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CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

SECTION 1.01. APPLICATION. The provisions of this Chapter shall be applicable to all the chapters, sections, subdivisions, paragraphs and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Morgan, Minnesota, and within such adjacent area as may be stated in specific provisions.

SEC. 1.02. DEFINITIONS. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of every chapter, section, subdivision, paragraph and provision of this City Code, shall have the following meanings and inclusions:

Subd. 1. "City" means the City of Morgan, Minnesota, acting by or through its duly authorized representative.

Subd. 2. "Council" and "City Council" mean the City Council of the City of Morgan, Minnesota.

Subd. 3. "City Clerk-Treasurer" means the person duly appointed by the City Council and acting in such capacity.

Subd. 4. "Person" includes all firms, partnerships, associations, corporations and natural persons.

Subd. 5. "Written" and "In Writing" mean any mode of representing words and letters in the English language.

Subd. 6. "Street" means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

Subd. 7. "Public Property" and "Public Place" mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

Subd. 8. "Private Property" means all property not included within the definition of public property or public place.

Subd. 9. "Intersection" means the area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines of the roadways

or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

Subd. 10. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 11. "Police Officer" and "Peace Officer" mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

Subd. 12. "Misdemeanor" means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000.00, or both, may be imposed.

Subd. 13. "Petty Misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300.00 may be imposed.

Subd. 14. "Conviction" means either of the following accepted and recorded by the Court:

A. A plea of guilty; or,

B. A verdict of guilty by a jury or a finding of guilty by the Court.

Subd. 15. "Crime" means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 16. "Ordinance" means an ordinance duly adopted by the City Council of Morgan, Minnesota.

Subd. 17. "Ex-Officio Member" means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his/her discretion) to speak to any question coming before the board, commission or other deliberative body of which he/she is such member.

Subd. 18. "May" is permissive.

Subd. 19. "Shall" is mandatory.

Subd. 20. "Violate" includes failure to comply with.

Subd. 21. "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

Subd. 22. "Confidential Employee" means an employee, who as part of the

employee's job duties, has access to labor relations information as that term is defined by Minnesota Statutes, Section 13, et seq., and actively participates in the meeting and negotiating on behalf of the public employee.

SEC. 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR.

Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for a petty misdemeanor, except as otherwise stated in specific provisions herein, as set forth in the specific chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charged if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were proved, together with additional costs levied for the costs of prosecution.

SEC. 1.04. OTHERWISE UNLAWFUL. The City Code does not authorize an act or omission otherwise prohibited by law.

SEC. 1.05. SEVERABILITY. Every chapter, section, subdivision, paragraph or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph or provision.

SEC. 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES.

All fines, forfeitures and penalties recovered by the City for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Treasury by the Court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SEC. 1.07. MEANINGS. As used in this City Code, words of either gender shall include both genders, and the singular shall include the plural and the plural shall include the singular.

SEC. 1.08. CODE CITATION. This codification of the ordinances of the City of Morgan, Minnesota shall henceforth be known as the City Code and cited thus: "CITY CODE, SEC. _____."

SEC. 1.09. PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation.

SEC. 1.10. TITLES. A title or caption to or in any chapter, section, subdivision, subparagraph or other provision of the City Code is for convenience only and shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof.

SEC. 1.11. REFERENCE TO A PUBLIC OFFICIAL. Wherever an appointed public official is referred to in the City Code, the reference shall include such public official or his/her designee.

Source: City Code
Effective Date: 01-01-2001

(Sections 1.12 through 1.99, inclusive, reserved for future expansion.)

Pages 5 through 9 reserved)

CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Pursuant to authority granted by Statute, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

SEC. 2.02. COUNCIL MEETINGS - TIME AND PLACE. Regular meetings of the Council shall be held in the Council Chambers on the first Wednesday of each month at 7:30 o'clock P.M. When the first of the month falls on the first Wednesday, the Council meeting is moved to the following Wednesday to allow time for claims, banks statements, etc. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, election day, or the precinct caucus day set by State Statute, the meeting shall be held on the following Wednesday at the same time.

