

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. PUBLIC PARKS**
- 91. FAIR HOUSING**
- 92. PUBLIC CEMETERY**
- 93. FIRE PREVENTION AND PROTECTION**
- 94. ABANDONED MOTOR VEHICLES, EXCESS
PROPERTY AND UNCLAIMED PROPERTY**
- 95. ANIMALS**
- 96. STREETS AND SIDEWALKS**
- 97. SHADE TREE DISEASE CONTROL AND
PREVENTION**
- 98. GENERAL NUISANCES**
- 99. BACKGROUND CHECK; MUNICIPAL
EMPLOYEES AND APPOINTEES**

CHAPTER 90: PUBLIC PARKS

Section

90.01 Rules and regulations governing public parks

§ 90.01 RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Upon the recommendation of the board or commission having administration or advisory authority with reference to city parks, or upon its own motion, the Council may adopt and amend the rules and regulations by resolution, and it shall thereafter be unlawful to violate any rules or regulations.
(1981 Code, § 9.84)

CHAPTER 91: FAIR HOUSING

Section

- 91.01 Declaration of policy
- 91.02 Definitions
- 91.03 Prohibited acts in regard to housing
- 91.04 Enforcement procedures
- 91.05 Statute of limitations
- 91.06 Civil enforcement procedure

Cross-reference:

Housing Maintenance Code, see § 150.07

Rental Dwelling Code, see § 150.09

§ 91.01 DECLARATION OF POLICY.

Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, and disability adversely affects the health, welfare, peace and safety of the community. Persons subject to such discrimination suffer depressed living conditions and create conditions which endanger the public peace and order. The public policy of the city is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the city to protect all persons from all unfounded charges of discrimination. (1981Code, § 2.70, Subd. 1) (Ord. 148, 2nd Series, eff. 6-24-1978)

§ 91.02 DEFINITIONS.

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

DISCRIMINATE or ***DISCRIMINATION***. Includes segregate or separate.

DISABILITY. Any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- (1) Has a physical, sensory, or mental impairment which materially limits 1 or more major life activities;

- (2) Has a record of such impairment; or
- (3) Is regarded as having such an impairment.

MARITAL STATUS. Whether a person is single, married, remarried, divorced, separated, or a surviving spouse and in employment cases, includes protection against discrimination on the basis of the identity, situation, actions or beliefs of a former spouse.

(1981 Code, § 2.70, Subd. 2) (Ord. 148, 2nd Series, eff. 6-24-1978)

§ 91.03 PROHIBITED ACTS IN REGARD TO HOUSING.

It is unlawful:

(A) For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability in the sale, lease, or rental of any housing unit or units;

(B) For any broker, agent, salesman or other person acting in behalf of another to so discriminate in the sale, lease, or rental of any housing unit or units belonging to such other person;

(C) For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide the financing or insurance or to discriminate with regard to the terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the applicant or because of the location of the unit or units in areas of the city occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith. The bona fide programs of federal, state or local governmental units or agencies, however structured or authorized to upgrade or improve in any manner a specific urban area, shall not be deemed to be a violation of this section.

(D) For any person, having sold, leased, or rented a housing unit or units to any person to discriminate with respect to facilities, services, or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status or status with regard to public assistance.

(E) For any person to make or publish any statement evidencing an intent to discriminate on grounds of race, creed, religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability in the sale, lease, or rental of a housing unit or units.

(F) For any person to make any inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability or to keep any record or use any form of application designed to elicit such information in connection with the sale, lease, rental, or financing of a housing unit or units.

(G) For any person for the purpose of inducing a real estate transaction from which he or she may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the property is located, in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or

(2) To represent that this change will or may result in the lowering of property values, an increase in crime, or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area concerned.

(H) Nothing in this section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract or purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

(I) The provisions of this section shall not apply to:

(1) The rental of a portion of a dwelling containing accommodations for 2 families, 1 of which is occupied by the owner; or

(2) The rental by an owner or occupier of a 1-family accommodation in which he or she resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of such lease, agreement or contract.

(1981 Code, § 2.70, Subd. 3) (Ord. 148, 2nd Series, eff. 6-24-1978)

§ 91.04 ENFORCEMENT PROCEDURES.

The Housing and Redevelopment Authority in and for the city (HRA) is designated as the enforcement agency for this chapter and shall have the power to receive, hear and determine complaints as provided herein. The HRA Executive Director shall promptly investigate, upon complaint or upon his or her own motion, any violations of this chapter. If after investigation he or she shall have reason to believe a violation has occurred, he or she may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the HRA Board of Commissioners, shall have the same force as an HRA Board of Commissioners order.

(1981 Code, § 2.70, Subd. 4) (Ord. 148, 2nd Series, eff. 6-24-1978)

§ 91.05 STATUTE OF LIMITATIONS.

No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the HRA within 180 days from the occurrence of the practice.

(1981 Code, § 2.70, Subd. 5) (Ord. 148, 2nd Series, eff. 6-24-1978)

§ 91.06 CIVIL ENFORCEMENT PROCEDURE.

Civil enforcement procedures shall be prosecuted by the HRA Executive Director before the HRA Board of Commissioners in the following manner.

(A) The HRA Executive Director shall serve upon the respondent by certified mail a complaint, signed by him or her, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his or her right to file an answer to appear in person or by an attorney and to examine and cross examine witnesses.

(B) The hearing shall not be less than 20 days after service of the complaint. At any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the Executive Director.

(C) The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.

(D) Hearings shall be before the HRA Board of Commissioners.

(E) The HRA Executive Director may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.

(F) If, after hearing, the panel shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant or to do any other thing as may be just. The panels findings of fact and order shall be served on the respondent and each member of the HRA Board of Commissioners (herewith referred to as the HRA Board) by mail shall become the findings and order of the HRA Board unless, within 10 days after mailing of the findings and order, the HRA Board shall revoke or amend the order, but any order of a panel may be modified by the HRA Board at any time.
(1981 Code, § 2.70, Subd. 6) (Ord. 148, 2nd Series, eff. 6-24-1978)

CHAPTER 92: PUBLIC CEMETERY

Section

- 92.01 Location, plat, prohibition of other cemeteries
- 92.02 Sale of lots
- 92.03 Handling of funds
- 92.04 Burial permits
- 92.05 Cemetery Commission; duties
- 92.06 Illegal acts

§ 92.01 LOCATION, PLAT, PROHIBITION OF OTHER CEMETERIES.

(A) A public cemetery has heretofore been established, named the Resurrection Cemetery of East Grand Forks, and the plat thereof, as prepared by Donald L. Floan, Engineer, has heretofore been approved and filed, said cemetery being established pursuant to the Law of 1895, Chapter 8, § 133. The establishment, platting and naming of the public cemetery are in all things ratified and confirmed. The public cemetery being platted on the following tract of land situated in the county and state, described as follows, to wit:

A tract of land in the NE 1/4 of the NE 1/4 of Section 34, Township 152 North, Range 50 West of the 5th Principal Meridian, which tract is described as follows, to wit: commencing at the corner common to Sections 26, 27, 34 and 35 of Township 152 North, Range 50 West of the 5th Principal Meridian, which corner is the true point of beginning; thence south along the section line between sections 34 and 35 for a distance of 1016.00 feet, thence due west for a distance of 1013-36 feet; thence deflecting right 90°05'57" and proceeding northerly 1017.65 feet to the section line common to Sections 34 and 27; thence deflecting right 90°00'11" and proceeding easterly along said section line common to Sections 34 and 27 for a distance of 1000.00 feet to the true point of beginning, said described tract comprised of 23.499 acres in the NE 1/4 of the NE 1/4 of Section 34, Township 152 North, Range 50 West of the 5th Principal Meridian, County of Polk, and State of Minnesota.

(B) And on such other tracts of land as the Council shall deem necessary. The Council has heretofore approved rules, regulations and charges for the Resurrection Cemetery and the rules, regulations and charges are hereby ratified and confirmed.

(1981 Code, § 2.53, Subd. 1)

§ 92.02 SALE OF LOTS.

The prices of cemetery lots and other services, as determined by Council resolution, shall be filed with the City Administrator. Any person paying the price thus fixed for any lot shall be entitled to a deed conveying the same executed by the Mayor and City Administrator. The purchaser shall expressly agree in the deed that his or her rights are subject to such reasonable rules and regulations as the Council may adopt relative to use of the cemetery.

(1981 Code, § 2.53, Subd. 2)

§ 92.03 HANDLING OF FUNDS.

All money received from the sale of lots and other services shall be paid to the City Administrator, who shall give a receipt therefor. No deed to any cemetery lot shall be issued, nor shall any services be performed until receipt showing payment to the City Administrator of cost thereof shall be exhibited to the person whose duty it is to give the deed or perform the services. All money received from the sale of lots and for the performance of services shall be placed in the Cemetery Fund, which Fund shall be used for the payment of purchase price for grounds or for maintenance and improvements. The City Administrator shall keep an account of all receipts and disbursements of money belonging to the Cemetery Fund and shall pay money out of the Fund only on orders signed by the Mayor and countersigned by the City Administrator, which orders shall specify that the money shall be paid from the Cemetery Fund.

(1981 Code, § 2.53, Subd. 3)

§ 92.04 BURIAL PERMITS.

Before any interment shall be made in any cemetery in this city a burial permit shall be obtained from the local or the state registrar of vital statistics. Within 36 hours after the death of any person in the city and before the body is removed for burial within the city, the undertaker or person having charge of the interment shall apply for the permit. This application shall be accompanied by a death certificate as prescribed by the State Board of Health. No burial permit shall be issued until the application and death certificate shall have been properly completed and presented. The body of a deceased person shall not be brought into the city for burial unless accompanied by a burial permit for removal issued by the registrar or sub-registrar of the registration district wherein the death occurred.

(1981 Code, § 2.53, Subd. 4)

§ 92.05 CEMETERY COMMISSION; DUTIES.

