unsafe practices that is reportable to the EMSRB. The Chief shall be responsible for the proper training and discipline of the members of the service, and may suspend any member for good cause for refusal or neglect to obey orders pending final hearing by the Council on any members discharge or retention.  
(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.05 VICE CHIEF.**

In the absence or disability of the Chief, the Vice Chief shall perform all the functions and exercise all of the authority of the Chief.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.06 PRACTICE SESSIONS.**

It shall be the duty of the Training Officer under the direction of the Chief to schedule regular practice sessions for the purpose of educating members of approved methods of emergency health care.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.07 QUALIFICATION.**

The members of the service shall be able-bodied, not less than 18 years of age, and must hold a Minnesota license to operate an ambulance or emergency vehicle. In addition, all members shall hold at the minimum, all the criteria required by the Minnesota Department of Health and/or Minnesota state law; however, a non-card holder may assist at an accident without actually giving first aid. All new members must obtain all certificates required by the Minnesota Department of Health and/or Minnesota state law prior to final approval for membership.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.08 LOSS OF MEMBERSHIP.**

To be and remain a member in good standing in the service, each officer and member shall attend at least nine regular monthly meetings of the unit from January 1 to December 31. In addition, each officer and member shall attend a minimum of 10% of calls for the service unit from January 1 to December 31 of each year. Failure to attend meetings or service calls shall be deemed good cause for removal of the member from the service. Members shall continue as members of the service during periods of good behavior, and may be removed by the City Council only for good cause after a hearing; however, the Chief shall have the authority to recommend to the Board of Directors and to the City Council for the suspension or retention of the individual pending such hearing. A member shall receive no compensation while suspended.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.09 COMPENSATION.**

The officers and members of the service shall receive such compensation as may be set from time to time by the City Council.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.10 ESTABLISHMENT OF RATES.**

Members of the service shall establish a schedule of charges for the use of the ambulance which will pay all costs incurred in the operation of the service, such rates are subject to approval by the City Council.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.11 AMBULANCE FUNDS ESTABLISHED.**

It is hereby established that the city shall maintain a fund known as the Ambulance Fund, as well as establishing any other funds approved by the Council, a record of which shall be kept by the Treasurer of the service subject to review by the City Council. Into the Ambulance Fund shall be paid all monies received from the services rendered by the service and from it all disbursements shall be paid in accordance with city policies.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.12 RECORDS.**

Upon completion of each ambulance run, members on duty shall complete the emergency medical service record or its equivalent as prescribed by the Minnesota Department of Health.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.13 EQUIPMENT REQUIREMENTS.**

The ambulance, when in service, shall be equipped with and carry the minimum equipment required by law and/or the Minnesota Department of Health.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.14 AVAILABILITY OF SERVICE.**

Refer to M.S. § 144E.101, Subd. 3.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.15 LICENSING.**

The ambulance shall possess a valid license as required by law and/or the Minnesota Department of Health.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.16 RELIEF ASSOCIATION.**

The officers and members of the service may organize themselves into a relief association. Before any benefits provided from the special fund of such association are or become effective, they must first be approved by the City Council. Similarly, any by-laws or articles of incorporation changes which affect the original benefits paid from the special fund shall not be effective or remain effective until approved by the City Council. All funds presently held by the City Council for payment of retirement benefits to the present service, licensed members, who are in good standing, shall be paid into the special fund of such association upon its creation and approval by the City Council. Funds for operation of the relief association and the provision of retirement benefits shall be obtained through payments from the ambulance fund to the special fund with the approval of the City Council. All funds payable to the special fund for use as relief benefits as prescribed herein shall be obtained from the operation of the service and no public funds from any other source shall be used for the purpose of providing pension benefits. The payments to the special fund shall be set each year by the relief association subject to the approval of the City Council.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)

**§ 95.17 INTERFERENCE WITH DEPARTMENT.**

It shall be unlawful for any person to give or make, or cause to be given or made, a call for ambulance or rescue service without probable cause or to neglect to obey any reasonable order of the driver or member at an ambulance call or to interfere with the ambulance and rescue services discharge of its duties. Any person convicted of violating this section shall be punished by a fine not exceeding \$700 or by imprisonment for a period not exceeding 90 days or both.