SEC. 2.03. SPECIAL MEETINGS. Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Clerk-Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk-Treasurer to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least three (3) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

SEC. 2.04. COUNCIL PROCEDURE AT REGULAR MEETINGS. The City Clerk-Treasurer shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City during the preceding month, such list to be called the "Claim Report" and bearing headings "Claimant", "Purpose", and "Amount"; (3) a copy of all minutes to be considered; and, (4) copies of such other proposals, communications, or other documents as the City Clerk-Treasurer deems necessary or proper for advance consideration by the Council. The City Clerk-Treasurer shall forthwith cause to be mailed or delivered to each member of the Council copies of all said documents. Roberts' Rules of Order (Newly Revised) shall govern all Council meetings as to procedural matters not set forth in the City Code.

SEC. 2.05. RIGHT TO ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the City Clerk-Treasurer, any other elected or appointed City official or employee, or any Board or Commission not having within its structure

an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Clerk-Treasurer at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he/she deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his/her own motion or the motion of the appellant, the City Clerk-Treasurer, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening. The Council shall issue a formal determination within 30 days of completion of such hearing and/or submission of written arguments.

SEC. 2.06. RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SEC. 2.07. FACSIMILE SIGNATURES. The Mayor and City Clerk-Treasurer are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of his/her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his/her manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

SEC. 2.08. CITY CLERK-TREASURER.

Subd. 1. Pursuant to the authority granted by Minnesota Statutes 412.591, the offices of the Clerk and Treasurer shall be, and hereby are, combined in the office of the Clerk-Treasurer and thereafter the duties of the Treasurer and Clerk shall be performed by the Clerk-Treasurer.

Subd. 2. In conformance with the laws of the State of Minnesota, there shall be an annual audit of the City's financial affairs by the State Auditor or a public accountant in accordance with minimum procedures prescribed by the State Auditor.

SEC. 2.09. EMERGENCY MANAGEMENT.

Subd. 1. Statute Adopted. The "Emergency Management Act of 1996", Minnesota Statutes, Chapter 12, insofar as it relates to cities, is hereby adopted by reference as part of this Section, as fully as if set forth explicitly herein.

Subd. 2. Establishment of an Emergency Management Agency. There is hereby created within the City government an Emergency Management Agency, which shall be

under the supervision of the Civil Defense Director to be appointed forthwith by the Mayor. The Director shall have direct responsibility for the organization, administration and operation of said Emergency Management Agency, subject to the overall direction and control of the Council.

Subd. 3. Emergency Preparedness Plan. The Council may, by resolution, adopt, from time-to-time amend, or repeal an emergency preparedness plan for the City.

SEC. 2.10. ISSUANCE OF CITATIONS.

Subd. 1. Except as otherwise provided by statute, only a peace officer or part-time peace officer may:

A. Ask a person receiving a citation to give a written promise to appear in court; or

B. Take a person into custody as permitted by statute.

Subd. 2. The following City employees may issue citations in lieu of arrest or continued detention for violations of the City Code.

A. Peace Officers and Part-time Peace Officers.

Source: City Code

Effective Date:

SEC. 2.11. SALARIES OF MAYOR AND COUNCILMEMBERS. Salaries of the Mayor and Council are hereby fixed as follows, which amounts are deemed reasonable:

Subd. 1. The monthly salary of the Mayor shall be \$150.00.

Subd. 2. The monthly salary of each Councilmember shall be \$125.00.

Subd. 3. In addition to said monthly salaries, the Mayor shall be compensated \$30.00, and each Councilmember shall be compensated \$30.00, for each special Council meeting he/she attends or other meetings attended on behalf of the City.

Subd. 4. The Council may establish, by resolution, a per diem for attendance at seminars, meetings, and conferences.

Subd. 5. The salaries provided for herein shall be effective January 1, 1997.

Source: Ordinance No. 202

Effective Date: 01-01-1997

SEC. 2.12. SERVICES AND COMPENSATION OF CIVIL DEFENSE DIRECTOR.

Subd. 1. Services. The Council may enter into a cooperative agreement for the services of a Civil Defense Director and Deputy Director (Warning Officer).