The cemetery shall be under the jurisdiction of a commission of 3 members, to be known as The Cemetery Commission of the City of East Grand Forks, Minnesota. The Commissioners constituting the Cemetery Commission shall be appointed by the Mayor, with the approval of the Council. Those

initially appointed shall be appointed for terms of 1, 2, and 3 years, respectively. Thereafter all Commissioners shall be appointed for 3 years respectively. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made. The Commissioners shall hold office until their successors have been appointed and qualified. The Mayor, by and with the consent of the Council, may remove any Commissioner for misconduct or neglect. Immediately after appointment, the Commission shall organize by electing 1 of its members chairperson and 1 as vice chairperson. They shall appoint an Executive Secretary, who need not be a member of the Commission, who shall be responsible for the records of the Commission and such other duties as the Commission shall determine. The salary of the Executive Secretary shall be set by the Council. The Cemetery Commission shall have control and management of the cemetery and be responsible for its maintenance and improvement. They shall have such other powers and duties as are prescribed by law or by the Council.

(1981 Code, § 2.53, Subd. 5)

§ 92.06 ILLEGAL ACTS.

The following are illegal acts:

(A) No person may discharge any firearm or have possession of any firearm within the cemetery grounds without permission of Cemetery Commission;

(B) No person may remove any object from any place in the Cemetery or make any excavation without the consent of the Cemetery Commission;

(C) No person may obstruct any drive or path in the cemetery or in any way injure, deface or destroy any structure, grave, flower, tree, or other thing in the cemetery;

(D) No person may drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the Cemetery Commission;

(E) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind;

(F) No person may enter or leave the cemetery except at the entries provided;
(Ord. 213, eff. 3-28-1968)

(G) No person may use the cemetery grounds or any road therein as a public thoroughfare, nor drive any motorized vehicle through the cemetery grounds except for purposes relating to the cemetery. For the purpose of this subsection, **MOTORIZED VEHICLE** means any self-propelled vehicle equipped with a unit for its propulsion by means of energy stored thereon, including a vehicle designed to be propelled by means of such energy alternatively or in combination with human power, and includes vehicles designed to be drawn by self-propelled vehicles;

(Ord. 38, 3rd Series, eff. 6-1-1984)

East Grand Forks - General Regulations

(H) No child may be permitted within the cemetery unless in the control of an adult;

(I) No person may allow an animal to run at large in the cemetery;

(J) No person may loiter at any time, nor in the cemetery without permission of the Cemetery Commission at any time between the hours of sunset and 7:00 a.m.

(Ord. 213, eff. 3-28-1968)

(1981 Code, § 2.53, Subd. 6)

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Section

General Provisions

93.01 Open burning of dried leaves

Firewood Storage

93.20 Statement of policy

93.21 Scope

93.22 Conditions of storage

93.23 Exemptions

93.24 Existing wood piles

Open Burning

93.35 Definitions

93.36 Prohibited materials

93.37 Permit required for open burning

93.38 Purposes allowed for open burning

93.39 Permit application for open burning; permit fees

93.40 Permit process for open burning

93.41 Permit holder responsibility

93.42 Revocation of open burning permit

93.43 Denial of open burning permit

93.44 Burning ban or air quality alert

93.45 Rules and laws adopted by reference

93.99 Penalty

GENERAL PROVISIONS**§ 93.01 OPEN BURNING OF DRIED LEAVES.**

The open burning of leaves, tree branches or limbs, rubbish, trash or other material is prohibited, except that the open burning of diseased trees, their branches and limbs is permissible after first obtaining a burning permit from the Fire Chief. The Fire Chief may by rule and regulation control and restrict the issuance of the burning permits. The fee for the issuance of the burning permits shall be set by the Council from time to time by resolution.

(1981 Code, § 9.89) (Ord. 109, 3rd Series, eff. 3-2-1990)

FIREWOOD STORAGE**§ 93.20 STATEMENT OF POLICY.**

The Council finds that the use of renewable resources including wood is increasing. The Council recognizes that to protect public health and safety, wood piles must be erected, located, and maintained in a safe and orderly fashion.

(1981 Code, § 9.80, Subd. 1) (Ord. 58, 3rd Series, eff. 8-23-1985)

§ 93.21 SCOPE.

This subchapter applies to the storage of wood on properties within the city except for the exemptions noted below. This subchapter shall apply to any wood or wood product usually used or intended to be used as firewood.

(1981 Code, § 9.80, Subd. 2) (Ord. 58, 3rd Series, eff. 8-23-1985)

§ 93.22 CONDITIONS OF STORAGE.

Firewood shall be stored in the following fashion:

- (A) In neat, safe and secure stacks to a maximum of 6 feet in height;
- (B) Elevated in a manner and location to minimize possible problems of rat or other pest infestation;
- (C) No wood shall be stored in a front yard or yard that is commonly considered the front yard;

(D) The maximum amount of wood that may be stored within an R zone shall not exceed the lot coverage requirements as per Chapter 152;

(E) The maximum amount of wood that may be stored within all other zones shall be as approved by the Building Official and Fire Marshal;

(F) All persons storing firewood for resale purposes shall first submit application to the Planning Commission and Council for approval;

(G) All storage of firewood shall meet the requirements of this code;

(H) Stored firewood that is abandoned or declared a public nuisance by the Building Official or Fire Marshal shall be removed;

(I) No wood shall be stored within the required minimum area of setback from a street right-of-way or property line.
(1981 Code, § 9.80, Subd. 3) (Ord. 58, 3rd Series, eff. 8-23-1985)

§ 93.23 EXEMPTIONS.

Wood storage under the following circumstances shall be exempt from the conditions outlined above:

(A) Wood stored or kept in a completely enclosed structure impervious to the elements;

(B) Temporary storage of logs for up to 15 days outside of the required areas of setback from property lines and the street is allowed for the purpose of cutting and splitting logs to a size usable in the residence's wood burning device.
(1981 Code, § 9.80, Subd. 4) (Ord. 58, 3rd Series, eff. 8-23-1985)

§ 93.24 EXISTING WOOD PILES.

Any wood pile in existence as of the effective date of this subchapter, which does not comply with the provisions of this subchapter must be removed or placed in compliance with the provisions of this subchapter within 90 days of adoption of this subchapter, or upon written notice to comply by the Building Official and Fire Marshal. The notice shall be in writing and shall be served upon the property owner either in person or by mail.
(1981 Code, § 9.80, Subd. 5) (Ord. 58, 3rd Series, eff. 8-23-1985)

OPEN BURNING**§ 93.35 DEFINITIONS.**

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

FIRE CHIEF, FIRE MARSHAL, and ASSISTANT FIRE MARSHALS. The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a recreational fire as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as ***OPEN BURNING***.

RECREATIONAL FIRE. A fire set with approved starter fuel no more than 3 feet in height, contained within the border of a recreational fire site using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than 1 recreational fire is allowed on any property at 1 time.

RECREATIONAL FIRE SITE. An area of no more than a 3-foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a ***RECREATION FIRE SITE*** as defined herein. ***RECREATIONAL FIRE SITES*** shall not be located closer than 25 feet to any structure.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, presto logs, charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into 3-foot lengths.

§ 93.36 PROHIBITED MATERIALS.

(A) No person shall conduct, cause or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.
Penalty, see § 93.99

§ 93.37 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in § 93.35.

Penalty, see § 93.99

§ 93.38 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means.

(2) Ground thawing for utility repair and construction.

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, landspreading or other alternative methods are not practical.

(4) Disposal of diseased trees generated on-site, diseased or infected nursery stock, diseased bee hives.

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

(B) Fire training permits can only issued by the Minnesota Department of Natural Resources.
Penalty, see § 93.99

§ 93.39 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making application on a form prescribed the Department of Natural Resources (DNR) and adopted by the Fire Department. The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for reviewing and processing those applications.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established by the City Council.
Penalty, see § 93.99

§ 93.40 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

§ 93.41 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see § 93.99

§ 93.42 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

Penalty, see § 93.99

§ 93.43 DENIAL OF OPEN BURNING PERMIT.

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

§ 93.44 BURNING BAN OR AIR QUALITY ALERT.

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

Penalty, see § 93.99

§ 93.45 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. §§ 88.16 to 88.22, as these statutes may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

§ 93.99 PENALTY.

Violation of any provision of this chapter, including maintaining a nuisance after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in § 10.99

**CHAPTER 94: ABANDONED MOTOR VEHICLES, EXCESS PROPERTY
AND UNCLAIMED PROPERTY**

Section

General Provisions

- 94.01 Disposal of unclaimed property
- 94.02 Disposal of excess property
- 94.03 Persons who may not purchase; exception

Disposal of Abandoned Motor Vehicles

- 94.20 Definitions
- 94.21 Custody
- 94.22 Sale; waiting periods
- 94.23 Notice
- 94.24 Right to reclaim
- 94.25 Auction or sale
- 94.26 Operator's deficiency claim
- 94.27 Disposal of vehicles
- 94.28 Contracts and disposal

GENERAL PROVISIONS

§ 94.01 DISPOSAL OF UNCLAIMED PROPERTY.

(A) *Definition.* The term **ABANDONED PROPERTY** means tangible or intangible property that has lawfully come into the possession of the city in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the city for at least 60 days and has been declared such by a resolution of the Council.

(B) *Preliminary notice.* If the City Administrator knows the identity and whereabouts of the owner, he or she shall serve written notice upon him or her at least 30 days prior to a declaration of abandonment by the Council. If the city acquired possession from a prior holder, the identity and whereabouts of whom are

known by the City Administrator notice shall also be served upon him or her. The notice shall describe the property and state that unless it is claimed and proof of ownership or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of the notice.

(C) *Notice and sale.* Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator Treasurer shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof and including a brief description of the property. The text of the notice shall also state the time, place and manner of sale of all the property, except cash and negotiables. The notice shall be published with 2-weeks' published notice. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.