(Ord. 92-1, passed 11-12-1992; Am. Ord. 2019-4, passed 11-14-2019)



## CHAPTER 96: TRAILER HOUSES

### Section

- 96.01 Compliance
- 96.02 Parking in public places
- 96.03 Parking on private property; permits
- 96.04 Waste water
- 96.05 Effect of provisions on existing trailer houses
- 96.06 Manufactured home parks
  
- 96.99 Penalty

### § 96.01 COMPLIANCE.

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. (Ord. 2023-5, passed 8-10-2023)

### § 96.02 PARKING IN PUBLIC PLACES.

It shall be unlawful for any person to park overnight any trailer house owned by him or her or under his or her control on any street, alley, or other public place within the city, unless such place has been set aside for the purpose, or such use thereof has been authorized by the city. (Ord. 80, eff. 6-20-1968) Penalty, see § 96.99

**§ 96.03 PARKING ON PRIVATE PROPERTY; PERMITS.**

No trailer house shall be parked on any privately owned tract of ground, unless such tract of ground is set aside for such purpose or such use has been authorized by the city, for more than 72 consecutive hours, unless a permit therefore shall have been granted as hereinafter provided. Any person desiring a permit to park a trailer after the expiration of 72 hours shall file an application with the City Clerk. Such application shall state the name and place of residence of the applicant and of the owner of the trailer house, shall identify the trailer house and the place where the same is to be placed, and the reasons therefor. No permit shall be granted for any period in excess of 10 days, with at least 30 days elapsing before issuance of a new permit.

(Ord. 80, eff. 6-20-1968) Penalty, see § 96.99

**§ 96.04 WASTE WATER.**

All kitchen sinks, wash basins, lavatories, showers, or bath tubs in any trailer house shall empty into a sewer disposal system. No waste water or liquid waste shall be emptied upon the ground or upon any paved area. No parking permit shall be issued until the requirements of this section have been met.

(Ord. 80, eff. 6-20-1968) Penalty, see § 96.99

***Cross-reference:***

*Water and sewer, see Chapter 51*

**§ 96.05 EFFECT OF PROVISIONS ON EXISTING TRAILER HOUSES.**

If any trailer house is parked within any residential area of the city on the effective date of this chapter, it may continue to do so until it is sold or moved by the original owners. After sale of the trailer house, the new owner must remove the trailer from the lot within 30 days.

(Ord. 80, eff. 6-20-1968) Penalty, see § 96.99

**§ 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.

(Ord. 80, eff. 6-20-1968; Am. Ord. 2023-5, passed 8-10-2023)

***Cross-reference:***

*Water and sewer; rates and billing, see §§ 51.75 et seq.*

**§ 96.99 PENALTY.**

(A) Any person violating any of the provisions of this chapter except § 96.06 shall be guilty of a misdemeanor, and upon conviction may be fined not more than \$100 or imprisoned for not more than 90 days. The city or any individual adversely affected by the parking of a trailer house in violation of this chapter may proceed by injunction or other appropriate civil action to prevent the continuance of such unlawful act.