Subd. 2. Compensation. The compensation of a Director and Deputy Director (Warning Officer) may be fixed and determined by resolution of the Council.

SEC. 2.13. WORKER'S COMPENSATION.

Subd. 1. Contractors. The City shall not enter into any contract for doing public work before receiving from all other contracting parties acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes.

Subd. 2. City Officers. All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

Source: City Code

Effective Date: 01-01-2001

(Sections 2.14 through 2.19, inclusive, reserved for future expansion.)

(Pages 14 through 18 reserved)

SEC. 2.20. DEPARTMENTS GENERALLY.

Subd. 1. Control. All Departments of the City are under the overall control of the Council. Heads of all Departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

Subd. 2. Appointment. All Department Heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.

Subd. 3. Compensation. All wages and salaries shall be fixed and determined by the Council.

Subd. 4. Table of Organization and Lines of Responsibility. The Council may by resolution adopt, amend, and from time to time revise, a Table of Organization and define lines of responsibility and authority for the efficient governmental organization of the City.

SEC. 2.21. POLICE DEPARTMENT. A Police Department is hereby established. The Head of this Department shall be known as the Chief of Police, and the number of additional members and employees of the Police Department shall be determined by the Council which may be changed from time-to-time. The Mayor shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when in his/her judgment an emergency exists for the preservation of life or property. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform such duties as are required of them by the Council or by law. The Chief of Police shall have overall supervision and management of the Police Department and custody of all property used and maintained for the purposes of said Department. The Chief of Police shall make and file such reports as may be required by the Council.

SEC. 2.22. FIRE DEPARTMENT. A Volunteer Fire Department under the control of the Council is hereby established. The size, composition and remuneration shall all be established by resolution of the Council, which may be changed from time-to-time by subsequent resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. He/She shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. He/She shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief. The Chief of the Fire Department shall make and file such reports as may be requested by the Council.

SEC. 2.23. LEGAL DEPARTMENT. A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him/her by law or referred to him/her by the Council. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances".

SEC. 2.24. PUBLIC UTILITIES DEPARTMENT. A Public Utilities Department is hereby established. The Head of such Department shall be the Superintendent of Public Works. The City water, sewerage systems, streets, parks and refuse collection shall be under the direct supervision of the Superintendent unless services are contracted out and he/she shall be responsible for and have custody of all property of such Department. It is also the duty of the Superintendent of Public Works, on or before the date of the first regular Council meeting in each month, to file with the City Clerk-Treasurer a report as to any recommendations as to repairs or improvements he/she deems advisable, together with a report of the activities of his/her Department during the preceding month. The Superintendent shall also make and file such other reports as may be requested by the Council.

SEC. 2.25. ENGINEERING DEPARTMENT. An Engineering Department is hereby established. The Head of this Department shall be the City Engineer who shall perform such duties as are required of him/her, or referred to him/her, by the Council.

SEC. 2.26. LIBRARY DEPARTMENT. A Library Department is hereby established. The Head of this Department shall be the Librarian. He/She shall have supervision of all staff and shall be responsible for and have custody of all property of such Department. The Librarian shall make and file such reports as may be requested by the Council.

Source: City Code
Effective Date: 01-01-2001

(Sections 2.27 through 2.39, inclusive, reserved for future expansion.)

(Pages 21 through 25 reserved)

SEC. 2.40. BOARDS AND COMMISSIONS GENERALLY. Unless otherwise provided by other provisions of the City Code, all Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor or the Council, as the case may be, prior to the expiration of an existing term. The term of each appointee shall be established and stated at the time of his/her appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this Section. No Board or Commission member shall be appointed to more than two full consecutive terms. New appointees shall assume office on February 1, January 31 being the date of expiration of terms. Provided, however, that all appointees to Board and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed Board or Commission member shall be an employee of the City except those who are members by virtue of their office. Unless otherwise determined by resolution by the Council, all appointed Board and Commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the Council before they were incurred. The Chairman and any other offices as the members deem necessary shall be chosen from and by the Board or Commission membership annually to serve for one year. Provided, however, that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and his/her position filled as any other vacancy. Each Board and Commission shall hold its regular meeting at a time established and approved by the Council. All members shall be residents of the City, except that two members of each Board or Commission may be a non-resident of the City if the Council deems such arrangement more representative. The City Clerk-Treasurer shall be an ex officio member of all Boards and Commissions; provided, that if he/she is unable to attend a meeting or act in the capacity of such membership, he/she may be represented by his/her assistant or some person duly authorized by him/her. No member of the Council shall serve on a Board or Commission. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