(D) *Fund and claims thereon.* All proceeds from the sale shall be paid into the General Fund of the city and expenses thereof paid therefrom. The former owner, if he or she makes a claim within 8 months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. The payment shall be also made from the General Fund.
(1981 Code, § 2.32, Subd. 2)

§ 94.02 DISPOSAL OF EXCESS PROPERTY.

(A) *Declaration of surplus and authorizing sale of property.* The City Administrator may, from time to time, recommend to the Council that certain personal property (chattels) owned by the city is no longer needed for a municipal purpose and should be sold. By action of the Council, the property shall be declared surplus, the value estimated and the City Administrator authorized to dispose of the property in the manner stated herein.

(B) *Surplus property with a total estimated value of less than \$500.* The City Administrator may sell surplus property with a total value of less than \$500 through negotiated sale.

(C) *Surplus property with a total estimated value between \$500 and \$1,000.* The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$500 to \$1,000. Notice of the public sale shall be given stating time and place of sale and generally describing the property to be sold at least 10 days prior to the date of sale either by publication once in the official newspaper or by posting in a conspicuous place in the City Hall at the City Administrator's option. The sale shall be by auction.

(D) *Surplus property with a total estimated value over \$1,000.* The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$1,000. Notice of the public sale shall be given stating time and place of sale and generally describing property to be sold at least 10 days prior to the date of sale by publication once in the official newspaper. The sale shall be to the person submitting the highest sealed bid.

(E) *Receipts from sales of surplus property.* All receipts from sales of surplus property under this section shall be placed in the Administrative (General Fund) Fund.
(1981 Code, § 2.32, Subd. 3) (Ord. 112, 3rd Series, eff. 5-4-1990)

§ 94.03 PERSONS WHO MAY NOT PURCHASE; EXCEPTION.

(A) No employee of the city who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the city in a professional capacity may be a purchaser of property under this chapter. Other city employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least 1-week's published or posted notice of sale is given.

(B) It is unlawful for any person to be a purchaser of property under this chapter if the purchase is prohibited by the terms of this chapter.
(1981 Code, § 2.32, Subd. 4) Penalty, see § 10.99

DISPOSAL OF ABANDONED MOTOR VEHICLES

§ 94.20 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A motor vehicle as defined in M.S. Ch. 169, as amended from time to time, that has remained for period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of the property, or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the city. A classic car or pioneer car, as defined in M.S. Ch. 168, as amended from

time to time, shall not be considered an abandoned motor vehicle within the meaning of this section. Vehicles on the premises of junk yard or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this section.

JUNK VEHICLE. A vehicle that is 3 years old or older; is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission, is apparently inoperable; does not have a valid, current registration plate; and has an approximate fair market value equal only to the approximate value of the scrap in it.

UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes but is not a junk vehicle or abandoned vehicle.

VITAL COMPONENT PARTS. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to the motor, drive train, and wheels. (1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.21 CUSTODY.

The city may take into custody and impound any abandoned or junk motor vehicle or any unauthorized vehicle as provided by statute. (1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.22 SALE; WAITING PERIODS.

(A) An impounded vehicle is eligible for disposal or sale 15 days after notice to the owner if the vehicle is determined to be a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale or an abandoned motor vehicle.

(B) An impounded is eligible for disposal or sale 45 days after notice to the owner if the vehicle is determined to be an unauthorized vehicle. (1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.23 NOTICE.

(A) When an impounded vehicle is taken into custody, the city or impound lot operator shall give notice of the taking within 5 days. The notice shall set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle, if the information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under § 94.24 and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under statute shall be deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to § 94.25.

(B) The notice shall be sent by mail to the registered owner, if any, of the impounded motor vehicle and to all readily identifiable lien holders of record. This information shall be made available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lien holders of record.

(1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.24 RIGHT TO RECLAIM.

(A) The owner or any lien holder of an impounded motor vehicle shall have the right to reclaim the vehicle from the city or impound lot upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days as applicable under this chapter after the date of the notice required by this chapter.

(B) Nothing in this subchapter shall be construed to impair any lien of a garage keeper under the laws of this state or the right of the lien holder to foreclose. For the purposes of this section, **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for servicing, repair, or maintenance of motor vehicles.

(1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.25 AUCTION OR SALE.

(A) An abandoned or unauthorized motor vehicle and contents taken into custody by the city or any impound lot and not reclaimed under § 94.24 may be disposed of or sold at auction or sale when eligible pursuant to § 94.24. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(B) From the proceeds of the sale of an abandoned or unauthorized motor vehicle by the city or public impound lot, the city shall reimburse itself for the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred pursuant to this subchapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the city.

(C) The operator of a nonpublic impound lot may retain any proceeds from a sale derived from a sale conducted under the authority of this chapter. The operator may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale; except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

(1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.26 OPERATOR'S DEFICIENCY CLAIM.

The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable cost of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the cost of 25-days' storage for an abandoned or junk vehicle and 55-days' storage for a vehicle determined to be an unauthorized vehicle.

(1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.27 DISPOSAL OF VEHICLES.

Where no bid has been received for an abandoned or junk motor vehicle, the city may dispose of it in accordance with this subchapter.

(1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

§ 94.28 CONTRACTS AND DISPOSAL.

(A) The city may contract with any qualified person for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(B) Where the city enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the city for the costs incurred under the contract which have not been reimbursed.

(C) If the city utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs herein provided. (1981 Code, § 2.32, Subd. 1) (Ord. 2, 3rd Series, eff. 6-6-1981; Am. Ord. 260, 3rd Series, passed 1-7-2003)

CHAPTER 95: ANIMALS

Section

- 95.01 Running at large prohibited
- 95.02 License required
- 95.03 Fees
- 95.04 License period
- 95.05 Tag required
- 95.06 Immunization
- 95.07 Unlawful acts
- 95.08 Animal pound
- 95.09 Notice of impounding
- 95.10 Release from animal pound
- 95.11 Muzzling proclamation
- 95.12 Immobilization of dogs and cats
- 95.13 Limitation on number
- 95.14 Quarantine for certain dogs and cats
- 95.15 Persons in possession
- 95.16 Keeping, transportation, treatment and housing of animals and fowl
- 95.17 Wild animals

§ 95.01 RUNNING AT LARGE PROHIBITED.

It is a petty misdemeanor for the owner of any pet to permit the animal to run at large. Any pet shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner or on a leash or otherwise under the control of an accompanying person of suitable age and discretion.

(1981 Code, § 9.21, Subd. 1) Penalty, see § 10.99

§ 95.02 LICENSE REQUIRED.

It is a petty misdemeanor for the owner of any dog or cat, 6 months of age or more, to fail to obtain a license therefor from the city.

(1981 Code, § 9.21, Subd. 2) Penalty, see § 10.99

§ 95.03 FEES.

All fees for the licensing and impounding of dogs and cats, including penalties for late application, shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. The fees may from time to time be amended by the Council by resolution.

(1981 Code, § 9.21, Subd. 3)

§ 95.04 LICENSE PERIOD.

All dog and cat licenses shall expire on December 31 of each year and shall become delinquent on the first day of April in each year or within 7 months after birth.

(1981 Code, § 9.21, Subd. 4)

§ 95.05 TAG REQUIRED.

All licensed dog and cats shall wear a collar and have a tag firmly affixed thereto evidencing the license for the current year. A duplicate for a lost tag may be issued by the city upon presentation of the receipt showing the payment of the license fee for the current year. Tags shall not be transferable, and no refund shall be made on any dog or cat license fee because of leaving the city or death of the dog or cat before the expiration of the license.

(1981 Code, § 9.21, Subd. 5)

§ 95.06 IMMUNIZATION.

(A) All applications for dog and cat licenses shall be accompanied by a current certificate of immunization for rabies signed by a veterinarian duly licensed to practice veterinary medicine in the state and stating:

- (1) The owner's name;
- (2) A description of the dog or cat; and
- (3) The date beyond which the immunization is not considered effective.

(B) On or prior to the date of expiration of the effective immunization, the owner of a dog or cat shall file with the city a new certificate containing the same information as herein required.

(1981 Code, § 9.21, Subd. 6) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.07 UNLAWFUL ACTS.

It is a petty misdemeanor for the owner or person having custody or control of any dog or cat to:

(A) Fail to have the license tag issued by the city firmly attached to a collar worn at all times by the licensed animal; or

(B) Own or keep a dog or cat which is dangerous (any such animal which has caused injury to persons or property shall be deemed dangerous); or

(C) Interfere with any police officer, or other city employee, in the performance of their duty to enforce this chapter; or

(D) Fail to keep the dog from barking, howling or whining or the cat from emitting loud or unusual noise; or

(E) Fail to prevent the dog or cat from defecating in or upon any school ground, public street, sidewalk, alley, tree bank (berm), park or any other public ground or any private property within the city, other than the premises of the owner or person having custody or control of the dog or cat; or

(F) Fail to immediately remove the feces of the dog or cat that defecates on public property or otherwise in violation of the prohibition contained in the preceding subsection; or

(G) Permit the feces of a dog or cat to accumulate for more than 24 hours on the owner's premises or the premises of the person having custody or control of the dog or cat.
(1981 Code, § 9.21, Subd. 7) (Ord. 137, 3rd Series, eff. 8-28-1992)

§ 95.08 ANIMAL POUND.

(A) Any dog or cat found in the city without a tag, running at large, barking, howling or whining when the owner is not present or cannot control the animal, or otherwise conducting itself in a manner prohibited by this chapter shall be placed in the Animal Pound, and an accurate record of the time of the placement shall be kept on each dog or cat. Every dog or cat so placed in the Animal Pound shall be held for redemption by the owner, for a period of not less than 5 regular business days. A **REGULAR BUSINESS DAY** is one during which the Pound is open for business to the public for at least 4 hours between 8:00 a.m. and 7:00 p.m. Impoundment records shall be preserved for a minimum of 6 months and shall show:

(1) The description of the animal by specie, breed, sex, approximate age, and other distinguishing traits;

(2) The location at which the animal was seized;

(3) The date of seizure;

(4) The name and address of the person from whom any animal 6 months of age or over was received; and

(5) The name and address of the person to whom any animal 6 months of age or over was transferred.