(B) 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.  
(Ord. 80, eff. 6-20-1968)



## CHAPTER 97: USE OF PARKS

### Section

- 97.01 Purpose
- 97.02 Hours
- 97.03 Personal conduct
- 97.04 Public safety
- 97.05 Environmental protection
- 97.06 Fires and refuse
- 97.07 Motor vehicles
- 97.08 Snowmobiles and off road recreational vehicles
- 97.09 Pets, livestock
- 97.10 Protection from peddling and soliciting
  
- 97.99 Penalties

### § 97.01 PURPOSE.

The City Council adopts this chapter in order to provide for the public enjoyment of Watkins parks in a way that will leave them unimpaired and minimize conflicts among users.  
(Ord. 2018-2, passed 7-12-2018)

### § 97.02 HOURS.

(A) No person shall enter or remain in a public park before 6:00 a.m. or after 10:00 p.m., except the Watkins Baseball Park and Watkins Softball Park, where the parks shall be closed by 11:30 p.m. and baseball and softball field lighting shall not be on after 11:30 p.m. The hourly restrictions in this section shall not apply to the annual Kraut N' Wurst event at McCarthy Park; however, the City Council may adopt hourly restrictions for this event. Any deviations from the hourly restrictions in this section for other events must be approved by the City Council.

(B) The city may close any city park seasonally and may close any city park at any time at its discretion.  
(Ord. 2018-2, passed 7-12-2018)

**§ 97.03 PERSONAL CONDUCT.**

No person shall use a public-address system, amplifier or power equipment, or otherwise make noise of a high volume to arouse alarm, anger, or resentment in other park users or nearby residences to be considered a disturbance of the peace and quiet in a neighborhood. The operation of any device or other noise that is plainly audible at a distance of 50 feet from the source shall be prima facie evidence of a violation of this section.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.04 PUBLIC SAFETY.**

While in a city park, it is unlawful to possess explosives of any kind.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.05 ENVIRONMENTAL PROTECTION.**

The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any city property, including but not limited to wild flowers or vegetation of any kind, dead or alive, ruins, wildlife, geological formations, signs or facilities. Collections for scientific and educational purposes may be made with the written consent of the City Clerk.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.06 FIRES AND REFUSE.**

(A) It shall be unlawful to build a fire in any park within the city limits.

(B) M.S. § 85.20, Subd. 6 (as may be amended) and § 609.68, forbidding littering, are incorporated in this section by reference.

(C) Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from the areas where receptacles are not provided.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.07 MOTOR VEHICLES.**

(A) No vehicle shall be parked in such a manner as to obstruct any entrance or exit to the area, except for the purpose of unloading and loading equipment. If a park has designated spaces for parking, then vehicles shall be parked in the designated spaces. If the park does not have designated spaces for parking, then vehicles shall be parked in an orderly way, subject to maintaining adequate space for vehicles to enter and exit.

(B) Motor vehicles may be operated only on designated roads. They may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

(C) Motor vehicles shall not be operated in excess of posted speeds, nor in any reckless or careless manner.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.08 SNOWMOBILES AND OFF ROAD RECREATIONAL VEHICLES.**

(A) No person shall operate a snowmobile in a city park unless in an area designated for such use, under conditions of snow cover considered adequate for the protection of the park by the city. Unless an area is specifically posted for operation of snowmobiles, such operation shall be considered prohibited.

(B) No person shall operate an off road recreational vehicle in a city park unless in an area designated for such use, under conditions considered adequate for protection of the park by the city. Unless an area is specifically posted for operation of off-road recreational vehicle use, such operation shall be considered prohibited.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.09 PETS, LIVESTOCK.**

(A) Pets may be permitted as long as they are restrained by a leash at all times and personally attended so as not to deprive or disrupt the enjoyment or use of any area by other persons.

(B) Livestock shall not be permitted in any city park area unless approved by the City Council.

(C) Persons with pets shall collect and properly dispose of the animal's feces which is deposited in areas of the parks frequented by pedestrians, including picnic areas, playground areas, and trails.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.10 PROTECTION FROM PEDDLING AND SOLICITING.**

It is unlawful for any person to engage in or solicit business of any nature, whatsoever, from visitors, without the prior written consent of the city.

(Ord. 2018-2, passed 7-12-2018)

**§ 97.99 PENALTIES.**

Any person violating all or a part of this chapter shall be guilty of a misdemeanor, subject to the penalties for misdemeanors set by state law.

(Ord. 2018-2, passed 7-12-2018)