SEC. 2.41. PLANNING COMMISSION.

Subd. 1. Establishment and Composition. A Planning Commission is hereby established. The Commission shall be composed of up to five members who shall serve staggered three-year terms. The City Attorney, by reason of his/her position, shall be an ex officio member. The City Clerk-Treasurer shall, by reason of his/her position, be an ex-officio member and serve as Commission Secretary.

Subd. 2. Powers and Duties. The Planning Commission shall have all the powers and duties defined or granted in the Statutes and the City Code relating to planning, zoning and subdivision regulation and shall act in an advisory capacity to the Council in all of such areas.

SEC. 2.42. BOARD OF ADJUSTMENTS AND APPEALS.

Subd. 1. Establishment. A Board of Adjustments and Appeals, composed of the

members of the Council, is hereby established.

Subd. 2. Powers and Duties. Appeals to the Board of Adjustments and Appeals may be taken by any affected person upon compliance with conditions imposed by the zoning provisions of the City Code. The Board shall have the following powers with respect to the zoning provisions:

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the zoning provisions of the City Code.

B. To hear requests for variances from the literal provisions of the zoning provisions of the City Code in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning provisions. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the owner is due to circumstances unique to his/her property not created by the owner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the zoning provisions. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined by statute when in harmony with the zoning provisions. A variance may not be granted for any use that is not permitted or conditional under the zoning provisions for property in the district where the affected land is located. A variance may be granted for the temporary use of a one-family dwelling as a two-family dwelling, and a variance may be granted which imposes conditions to insure compliance and to protect adjacent properties.

Subd. 3. Time of Filing. All petitions and appeals shall be filed with the Board within thirty days after written notice of the adverse decision by service of such petition or written notice of appeal upon the City Clerk-Treasurer.

Subd. 4. Form and Contents. All petitions and appeals shall be filed by the aggrieved person and shall briefly state the facts and circumstances giving rise to the petition or appeal.

Subd. 5. Hearing and Procedure.

A. Upon receipt of any petition or appeal, the City Clerk-Treasurer shall forthwith forward a copy thereof to the Secretary of the Board, the Secretary of the Planning Commission, any administrative officer involved in the enforcement thereof, and the City Attorney, showing the date of receipt thereof.

B. Within thirty days after receipt of the petition or notice of appeal by the City Clerk-Treasurer, the Board shall call a hearing thereon and give notice thereof in writing

to all petitioners, appellants, and such other persons as the Board may determine to have an interest or property right in any decision made pursuant thereto, and such administrative officers as it may determine. Such notice shall be mailed at least twenty days prior to the date set for hearing. Notice shall also be given to the public by publication thereof once in a legal newspaper at least fourteen days prior to the date set for hearing.

C. At any such hearing, all persons desiring to be heard shall have such opportunity, it being deemed to have completed its investigation by the date set for hearing.

SEC. 2.43. LIBRARY BOARD.

Subd. 1. Establishment and Composition. A Library Board composed of at least five members, all of whom shall be residents of the City and shall serve staggered three-year terms, is hereby established. All appointments for a full term shall be made by the Mayor with the approval of the Council, and a member may be removed in the same manner for misconduct or neglect. Appointments to fill vacancies for an unexpired term shall be made by the Council. No more than one Council member shall be a member of the Board. Members shall receive no compensation for their services but may be reimbursed for actual and necessary travel expenses incurred in the discharge of Board duties and activities.