(B) If unclaimed, the dog or cat shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of M.S. § 35.71, as it may be amended from time to time; provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, the animal shall not be made available to any such institution but may be destroyed after the expiration of the 5-day period.

(1981 Code, § 9.21, Subd. 8) (Ord. 45, 3rd Series, eff. 6-1-1984)

§ 95.09 NOTICE OF IMPOUNDING.

Upon the impounding of any dog or cat, the owner shall be notified.

(1981 Code, § 9.21, Subd. 9)

§ 95.10 RELEASE FROM ANIMAL POUND.

Dogs and cats shall be released to their owners, as follows:

(A) If the dog or cat is owned by a resident of the city, after purchase of a license as aforesaid, and payment of the impounding fees;

(B) If the dog or cat is owned by a person not a resident of the city, after immunization of any dog for rabies, and payment of the impounding fee for the period which the dog or cat was impounded.

(1981 Code, § 9.21, Subd. 10)

§ 95.11 MUZZLING PROCLAMATION.

Whenever the prevalence of rabies renders the action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. It is a petty misdemeanor for any person to violate the proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of the dog shall be in violation of this chapter.

(1981 Code, § 9.21, Subd. 11)

§ 95.12 IMMOBILIZATION OF DOGS AND CATS.

For the purpose of enforcement of this chapter, any peace officer, cat or dog catcher, or other person assisting a peace officer or cat or dog catcher may use a so called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog or cat.

(1981 Code, § 9.21, Subd. 12) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.13 LIMITATION ON NUMBER.

It is a petty misdemeanor for any person to own or keep more than 2 dogs over the age of 4 months or more than 2 cats over the age of 4 months on his or her premises except in a district zoned for agricultural use. The limitation of 2 dogs may be increased to 3 dogs so long as at least 1 of the 3 dogs is used by the City Police Department for law enforcement purposes. Under no circumstances may the 3-dog limit be exceeded.

(1981 Code, § 9.21, Subd. 13) (Ord. 97, 3rd Series, eff. 8-26-1988; Am. Ord. 242, 3rd Series, passed 9-16-1999) Penalty, see § 10.99

§ 95.14 QUARANTINE FOR CERTAIN DOGS AND CATS.

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

NON-PENETRATING WOUND. One where no tooth of the biting dog or cat has broken the surface of the victim's skin, regardless of whether there may be injury below the skin as evidenced by discoloration or otherwise.

PENETRATING WOUND. One where a tooth of a biting dog or cat has broken the surface of the victim's skin resulting in a scratch, laceration, or puncture type wound.

QUARANTINED. The seizing of a biting dog or cat and the placement of the dog or cat in an animal shelter or veterinary hospital by the Chief of Police for a period of not less than 10 days at the owner's expense. The dog or cat shall be examined by a veterinarian immediately after it has bitten anyone and again at the end of the quarantine period. If at the end of the quarantine period the veterinarian is convinced that the dog or cat is free of rabies the dog or cat shall be released from quarantine. If the dog or cat dies during confinement, the carcass of the dog or cat shall be delivered to the Health Officer who shall take such steps as are necessary to determine if the dog or cat had rabies.

(B) Any dog or cat which has not been currently immunized for rabies and which bites a person, regardless of whether the bite results in a penetrating or non penetrating wound, shall be quarantined.

(C) Any dog or cat which bites a person resulting in a penetrating wound shall be quarantined regardless of whether the dog or cat has been currently immunized for rabies.

(D) Any dog or cat which has been currently immunized for rabies and which bites a person resulting in a non-penetrating wound shall not be quarantined. However, the owner of the dog or cat shall keep the dog or cat in the owner's residence segregated from all other animals for a period of not less than 10 days. On the tenth day following the date that the dog or cat bit a person, the Chief of Police shall observe the dog or cat and if the dog or cat appears to be ill or sick, the Chief of Police shall immediately seize and transport the dog or cat to a veterinarian for immediate examination at the owner's expense. If the veterinarian is convinced that the dog or cat is free of rabies, the dog or cat shall be released by the Chief of Police. If the veterinarian suspects that the dog or cat has rabies, the dog or cat shall be quarantined.

(1981 Code, § 9.21, Subd. 14) (Ord. 111, 3rd Series, eff. 3-23-1990)

§ 95.15 PERSONS IN POSSESSION.

Any person who feeds or houses a dog or cat temporarily or permanently shall have all of the duties and bear the responsibilities of an owner under the provisions of this chapter.

(1981 Code, § 9.21, Subd. 15) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 95.16 KEEPING, TRANSPORTING, TREATMENT AND HOUSING OF ANIMALS AND FOWL.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMALS. Farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

FARM ANIMALS. Cattle, horses, mules, sheep, goats, swine, ponies, geese, turkeys, chickens, guinea hens and honey bees.

(Ord. 9, 3rd Series, eff. 6-6-1981)

(B) *Keeping.* It is unlawful for any person to keep or harbor any animal, not in transit, except:

- (1) Farm animals kept in that portion of the city zoned for agricultural purposes; or
- (2) Animals kept as part of a show licensed under the City Code; or
- (3) Animals kept in a laboratory for scientific or experimental purposes; or
- (4) Animals kept in an animal hospital or clinic for treatment by a licensed veterinarian; or

(5) Honey bees kept in that portion of the city zoned I-1 and only then during the honey bees' dormant stage.

(Ord. 73, 3rd Series, eff. 7-4-1986)

(C) *Animals in transit.* It is unlawful for any person to transport animals unless they are:

(1) Confined within a vehicle, cage or other means of conveyance; or

(2) Farm animals being transported in a portion of the city zoned for agricultural purposes; or

(3) Restrained by means of bridles, halters, ropes or other means of individual restraint.

(D) *Treatment.* It is unlawful for any person to treat an animal in a cruel or inhumane manner.

(E) *Housing.* It is unlawful for any person to keep any animal in any structure infested by rodents, vermin, flies or insects.

(F) *Trespasses.* It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission therefor from the owner.

(1981 Code, § 9.29) (Ord. 9, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 95.17 WILD ANIMALS.

(A) *Purpose.* This section is adopted for the purpose of protecting the health, safety and welfare of the residents of the city.

(B) *Definition.* For the purposes of this section, the term **WILD ANIMAL** means and includes any animal, not of the traditional domesticated species, which is inherently dangerous and presents a potential risk to the public.

(C) *Running at large prohibited.* It is unlawful for the owner of any wild animal to permit the animal to run at large. Any animal shall be deemed to be running at large with the permission of the owner unless it is effectively confined within a motor vehicle, building, or enclosure.

(D) *Permit required.* It is unlawful for any person to keep, shelter or harbor any wild animal without a permit therefor from the city.

(E) *Permit term and fees.* All permits shall be issued for a term of 2 years and the fee for the permits shall be fixed and determined by the Council, adopted by resolution and uniformly enforced. The fee may from time to time be amended by the Council by resolution.

East Grand Forks - General Regulations

(F) *Conditions of permit.* No permit for the keeping of wild animals shall be issued until the applicant has met the following criteria for the keeping and housing of wild animals:

(1) A plan is approved by the Council which establishes the nature and size of the cage or enclosure to house the animal considering the animal's size, weight, strength and relative danger to the public; specifying all protective devices to be maintained to restrain the animal and discourage tampering by humans and other animals; providing for suitable exercise facilities; and an emergency response plan to be on file with the city;

(2) Erection and maintenance of suitable fencing for the protection of adjoining property owners and the general public;

(3) Providing suitable sanitation controls so as not to create a public or private nuisance;

(4) Proof of insurance for medical expense and liability.

(G) *Inspection.* Prior to the issuance of the permit, the city shall require an inspection to be made to determine that the facilities are suitable for the protection of the health, safety and welfare of the public. The inspection shall be made by a person approved by the city and the cost of the inspection shall be borne by the applicant.

(H) *Suspension or revocation of permit.*

(1) The Council may, for any violation or other reasonable cause:

(a) Refuse to grant any renewal application;

(b) Suspend for a period of 60 days; or

(c) Revoke any permit issued under this section.

(2) The action shall be made only upon a finding that the permittee has failed to comply with the provisions of this section. The Council shall take such immediate action as it deems necessary for the public protection to remedy any potentially dangerous situation. The owner of the animal shall be responsible for any expense incurred as the result of the action. Before revocation of any permit, the Council shall give notice to the permittee and grant the permittee opportunity to be heard. The permittee shall have 30 days following a revocation hearing to correct any violations of this section found to be the basis for revocation, during which time period the revocation shall be suspended.

(1981 Code, § 9.37) (Ord. 176, 3rd Series, eff. 4-20-1995)

CHAPTER 96: STREETS AND SIDEWALKS

Section

- 96.01 Definitions
- 96.02 Traffic and parking control
- 96.03 Scope and orders of peace officer
- 96.04 Application
- 96.05 Ice and snow on public sidewalks
- 96.06 Construction and reconstruction of roadway surfaces, sidewalks and curbs and gutters
- 96.07 Street openings or excavations
- 96.08 Sidewalk maintenance and repair
- 96.09 Obstructions in streets
- 96.10 Limiting time of railway-street crossing obstruction
- 96.11 Requirement of sewer and water main service lateral installation
- 96.12 Load limits
- 96.13 Private use of public streets and parking lots
- 96.14 Curb setback
- 96.15 Parades
- 96.16 Curb and gutter street and sidewalk painting or coloring
- 96.17 Motorized vehicles prohibited on sidewalks
- 96.18 Trees overhanging streets

§ 96.01 DEFINITIONS.

Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in M.S. Ch. 169, as it may be amended from time to time, shall be applicable to City Code Title VII and Ch. 96.