Subd. 2. Duties. The duties of the Board are as follows:

A. To annually elect from its membership a President, Secretary and such other officers as it deems necessary; adopt rules and regulations for the government of the library and conduct of its business; appoint a qualified Library Director and other staff as necessary, establish compensation of employees, and remove them for cause.

B. To pay into the City Treasury all money received for the library, and interest thereon, which shall be credited to the Library Fund and kept separate from the other money of the City, and paid out only upon approval of the Board.

C. To have exclusive control of library grounds and rooms, and the construction of library buildings, and to lease rooms for library use if it finds such to be necessary or desirable.

D. To annually report to the Council receipts and their sources, disbursements and for what purposes, the number of library materials on hand, purchased and loaned, and other information it deems advisable; and, to file such information with the Minnesota Department of Education not later than April 1 of each year.

Subd. 3. Title to Property. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, the City for a library shall vest in, and be held in the name of, the City, and any conveyance, grant, donation, devise, bequest or gift made to, or in the name of, the library or Library Board shall be deemed to have been made directly to the City.

SEC. 2.44 REPEALED.

(Ord. #6, 2nd Series – 6-05-2002)

(Sections 2.45 through 2.59, inclusive, reserved for future expansion.)

(Pages 30 through 34 reserved)

SEC. 2.60. DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions.

1. The term "abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such 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 Minnesota Statutes, Chapter 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards 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.

2. The term "junk vehicle" means a vehicle that is three 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.

3. The term "unauthorized vehicle" means a vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes but is not a junk vehicle or abandoned vehicle.

4. The term "vital component parts" means 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.

B. Custody. The City may take into custody and impound any abandoned or junk motor vehicle, or any unauthorized vehicle as provided by statute.

C. Sale; Waiting Periods.

1. 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.

2. An impounded vehicle is eligible for disposal or sale 45 days after notice to the owner if the vehicle is determined to be an unauthorized vehicle.

D. Notice.

1. When an impounded vehicle is taken into custody, the City or impound lot operator shall give notice of the taking within 10 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 such 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 Subparagraph E of this Subdivision, 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 rights, 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 Subparagraph F of this Subdivision.

2. 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.

E. Right to Reclaim.

1. The owner or any lien holder of an impounded motor vehicle shall have the right to reclaim such 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 Section after the date of the notice required by this Section.

2. Nothing in this Subdivision 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 Subparagraph E "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 the servicing, repair or maintenance of motor vehicles.

F. Auction or Sale.

1. An abandoned or unauthorized motor vehicle and contents taken into custody by the City or any impound lot and not reclaimed under Subparagraph E of this Subdivision may be disposed of or sold at auction or sale when eligible pursuant to Subparagraph E. 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.

2. 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 Subdivision. 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.

3. The operator of a nonpublic impound lot may retain any proceeds from a sale derived from a sale conducted under the authority of this Section. 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.

G. Operator's Deficiency Claim. The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs 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.

H. 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 Subdivision.

I. Contracts and Disposal.

1. 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.

2. 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.

3. 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 as herein provided.

Subd. 2. 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 sixty days and has been declared such by a resolution of the Council.

B. Preliminary Notice. If the City Clerk-Treasurer knows the identity and whereabouts of the owner, he/she shall serve written notice upon him/her at least thirty 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 Clerk-Treasurer notice shall also be served upon him/her. Such 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 thirty days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk-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 such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once in a legal newspaper at least 10 days prior to the sale. Sale shall be made to the highest bidder at public auction or sale or by a nonprofit organization with a significant mission of community service in a private sale in the manner authorized by statute.

D. Funds and Claims Thereon. Expenses shall be paid from the proceeds of the sale; the balance of the proceeds shall be paid into the General Fund of the City if the property was disposed of by a public auction or sale; or in the case of a private sale, to the nonprofit organization authorized to conduct said sale. The former owner, if he/she makes claim within six 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.

Subd. 3. Disposal of Excess Property.

A. Declaration of Surplus and Authorizing Sale of Property. The City Clerk-Treasurer 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, said property shall be declared surplus, the value estimated and the City Clerk-Treasurer authorized to dispose of said property in the manner herein.