(1981 Code, § 6.01) (Ord. 6, 3rd Series, eff. 6-6-1981)

Cross-reference:

Traffic Code, see Title VII

§ 96.02 TRAFFIC AND PARKING CONTROL.

(A) *Council action.* No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this section; provided, that when traffic and parking control is marked or sign posted, the marking or sign posting shall attest to Council action thereon.

(B) *Temporary restrictions.* The city, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

(C) *Traffic restrictions and prohibitions.* It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street or contrary to sign posted, fenced, or barricaded restrictions or prohibitions.
(Ord. 6, 3rd Series, eff. 6-6-1981)

(D) *Parking restrictions and prohibitions.* It is unlawful for any person to park a vehicle contrary to lane restrictions or prohibitions appropriately painted on any curb or contrary to sign posted, fenced, or barricaded restrictions or prohibitions.
(Ord. 42, 3rd Series, eff. 6-1-1984)

(E) *Damaging or moving markings.* It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless the person has written permission from the city or is an agent, employee or contractor for the city or other authority having jurisdiction over a particular street and acting within the authority or scope of a contract with the city or such other authority.
(Ord. 6, 3rd Series, eff. 6-6-1981)
(1981 Code, § 6.02) Penalty, see § 10.99

§ 96.03 SCOPE AND ORDERS OF PEACE OFFICER.

(A) *Generally.* The provisions of this chapter and Title VII relate exclusively to the streets, alleys, and private roads in the city, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

(B) *Orders of a peace officer.* It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.
(1981 Code, § 6.03) Penalty, see § 10.99

§ 96.04 APPLICATION.

(A) The provisions of this chapter and Title VII applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles, including, but not limited to, those owned or operated by the United States, this state, or any county, city, town, district or any other political subdivision of the state, subject to such specific exemptions as set forth in this chapter and Title VII with reference to authorized emergency vehicles.

(B) Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this chapter and Title VII applicable to the driver of a vehicle, except those provisions which by their nature can have no application. Provisions specifically referring to bicycles shall be in addition to other provisions of this chapter and Title VII applying to vehicles.

(1981 Code, § 6.04)

§ 96.05 ICE AND SNOW ON PUBLIC SIDEWALKS.

(A) *Ice and snow a nuisance.* All snow and ice remaining upon public sidewalks is declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 12 hours after such snow or ice has ceased to be deposited.

(B) *City to remove snow and ice.* The city may cause to be removed from all public sidewalks, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of the removal and the private property adjacent to which the accumulations were found and removed.

(C) *Cost of removal to be assessed.* The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of the removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and the special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

(D) *Civil suit for cost of removal.* The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in division (B) of this section, the cost of the clearing and the cost and disbursements of a civil action therefor.

(E) *City Administrator to report sidewalks cleared.* The City Administrator shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in division (B) of this section the report of the city thereon and shall request the Council to determine by resolution the manner of collection to be used as provided in division (C) or (D) of this section.

(1981 Code, § 6.05) (Am. Ord. 6, 3rd Series, passed 5-21-1981)

§ 96.06 CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACES, SIDEWALKS AND CURBS AND GUTTERS.*(A) Methods of procedure.*

(1) Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this section if advance payment is made therefor or arrangements for payment considered adequate by the city are completed in advance.

(2) With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with M.S. § 429.011, as it may be amended from time to time.

(B) Permit required. It is unlawful to penetrate curb and gutter for sump or downspout drainage or to construct a sidewalk, curb and gutter, driveway or roadway surfacing in any street or other public property in the city without a permit in writing from the Building Official. Application for the permit shall be made on forms approved and provided by the city and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All applications shall be referred by the Building Official to the Street Commissioner, and no permit shall be issued until approval has been received from the Street Commissioner. All such applications shall contain an agreement by the applicant to be bound by this chapter and plans and specifications consistent with the provisions of this chapter and good engineering practices shall also accompany the application. A permit from the city shall not relieve the holder from damages to the person or property of another caused by the work.

(C) Specifications and standards. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file with the Building Official's office. Such specifications and standards are adopted by resolution of the City Council and are part of this section.

(D) Inspection. The Building Inspector shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Inspector if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the city to inspect or supervise the work.

(E) Curb and gutter penetrations. Penetrations of the curb and gutter may be made for the purpose of sump drainage provided the following requirements are met:

(1) Sump drainage penetrations shall be core drilled into the uppermost 1/2 of the existing curb with a minimum of 3 inches from the center of the discharge pipe to the bottom of the gutter.

(2) Core drilled penetrations shall be no larger than 2 inches in diameter.

(3) All core drilled penetrations shall be sealed on both sides of the penetration against the passage of water.

(4) Property owner shall sign a release form stating that such person shall indemnify and hold the city harmless from all damages or claims arising out of the construction, reconstruction or penetrations of curb and gutters in the city rights-of-way.

(F) *Existing conformance.* All existing sump drainage penetrations, not in conformance shall conform to this section within 90 days of the passage of these provisions.

(G) *Failure to make repairs.* If the owner of the abutting property fails to make repair of accomplish reconstruction as herein required, the City Administrator shall report such failure to the City Council. Based on a damage assessment made by the City Engineer, the Council may order such work done under its direction and the cost thereof assessed to the abutting property owner as a special assessment authorized by Minnesota Statutes.

(1981 Code, § 6.07) (Am. Ord. 256, 3rd Series, passed 3-21-2002)

§ 96.07 STREET OPENINGS OR EXCAVATIONS.

It is unlawful for any person to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the Building Official as herein provided.

(A) *Application.* Any person desiring to procure a permit as herein provided shall file with the Building Official at least 24 hours (unless the Building Official shall find, upon investigation, that an emergency exists) before the time proposed to begin the work a written application upon a blank form prepared and provided by the city. The application shall state the name and business or residence address of the applicants the name of the street, alley, sidewalk or public place in or under which it is desired to make the excavation or opening, the kind of pavement or sidewalk thereon, the purpose, size and location of the proposed excavation or opening, the name and business or residence address of the person for whose benefit the work is to be done, and the time during which it is desired the opening is to be permitted. When required by the Building Official the application shall be accompanied by a plat or pencil tracing or sketch showing the location, character and dimensions of the proposed excavation or opening for the installation of new work, or the location and character of the alterations involving the location of pipes, conduits, wires or other conductors. If an excavation is made without having filed an application and receiving a permit, and the Building Official finds that an emergency existed, then the person making it shall have complied with this division if the application is made on the working day next following commencement of the work. The applicant shall submit proof that a Gopher State One Call has been made and verify that the excavation will not be closer than 2 feet from any utility marking. (Ord. 51, 3rd Series, eff. 5-24-1985)

(B) *Insurance required.* Before a permit shall be issued, the Building Official shall require of the person applying for same satisfactory evidence that the person is injured under a public liability insurance policy with limits for bodily injury to each person of at least \$100,000, and limits for bodily injury for each accident of at least \$300,000, and limits of at least \$50,000 for property damage, and that such person will indemnify and hold the city harmless from all damages or claims arising out of the excavation work or accidents caused or claimed by the injured party to have been caused by the excavation or by the failure to do the work or guard it properly.

(Ord. 116, 3rd Series, eff. 5-4-1990)

(C) *Investigation and payment of estimated cost.* Upon receipt of the application, the Building Official shall cause the investigation to be made by the Street Department or himself or herself as may be necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitations upon the excavation. The foregoing estimated cost shall include permanent and temporary repairs due to weather or other conditions, and the cost of the investigation shall be included in the permit.

(D) *Permit fee and deposit for estimated cost.* The fees for the permit and deposit for estimated cost shall be adopted by a resolution of Council and may be amended from time to time in the same manner; provided, that a schedule of the fees, together with the date of adoption of each such fee, shall be kept on file in the office of the City Administrator and the Building Official and available for distribution upon request therefor. The fees shall be uniformly enforced upon the adoption or amendment.

(E) *Issuance of permit.* The Building Official shall issue the permit after verifying the applicant is in conformance to this section. The permit shall at all times be in the possession of a competent person actually on the work site and shall be shown upon demand to a police officer or properly authorized officer or employee of the Street Department.

(F) *Cost adjustment.* Within 60 days following completion of the permanent repairs the Street Commissioner shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund to, the permit holder, as the case may be.

(G) *Alternate method of charging.* In lieu of the above provisions relating to cost and cost adjustment for street openings, the city may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet on an established unit price uniformly charged.

(H) *Inspection.* The Building Official shall make inspections as are necessary or advisable. The Building Official shall stop any construction and reconstruction of roadway surfacing for street openings and excavations, done hereunder, if found to be unsatisfactory or not in compliance with adopted specifications and standards. The standards and specifications are adopted by resolution of the City Council and are part of this section.

(1981 Code, § 6.08) (Am. Ord. 116, 3rd Series, passed 4-19-1990; Am. Ord. 256, 3rd Series, passed 3-21-2002)

§ 96.08 SIDEWALK MAINTENANCE AND REPAIR.

(A) *Primary responsibility.* It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

(B) *Permit required.* It is unlawful to construct, reconstruct or repair any public sidewalk in the city without a permit in writing from the Building Official. Application of the permit shall sufficiently describe the contemplated improvement(s).

(C) *Inspections.* The Building Official shall make inspections as are necessary or advisable to determine that public sidewalks are kept in a safe and serviceable condition. The Building Official shall stop any work done hereunder if found to be unsatisfactory or not in compliance with adopted specifications and standards. The standards and specifications are adopted by resolution of the City Council and are part of this section.

(D) *Notices.* Where, in the opinion of the Building Official, repair or reconstruction is required, notice shall be given to the owner of the abutting property to complete the repair or reconstruction within 90 days. Reconstruction is required when the difference in elevation of the plane of the sidewalk exceeds 1.5 inches.