B. Surplus Property With a Total Estimated Value of Less than \$100.00. The City Clerk-Treasurer may sell surplus property with a total value of less than \$100.00 through negotiated sale.

C. Surplus Property With a Total Estimated Value Between \$100.00 and \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus

property with a total estimated value of from \$100.00 to \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten 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 Clerk-Treasurer's option. Such sale shall be by auction.

D. Surplus Property With a Total Estimated Value Over \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing property to be sold at least ten days prior to the date of sale by publication once in the official newspaper. Such sale shall be to the person submitting the highest bid.

E. Receipts From Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

Subd. 4. 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 Section. 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 one 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 Section if such purchase is prohibited by the terms of this Section.

SEC. 2.61. PERSONNEL RULES AND REGULATIONS. The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time-to-time be amended.

SEC. 2.62. DEFERMENT OF SPECIAL ASSESSMENTS.

Subd. 1. The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, and the City Clerk-Treasurer is hereby authorized to record the deferment of special assessments where the following conditions are met:

A. The applicant must apply for the deferment not later than ninety days after the assessment is adopted by the Council.

B. The applicant must be 65 years of age, or older, or retired by virtue of permanent and total disability.

C. The applicant must be the owner of the property.

D. The applicant must occupy the property as his/her principal place of residence.

E. The applicant's income from all sources shall not exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing.

Subd. 2. The deferment shall be granted for as long a period of time as the hardship exists and the conditions as aforementioned have been met. However, it shall be the duty of the applicant to notify the City Clerk-Treasurer of any change in his/her status that would affect eligibility for deferment.

Subd. 3. The entire amount of deferred special assessments shall be due within sixty days after loss of eligibility by the applicant. If the special assessment is not paid within sixty days, the City Clerk-Treasurer shall add thereto interest at 8% per annum from the due date through December 31 of the following year and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant plead and prove, to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay within sixty days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.

Subd. 4. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

A. The death of the owner when there is no spouse who is eligible for deferment.

B. The sale, transfer or subdivision of all or any part of the property.

C. Loss of homestead status on the property.

D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment.

SEC. 2.63. SPECIAL ASSESSMENT POLICY. The Council may, by resolution, adopt, from time-to-time amend, or repeal a special assessment policy.

SEC. 2.64. CONVEYANCES BY CONTRACT FOR DEED. The City may commence an action to require recordation of all contracts for deed and assignments. Written notice to record shall be sufficient if it is given either to the vendor or the vendee named in the contract for deed or assignment. Such notice shall be given at least ten (10) days before the date by which recordation is required.

Source: City Code
Effective Date: 01-01-2001

(Sections 2.65 through 2.79, inclusive, reserved for future expansion.)

(Pages 42 through 46 reserved)

SEC. 2.80. TRUST OR ESCROW ACCOUNT FOR FIRE OR EXPLOSION LOSSES. The City may establish a trust or escrow account to hold proceeds from losses arising from fire or explosion of insured real property located within the City. The City may utilize these funds to secure, repair or demolish damaged or destroyed structures and clear the property in question, so that the structure and property are in compliance with local code requirements and applicable City Code provisions. Any unused portion of the retained proceeds shall be returned to the insured. In addition, the regulatory and procedural provisions of Minnesota Statutes, 65A.50, Trust or Escrow Accounts; Insured Real Property Fire or Explosion Loss Proceeds are hereby incorporated herein and adopted by reference, including the penalty provision thereof.

SEC. 2.81. CONTRACTS.

Subd. 1. All contracts entered into by the City shall contain provisions requiring any prime contractor to pay any subcontractor within 10 days of the prime contractor's receipt of payment from the City for any undisputed services provided by the subcontractor. The provisions of all contracts shall require the prime contractor to pay interest of 1-1/2% per month or any part of a month on any undisputed amount not paid to the subcontractor. The minimum monthly interest on an unpaid balance of \$100.00 or more is \$10.00.

Subd. 2. A contractor on whose behalf performance bonds have been issued shall file the bonds with the City, which shall then approve the bonds and make them available for inspection and copying upon request.

SEC. 2.82. CABLE COMMUNICATIONS FRANCHISE.

Subd. 1. Purpose. The purpose of this Section is to govern the construction, installation, operation, repair, maintenance, removal and relocation of facilities and equipment used for the transmission of telecommunications or related services in the public grounds of the City; and to regulate the granting, operation and renewal of cable television franchises within the City.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. **“Franchisor”** - The City of Morgan, Minnesota.
2. **“Franchisee”** - Refers to any cable television companies to which the City may from time to time award cable communication franchise.
3. **“FCC”** - The Federal Communications Commission of the United States.
4. **“Company”** - A natural or corporate person, business, association, political subdivision, public or private agency of any kind, its successors and assigns, who or which seeks or is required to construct, install, operate, repair, maintain, remove or relocate facilities in the City.

5. **“Director”** - The Director of Public Works (or equivalent position at the City) or designated representative.

6. **“Facilities”** - The telecommunications equipment of any kind, including but not limited to audio, video, paging, facsimile or similar service, including all trunks, lines, circuits, physical connections, switching equipment, wireless communication equipment of all kinds, and any necessary appurtenances owned, leased or operated by a company on, over, in, under, across or along public ground.

7. **“Public Grounds”** - Highways, roads, streets, alleys, public ways, utility easements and public grounds in the City.

8. **“City”** - The City of Morgan, Minnesota.

Subd. 3. Grant of Authority. The Council is authorized to grant cable communications franchises for the installation, operation and maintenance of a cable communications system within the City. All franchises shall be subject to the terms and performance conditions stated in this Section.

Subd. 4. Compliance with State and Federal Laws. The franchisee and the franchising authority shall conform to all State and Federal laws and rules regulating cable communications as they become effective.

Subd. 5. Franchise Terms. Each franchise or renewal shall have a term as may be stated in the franchise or renewal, but no franchise may be granted or renewed for a term greater than fifteen (15) years.

Subd. 6. Franchise Exclusivity. No franchise shall be exclusive.

Subd. 7. Sale or Transfer of the Franchise; Sale or Transfer of Stock.

A. Any transfer of a franchise shall be subject to the approval of the Franchisor. The Franchisor has 120 days from the submission of information regarding the successor’s ability to operate in accordance with the terms of this Section and to approve or disapprove the transfer. Approval may be denied only upon a finding that the successor does not have the ability or capability to operate the franchise in accordance with the terms of this Section and this franchise.

B. No sales or lease of the rights granted herein shall be effective until the successor or lessee shall have filed in the office of the City Clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms contained herein, and agreeing to perform all conditions required of the franchise. At that time, the successor or lessee shall also file with the City Clerk a duly executed bond, fully complying with any bonding requirements of this Section.

Subd. 8. Access to Financial Records. The City is granted the authority to audit

the franchisee's accounting and financial records upon reasonable notice. The franchisee shall file annually with the City reports of gross revenues and other information, as the City deems appropriate. Reports of gross subscriber revenues shall be open to public inspection.

Subd. 9. Rates, Rate Change Procedure and Residential Subscriber Contracts.

A. Rates. Prior to offering service to any member of the general public, the franchisee shall prepare a clear and concise list of all current subscription rates and charges, including all installation and disconnect charges, charges for optional services and charges or deposits for the use of equipment offered to subscribers for use with the service. A verified copy of this list of rates and charges shall then be filed with the City Clerk and shall be available for public inspection at the office of the City Clerk. An amended list of rates and charges shall be prepared and filed with the City Clerk at any time there is any change or adjustment in the subscription rates and charges.

B. Residential Subscriber Contract. The franchisee shall file with the City Clerk a copy of the then current residential subscriber contract, if a written contract exists. If no written contract exists, the franchisee shall file with the City Clerk a document completely and concisely stating the terms of the residential subscriber contract offered to customers, specifically including the length of the subscriber contract. The subscriber contract, and/or the summary of the terms of the non-written contract on file with the City Clerk shall be open to inspection by the public and shall govern the contractual relationship between the franchisee and all subscribers receiving service under the authority of this Section, except service provided to institutions, business premises or multiple housing locations, which service may be governed by separate written contract.