(E) *Failure of owner to reconstruct or make repairs.* If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Administrator shall report the failure to the Council and the Council may order the work to be done under its direction and the cost thereof assessed to the abutting property owner as a special assessment authorized by M.S. § 429.101, as amended from time to time.

(1981 Code, § 6.09) (Ord. 116, 3rd Series, eff. 5-4-1990; Am. Ord. 256, 3rd Series, passed 3-21-2002)

§ 96.09 OBSTRUCTIONS IN STREETS.

(A) *Obstructions.* It is a misdemeanor for any person to place, post, deposit, display or offer for sale any fence, sign, goods or other obstructions upon, over, across or under any street right-of-way without first having obtained a written permit from the Council and then only in compliance in all respects with the terms and conditions of the permit and taking precautionary measures for the protection of the public. An electric cord or device of any kind is included, but not by way of limitation, within the definition of an obstruction. The city may remove any obstruction placed in a street right-of-way without a permit and may dispose of the obstruction without notice to the person responsible for placing, posting, depositing or displaying the obstruction.

(B) *Fires.* It is a misdemeanor for any person to build or maintain a fire upon a street.

(C) *Dumping in streets.* It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

(D) *Signs and other structures.* It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

(E) *Placing snow or ice in the roadway.*

(1) It is a misdemeanor for any person, not acting under a specific contract with the city or without special permission from the City Superintendent of Streets, to remove snow or ice from private property and place the same in any roadway.

(2) Where permission is granted by the City Superintendent of Streets, the person to whom the permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street. If not paid collection shall be by civil action or assessment against the benefitted property as any other special assessment.

(F) *Continuing violation.* Each day that any person continues in violation of this section shall be a separate offense and punishable as such.

(G) *Condition.* Before granting any permit under any of the provisions of this section, the Council may impose the insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding the persons and property. The insurance or bond shall also protect the city from any suit, action or cause of action arising by reason of such obstruction.

(1981 Code, § 6.10) (Ord. 6, 3rd Series, eff. 6-6-1981; Am. Ord. 191, 3rd Series, passed 12-5-1995) Penalty, see § 10.99

§ 96.10 LIMITING TIME OF RAILWAY STREET CROSSING OBSTRUCTION.

It is unlawful for any person operating or in charge of a railroad train, car, engine, or other railroad equipment, or combination of the equipment, to permit the same to be parked or left standing upon any street crossing so as to close the crossing to vehicular traffic for a longer period than 10 minutes.

(1981 Code, § 6.11) Penalty, see § 10.99

§ 96.11 REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

(A) *Requirement of sewer and water laterals.* No petition for the improvement of a street shall be considered by the Council if the petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along the street will be served by the utilities installed in the street.

(B) *Waiver.* The Council may waive the requirements of this section only if it finds the effects thereof are burdensome and upon the notice and hearing as the Council may deem necessary or proper. (1981 Code, § 6.14)

§ 96.12 LOAD LIMITS.

The City Administrator, upon the recommendation of the Street Department, may from time to time impose upon vehicular traffic on any part or all of the streets the load limits as may be necessary or desirable. The limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign posted thereon. It is unlawful for any person to operate a vehicle on any street in violation of the limitation so posted.

(1981 Code, § 6.15) Penalty, see § 10.99

§ 96.13 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

(A) *Authority, permission and procedure.* Upon an application duly made to the City Administrator and reviewed and recommended by the Chief of Police, the Council may, in its discretion, grant special permission whereby on street parking or the use of city-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or leased parking, loading zones, or display of merchandise on sidewalks) at such places, on such terms and for such compensation as the Council may deem just and equitable. In establishing the amount of the compensation to be paid to the city, the Council shall consider the amount of space, location thereof, loss of parking meter revenues, if any, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of the complaint call a hearing thereon to be held after 10-days' notice in writing to applicant, complainant, and the other persons as may appear to have interests therein. After the hearing the Council shall decide whether to terminate, continue or redefine the terms of the permission and the decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

(B) *Public vehicles.* Free and reserved on street parking shall be limited to city-owned and operated vehicles.

(C) *Forbidden practices.* It is unlawful for any person to park or otherwise infringe upon a grant of right under this section, when clearly and distinctly marked or sign posted. It is unlawful for any person not granted the right to assert the same or for any grantee of the right to exceed the same under claim thereto.

(1981 Code, § 6.16) Penalty, see § 10.99

§ 96.14 CURB SET BACK.

It is unlawful for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position except to provide for ingress or egress to adjoining premises for the purpose of a curb cut under standards applicable thereto. No future construction or reconstruction shall be permitted to provide curb set back for the purpose of angle parking without prior Council approval.

(1981 Code, § 6.17) (Ord. 135, 3rd Series, eff. 5-29-1992) Penalty, see § 10.99

§ 96.15 PARADES.

(A) *Definition.* The term **PARADE** means any movement of vehicles, persons or animals, or any combination thereof, which either moves together and as a body so as to in some way impede or affect the free and unobstructed flow of traffic or which moves so that some part thereof is in violation of 1 or more traffic laws or regulations if the movement is without a permit hereunder.

(B) *Permit required.* It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the city, and it is also unlawful to obtain a parade permit and not conduct the same in accordance with the permit granted by the city. Application for the permit shall be made to the City Administrator and accompanied by a fee adopted by resolution of the Council, at least 14 days in advance of the date on which it is to occur and shall state the sponsoring organization or individual, the route, the length, the estimated time of commencement and termination, the general composition, and the application shall be executed by the individuals applying therefor or the duly authorized agent or representative of the sponsoring organization.

(Ord. 146, 3rd Series, eff. 12-4-1992)

(C) *Procedure and granting.* The City Administrator shall forthwith refer all applications for parades to the Chief of Police for his or her consideration which shall take no longer than 7 days. If any state trunk highways are in the route the Chief of Police shall make all necessary arrangements with the Minnesota Department of Highways for alternate routes or whatever may be necessary. If the Chief of Police finds that such a parade will not cause a hazard to persons or property and will cause no great inconvenience to the public, and if he or she is able to make arrangements for necessary direction and control of traffic, he or she shall endorse his or her acceptance and return the application to the City Administrator who shall then issue the permit. If the Chief of Police finds the parade described in the application to be a hazard, a substantial inconvenience, or if he or she is unable to make adequate arrangements for direction or control

of traffic, he or she shall return the same to the City Administrator with his or her reasons for denial, and the permit shall not be granted unless all conditions and objections of the Chief of Police are met or removed by the applicant.

(1981 Code, § 6.18) Penalty, see § 10.99

§ 96.16 CURB AND GUTTER STREET AND SIDEWALK PAINTING OR COLORING.

It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except with Council approval.

(1981 Code, § 6.19) Penalty, see § 10.99

§ 96.17 MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS.

It is unlawful for any person to drive or operate a motorized vehicle on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

(1981 Code, § 6.20) (Ord. 6, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 96.18 TREES OVERHANGING STREETS.

It is a misdemeanor for any person to plant or remove any tree upon or overhanging streets, without first procuring a permit from the city in writing to do so.

(1981 Code, § 6.06) Penalty, see § 10.99

CHAPTER 97: SHADE TREE DISEASE CONTROL AND PREVENTION

Section

- 97.01 Policy and purpose
- 97.02 Definitions
- 97.03 Scope and adoption by reference
- 97.04 Unlawful act
- 97.05 Inspection and diagnosis
- 97.06 Abatement of nuisance
- 97.07 Procedure for removal of infected trees and wood
- 97.08 Spraying trees
- 97.09 Transporting wood prohibited
- 97.10 Interference prohibited
- 97.11 Additional duties of City Forester
- 97.12 Diseased trees in streets
- 97.13 Subsidies

§ 97.01 POLICY AND PURPOSE.

The city has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases and provide for the removal of dead or diseased trees as nuisances.

(1981 Code, § 9.81, Subd. 1) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.02 DEFINITIONS.

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

CITY FORESTER. the Park Superintendent, or such other employee of the city as the Council may designate, and who shall thereafter qualify, together with his or her duly designated assistants.

NUISANCE.

(1) Any living or standing tree infected to any degree with a shade tree disease; or

(2) Any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless the parts have been fully burned or treated under the direction of the City Forester.

SHADE TREE DISEASE. Dutch elm disease or oak wilt disease.

(1981 Code, § 9.81, Subd. 2) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.03 SCOPE AND ADOPTION BY REFERENCE.

M.S. § 18.023, as it may be amended from time to time, is adopted by reference, together with the rules and regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this chapter shall supersede such statutes, rules and regulations, only to the extent of inconsistencies.

(1981 Code, § 9.81, Subd. 3) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.04 UNLAWFUL ACT.

It is unlawful for any person to keep, maintain, or permit upon premises owned by him or her or upon public property where he or she has the duty of tree maintenance any nuisance as herein defined.

(1981 Code, § 9.81, Subd. 4) (Ord. 9, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 97.05 INSPECTION AND DIAGNOSIS.

It is the power and duty of the City Forester to enter upon public and private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his or her duties, the City Forester may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

(1981 Code, § 9.81, Subd. 5) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.06 ABATEMENT OF NUISANCE.

Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. The abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The city shall establish specifications for tree removal and disposal methods consistent therewith.

(1981 Code, § 9.81, Subd. 6) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.07 PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD.

(A) Whenever the City Forester finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he or she shall proceed as follows:

(1) If the City Forester finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he or she shall make a written report of his or her finding to the Council which shall proceed by:

(a) Abating the nuisance as a public improvement under M.S. Ch. 429, as it may be amended from time to time; or

(b) Abating the nuisance as provided in division (B) of this section;

(2) If the City Forester finds that danger of infection of other trees is imminent, he or she shall notify the owner of the property, or the abutting property, as the case may be, by registered or certified mail that the nuisance exists. The City Forester shall immediately report the action to the Council and after the expiration of the time limited by the notice he or she may abate the nuisance;

(3) If the City Forester finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he or she may proceed to abate the nuisance forthwith. He or she shall report the action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

(B) Upon receipt of the City Forester's report required by subsection (A)(1), the Council shall by resolution order the nuisance abated. Before action is taken on the resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than 1 week prior to the meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) The City Forester shall keep a record of the costs of abatements done under this section and shall report to the Council, on or before September 1 of each year, all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

(D) No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this section.

(1981 Code, § 9.81, Subd. 7) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.08 SPRAYING TREES.

(A) Whenever the City Forester determines that any tree or wood is infected or threatened with infection, he or she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his or her agents whenever possible.

(B) The notice and assessment provisions of § 97.07 apply to spraying and treatment operations conducted under this section.

(1981 Code, § 9.81, Subd. 8) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.09 TRANSPORTING WOOD PROHIBITED.

It is unlawful for any person to transport or stockpile any bark bearing elm wood, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the City Forester, or into or through any designated disease control area as defined by M.S. § 18.023, as it may be amended from time to time. The City Forester shall issue permits to transport and stockpile bark bearing elm wood during the period from September 15 through April 1 of any given year. This prohibition shall not apply to movement of the wood pursuant to an approved wood disposal or utilization program authorized by M.S. § 18.023, as it may be amended from time to time, or to transportation of elm wood intended for industrial use not to include firewood, provided the transportation of elm logs for industrial use continues without interruption through the city or disease control area to their intended destination lying outside the city and disease control area.

(1981 Code, § 9.81, Subd. 9) (Ord. 9, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 97.10 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the City Forester while he or she is engaged in the performance of duties imposed by this section.

(1981 Code, § 9.81, Subd. 10) (Ord. 9, 3rd Series, eff. 6-6-1981) Penalty, see § 10.99

§ 97.11 ADDITIONAL DUTIES OF CITY FORESTER.

It is the additional duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the city relating to the control and prevention of shade tree disease. He or she shall recommend to the Council the details of a program for the control of the diseases and perform the duties incident to such a program adopted by the Council.

(1981 Code, § 9.81, Subd. 11) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.12 DISEASED TREES IN STREETS.

The rights, duties and responsibilities of property owners set forth in this chapter shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under §§ 98.35 et seq.

(1981 Code, § 9.81, Subd. 12) (Ord. 9, 3rd Series, eff. 6-6-1981)

§ 97.13 SUBSIDIES.

The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the city for the treatment or removal of trees infected with shade tree disease.

(1981 Code, § 9.81, Subd. 13) (Ord. 9, 3rd Series, eff. 6-6-1981)

CHAPTER 98: GENERAL NUISANCES

Section

General Provisions

- 98.01 Assessable current services
- 98.02 Tree diseases

Nuisances

- 98.15 Public nuisance
- 98.16 Public nuisances affecting health
- 98.17 Public nuisances affecting morals and decency
- 98.18 Public nuisances affecting peace and safety
- 98.19 Nuisance parking and storage
- 98.20 Inoperable motor vehicles
- 98.21 Building maintenance and appearance
- 98.22 Duties of city officers
- 98.23 Abatement
- 98.24 Recovery of cost

Weeds

- 98.35 Short title
- 98.36 Jurisdiction
- 98.37 Definitions; exclusions
- 98.38 Owners responsible for trimming, removal and the like
- 98.39 Filing complaint
- 98.40 Notice of violations
- 98.41 Appeals
- 98.42 Abatement by city
- 98.43 Liability

Clandestine Drug Labs

- 98.55 Clandestine drug lab sites
- 98.99 Penalty

GENERAL PROVISIONS**§ 98.01 ASSESSABLE CURRENT SERVICES.**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. Shall mean 1 or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. § 463.15 through 463.26 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt and rubbish.*

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The Administrator-Clerk-Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The Administrator-Clerk-Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsibility for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the Administrator-Clerk-Treasurer.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Chapter 52 of this code, the Administrator-Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

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

(2) *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be serviced, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the Administrator-Clerk-Treasurer shall report the facts to the City Council and the City Council shall be resolution order the work done by contract in accordance with law. The Administrator-Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the Administrator-Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the Administrator-Clerk-Treasurer.

(G) *Damage to public property.* Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(H) *Assessment.* On or before September 1 of each year, the Administrator-Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The City Council may then spread

the charges against property benefitted as a special assessment under the authority of M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.
(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.02 TREE DISEASES.

(A) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found with the city:

(1) Any living or standing elm tree or part thereof, infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus*. (Eichh.) or *Hylungopinus Rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any other shade tree with an epidemic disease.

(B) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than 1 week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record of costs.* The Administrator-Clerk-Treasurer shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots parcels involved, and the amount chargeable to each.

(D) *Unpaid charges.* On or before September 1 of each year, the Administrator-Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.
(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

NUISANCES

§ 98.15 PUBLIC NUISANCE.

Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

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

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

(C) Is guilty of any other act or omission declared by law or §§ 98.16, 98.17 or 98.18, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.
(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.16 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

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

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

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

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

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

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

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

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

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

(K) Any offensive trade or business as defined by statute not operating under local license. (Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see §98.99

§ 98.17 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

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

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

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

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

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose. (Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

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

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

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

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code.

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, 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.

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, 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. Operation of any device referred to 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 violation of this section.

(G) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

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

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) 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 street or sidewalk;

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

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

(M) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way;

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

(O) Waster water cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material 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 safety hazards from accumulation;

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

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

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

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

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

(V) (1) *Noises prohibited.*

(a) *General prohibition.* No person shall make or cause to be made 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. This general prohibition is not limited by the specific restrictions of this section.

(b) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(c) *Loading, unloading, unpacking.* No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

(d) *Radios, phonographs, paging systems, and the like.* No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, 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.

(e) *Schools, churches, hospitals, and the like.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

(2) *Hourly restriction of certain operations.*

(a) *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 maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(b) *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.

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

(3) *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 or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) *Reflected glare or light.* Reflected glare or light from private exterior lighting exceeding 0.5 foot-candles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and 1 foot-candle when abutting any commercial or industrial parcel. (Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.19 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 (a) obstructs vehicles on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) 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 fish 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 connection 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 4 vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guest who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking 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 at school for periods of time but still claim the property as their legal residence will be considered residents on the property. (Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.20 INOPERABLE MOTOR VEHICLES.

(A) It shall be unlawful to keep, park, store or abandon any motor vehicle which 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 with the state, pursuant to M.S. § 168B.011, Subd. 3, as it may be amended from time to time.

(B) 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. A privacy fence is permissible.

(C) Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.21 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.

(B) *Standards.* A building, fence or other structure is public nuisance if it does not comply with the following requirements:

(1) No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any 1 wall or other flat surface; or

(b) All door and window moldings, eaves, gutters, and similar projections on any 1 side or surface.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

(4) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.

(5) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.

(6) Roof surfaces must be tight and have no defects that admit water. All roof drainable systems must be secured and hung properly.

(7) Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.

(8) Foundations must be structurally sound and in good repair.
(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.22 DUTIES OF CITY OFFICERS.

The Police Department, Sheriff, Minnesota Highway Patrol, shall enforce the provisions relating to nuisances. Any peace officer 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 police officer shall 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 has obtained a warrant or order from a court of competent jurisdiction authorizing the entry.

(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.23 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by positing it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* When notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify in writing the owner of record or 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 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 officer shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or 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 with the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice for summary enforcement.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements 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 officer shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety

or welfare. The officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a 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 which poses an imminent and serious hazard to human life or safety.

(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.24 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city 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 Administrator-Clerk-Treasurer or other 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 Administrator-Clerk-Treasurer.

(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 Administrator-Clerk-Treasurer shall, on or before November 30 next following abatement of the nuisance, list the total unpaid charges along with all other the charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, 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 other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

WEEDS

§ 98.35 SHORT TITLE.

This subchapter shall be cited as the Weed Ordinance.
(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.36 JURISDICTION.

This subchapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.
(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.37 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and RANK VEGETATION. Includes but is not limited to the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for 2 consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 6 inches.

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennials plants.

(6) The term *WEEDS* does not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(Ord. 288, 3rd Series, passed 11-1-2005; Am. Ord. 300, 3rd Series, passed 6-6-2007)

§ 98.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 6 inches in height.

(Ord. 288, 3rd Series, passed 11-1-2005; Am. Ord. 300, 3rd Series, passed 6-6-2007) Penalty, see § 98.99

§ 98.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the Administrator-Clerk-Treasurer. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.40 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of a probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report regarding the condition. If the grass or weeds in such a place are 6 inches or more in height, it shall be prima-facie evidence of a violation of this section. Upon conclusion that there is a violation the city shall forward a written notation in the form of a destruction order that the nuisance shall be terminated and abated. The destruction order shall be served in person on the owner, occupant, or agent of the owner of such lot or parcel of land ordering such person to have such weeds or grass cut and removed within 7 days after the service of such notice. Such notice shall also state that in event of noncompliance, removal will be done by the City of East Grand Forks at the owner's expense. When no owner, occupant, or agent of the owner can be found, notice shall be sent by registered mail to the person who is listed on the records of the County Auditor or County Treasurer as the owner; service will be complete with mailing.

(B) (1) All notices are to be in writing and all filings are to be with the Administrator-Clerk-Treasurer.

(2) Certified mailing to the Administrator-Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

(Ord. 288, 3rd Series, passed 11-1-2005; Am. Ord. 300, 3rd Series, passed 6-6-2007)

§ 98.41 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter is question in shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the Destruction Order within 7 regular business days and has not filed a notice within 48 hours to the Administrator-Clerk-Treasurer of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

(Ord. 288, 3rd Series, passed 11-1-2005)

§ 98.43 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign and appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the Administrator-Clerk-Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time. (Ord. 288, 3rd Series, passed 11-1-2005)

CLANDESTINE DRUG LABS

§ 98.55 CLANDESTINE DRUG LAB SITES.

(A) *Purpose.* The City Council finds that the existence of clandestine drug lab sites and chemical dump sites in the city pose a serious health and safety threat to members of the public, particularly minors and person of child bearing age, through the exposure to hazardous chemical residue. The Council has therefore determined that the regulation and proper removal of those sites is necessary for the protection of the public health, safety and general welfare.

(B) *Definitions.* For the purposes of this subchapter, the following definitions shall apply:

CHEMICAL DUMP SITE. Any place or location where chemicals and/or other hazardous waste material used in a clandestine drug lab have been deposited.

CHIEF BUILDING OFFICIAL. The chief building official for the city or the official's designee.

CLANDESTINE DRUG LAB. The unlawful manufacture or attempt to manufacture controlled substances.

CLANDESTINE DRUG LAB SITE. Any place or location where conditions associated with the operation of a clandestine drug lab are found to exist and may include dwellings, accessory buildings or structures, mobile homes, motorized vehicles, or any parcels of land.

CONTROLLED SUBSTANCES. Any drug, chemical, substance or immediate precursor thereto as defined by M.S. §152.02, Schedules I through V, as may be amended from time to time, but does not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

HAZARDOUS WASTE. Any chemicals or other substances used in the manufacture of controlled substances in a clandestine drug lab and the resulting by-products therefrom which pose a risk to the health, safety, and welfare of occupants, visitors, or neighbors of the site.

MANUFACTURE. The production, cultivation, quality control, and standardization, in locations other than a pharmacy, of controlled substances by mechanical, physical, chemical, or pharmaceutical means, and the packing, repacking, tablet producing, encapsulating, labeling, refilling or other similar process relating to such substances.

MDH. The Minnesota Department of Health or any successor thereto.

MINOR. Any person under the age of 18 years.

MPCA. The Minnesota Pollution Control Agency or any successor thereto.

OWNER. Any person, firm, partnership, company, corporation, or other entity that owns or has title to in full or in part, the land, buildings, structures, or other property associated with a clandestine drug lab site or chemical dump site, a risk to the health, safety, and welfare exists for any persons who occupy, visit, or neighbor on the location.

SITE. Any defined location including buildings, structures, or other property, where appropriate tests have determined that, due to the existence of a clandestine drug lab site or chemical dump site, a risk to the health, safety, and welfare exists for any persons who occupy, visit, or neighbor on the location.

(C) *Public nuisance.* Existence and maintenance of a clandestine drug lab site or chemical dump site in the city constitutes a public nuisance subject to the regulations of this chapter in addition to any and all applicable federal, state or local laws and ordinances.

(D) *Notice to other authorities.* Law enforcement agencies that identified conditions associated with a clandestine drug lab site or chemical dump site which place neighbors, visitors, or present and future occupants of the site at risk for exposure to harmful chemical or other contaminants must promptly notify the East Grand Forks Chief or Police, the Chief Building Official, appropriate child protection agencies, and the appropriate health authorities. The notice must, at a minimum, identify the location of the site, the site owner, if known, and the conditions found on the site.

(E) *Notice to concerned parties.*

(1) Upon receipt of the notice provided for in division (D), the Chief Building Official must promptly notify the following parties by registered or certified mail:

- (a) The owner of the property, if known;
- (b) Occupants of the property;
- (c) Any neighbors determined to be at risk;

(d) Other appropriate state and local authorities including, but not limited to, the MDH and the MPCA, which are known to have applicable public and environmental protection responsibilities.

(2) The notice must, at a minimum, include the location of the site, the name of the property owner, if known, the type and nature of the contamination, and the extent of the contamination.

(3) The Chief Building Official must also cause a copy of the notice to be posted at each appropriate access point to the site.

(F) *Issuance of order.*

(1) In addition to the required notices, the Chief Building Official will issue an order to the property owner to abate the public nuisance. The order must include at a minimum the following:

(a) A description of the site and all portions thereof that are determined to be contaminated. The description may be in any form that readily identifies the contaminated portion of the site.

(b) That all portions of the site that are determined to be contaminated and a risk to occupants or visitors are immediately vacated.

(c) That the owner commence and complete all testing and clean up procedures and other required remedial actions on the site by date specified in the order or such other dates agreed to by the city.

(d) That the site may not be re-occupied or used in any manner until it has been completely cleaned in accordance with the guidelines established by the MDH.

(e) That if the owner does not commence testing and complete the clean up procedures by the dates established in the order, the city, its officials, employees, or agents will enter the property and provide for the testing and clean up services at the owner's expense.

(f) That the owner is responsible for all costs associated with the clean up of the site including all costs incurred by the city and other public agencies, and that if the owner does not promptly pay those costs, they will be assessed against the property and collected in the manner of a special tax.

(2) The order must be served upon the owner by personal service or by registered mail and posted at appropriate access points to the site. If, after due diligence, the owner cannot be located, the order in addition to being posted, must be published once in the official newspaper of the city.

(G) *Responsibilities of the owner.*

(1) Upon receipt of the notice and order, the owner will be responsible for the following:

(a) Insure that the site and all surrounding areas determined to be at risk are properly vacated.

(b) Engage an appropriate environmental testing firm to assess the extent of the contamination, monitor the clean up process, provide the follow up testing after the completion of the clean up process, and certify that the risks of contamination have been sufficiently reduced to allow safe occupancy of the site.

(c) Engage an appropriate contractor to properly clean the site in accordance with the guidelines of the MDH.

(d) Provide the city with copies of all testing results and the clean up plan.

(e) Keep the city regularly advised through the process of the testing and clean up.

(f) Upon completion of the clean up process, provide the city with a copy of the final certification from the testing firm that the site is fit for human habitation, and a written, signed statement that the clean up met all MDH guidelines.

(2) If the owner, after due diligence, cannot be located or has not commenced appropriate action toward the clean up of the site on or before the commencement date established by the order, or has not completed the process by the completion date established by the order, the city, its officials, employees and agents, are hereby authorized to enter the property for the purpose of abating the public nuisance through vacating, testing and cleaning the site, or completing that process, in accordance with the requirements of this section. When appropriate, the abatement process may include the demolition and removal of any hazardous building or structure.

(H) Responsibility for costs.

(1) The owner of the site is responsible for any and all costs incurred in the clean up of that site including, but not limited to, the cost of vacating the site and surrounding areas, testing, clean up and public expenses.

(2) Public expenses will include all costs that may be incurred by the city and other public agencies such as:

(a) Laboratory fees;

(b) Preparing and serving notices;

(c) Preparing and serving the order;

(d) Posting the site;

(e) Vacating the site and other necessary properties;

(f) Testing services;

- (g) Clean up services;
- (h) Expenses incurred in recovering costs including all special assessment expenses;
- (i) Administrative fees; and
- (j) All other costs associated with the clean up of the site.

(I) *Recovery of city costs.*

(1) Within 30 days after receipt of an invoice from the city, the owner will submit payment in full of all city costs associated with the clean up project.

(2) If the city has been unable to locate the owner, or the owner fails to submit timely payment to the city, the city is authorized to collect its costs by assessing those costs against the property in the same manner as a special assessment which will be certified and collected in the manner of a special tax in accordance with applicable law.

(J) *Removal of public nuisance designation.* Upon receipt of the appropriate certification that the site has been clean in accordance with MDH guidelines and is not longer a risk to occupants of the site or others, the Chief Building Official will remove the public nuisance designation of the site and will so notify in writing the owner and all parties previously notified. The Chief Building Official will also promptly cause all postings on the site to be removed.

(K) *Violations.* Any person who violates the provisions of this subchapter, including, but not limited to, the unauthorized removal of any official postings at the site, is guilty of a misdemeanor in an addition to any other sanctions and obligations imposed herein.

(L) *Relationship to other laws and regulations.* If any regulation, standard, condition, or requirement imposed by this subchapter is determined to be either more or less restrictive than comparable provisions of any other law, statute, ordinance, rule or regulations, whether Federal, state or local, the more restrictive provision, or the 1 providing for the higher standards or requirements will prevail.

(Ord. 288, 3rd Series, passed 11-1-2005) Penalty, see § 98.99

§ 98.99 PENALTY.

Violation of any provision of this chapter, including maintaining a nuisance after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in § 10.99.

(Ord. 288, 3rd Series, passed 11-1-2005)

**CHAPTER 99: BACKGROUND CHECK; MUNICIPAL
EMPLOYEES AND APPOINTEES**

Section

- 99.01 Criminal history background
- 99.02 Application for license or permit; issuance

§ 99.01 CRIMINAL HISTORY BACKGROUND.

The East Grand Forks Police Department is authorized to do a criminal history background investigation on applicants for position with the city. This chapter applies only to applicants who are finalists for paid positions. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate. Except in the case of exceptions set forth in M.S. § 364.09, should the city reject the applicant's request for employment due partially or solely to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:

- (A) The grounds and reasons for the denial;
- (B) The applicant complaint and grievance procedure set forth in M.S. § 364.06;
- (C) The earliest date the applicant may reapply for employment;
- (D) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. 293, 3rd Series, passed 8-1-2006)

§ 99.02 APPLICATION FOR LICENSE OR PERMIT; ISSUANCE.

Every applicant for a license shall submit an application to the Clerk on a form provided by the city. It shall be accompanied by payment of the prescribed fee.

(A) *Criminal history background.* When applicable, the East Grand Forks Police Department is authorized to do a criminal history background investigation on applicants for city licenses. Before the

investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator and other city staff as appropriate.

(B) *Issuance*. If, after investigation, the Clerk is satisfied that all requirements of law and this code have been met, the Clerk shall present the application to the Council for action, or, if the license or permit does not require Council approval, the Clerk shall issue the license or permit.

(C) *Denial for background*. Except in the case of exceptions set forth in M.S. § 364.09, should the city deny the applicant's request for a license, due partially or solely to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:

- (1) The grounds and reason for denial;
- (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06;
- (3) The earliest date the applicant may reapply for a license;
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. 293, 3rd Series, passed 8-1-2006)