C. Rate Regulations. With regard to all franchises, the City reserves the right to seek certification by the FCC to engage in the regulation of rates, to implement reasonable regulations during the term of the franchise as permitted by law and/or the FCC. The City shall also reserve the right to regulate rates for the installation and rental of equipment for the hearing impaired.

Subd. 10. Franchise Administrator. The City Clerk shall be responsible for day to day municipal administration of a franchise. The Council may by resolution, create a Cable Commission and appoint members to this Commission. The Cable Commission shall have such duties and delegations as established by the Council, and the Cable Commission shall receive compensation as set by the Council and shall serve at the will of the Council. Establishment of and delegation of duties to the Cable Commission shall be by resolution of the Council. The Council shall retain ultimate authority for the administration of a franchise.

Subd. 11. Liability Insurance. A franchisee shall indemnify and hold harmless the City at all times during the term of the franchise and shall maintain throughout the term of the franchise insurance as follows. These policies shall insure both the City and the franchisee with regard to all damages and penalties which they may legally be required to pay as a result of the exercise of the franchise. A franchisee shall provide the City with evidence of required

coverage upon request.

Liability for damage to property	\$ 300,000.00
Liability for personal injury	\$ 500,000.00 per person\$ 1,000,000.00 per occurrence
Workmen's Compensation coverage	
as required by State law	

Subd. 12. Indemnification.

A. A franchisee shall hold the City harmless from any and all claims and actions, litigations and from damage arising out of the construction, erection, installation, maintenance or operation of its property operated by authority of this Section within the corporate limits of the City or the negligence of the franchisee's employees in the operation thereof. A franchisee shall defend in the name of the City any claims made against the City arising out of the franchise. A franchisee also agrees to hold the City harmless from and all claims and actions arising from alleged infringements of copyrights.

B. Nothing contained in a franchise shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injury to the franchisee's facilities while performing any work connected with grading, regrading, or changing the line of any street or public place; or with the construction or reconstruction of any sewer or water system.

Subd. 13. Performance Bond. Prior to beginning construction, and within a minimum of three months of the date the franchise becomes effective, the franchisee shall furnish a performance bond, certificate of deposit, or any other type of instrument approved by the City in the amount as established by the City, but not to exceed seventy-five thousand dollars (\$75,000.00). The City agrees to discontinue said performance bond upon such time as the construction is completed and the City is satisfied that the performance of the system meets all standards according to this Section.

Subd. 14. Construction Schedule. Franchises shall obtain services to City residents within a reasonable time from when the franchise is granted. Absent evidence to the contrary, it shall be presumed that a "reasonable period" is no later than one (1) year from the grant of the franchise.

Subd. 15. Construction Standards.

A. Permits. The franchisee shall obtain a permit from the proper municipal authority before commencing construction of any communications system, including the opening or disturbance of any street, sidewalk, driveway or public place. If the franchisee falls to meet the conditions of the permit, the franchisor, after reasonable notice to the franchisee, and providing franchisee the opportunity to remedy said complaint, can cause said problem to be remedied and bill the franchisee for the costs incurred in so remedying.

B. Compliance with Codes. All wire, conduits, cable and other property

and facilities of the franchisee shall be located, constructed, installed, and maintained in compliance with applicable codes. The franchisee shall keep and maintain all of its property so as not to unnecessarily interfere with the usual and customary trade, traffic or travel upon the streets and public places of the franchise area or endanger the lives or property of any person.

C. Relocation of Wires. In the event it becomes necessary for the City to relocate or remove the franchisee's wires, conduits, cables and other property located in any street, right-of-way or public place to facilitate the undertaking of a public improvement which affects the cable equipment, franchisee shall make all necessary changes in its equipment at its own expense, as requested, upon due notice from the Council or its designated officer.

D. Restoration. Upon completion of the work, the company must restore the general area of the work, including paving and its foundations, to the same condition that existed prior to commencement of the work and must exercise reasonable care to maintain the same condition for two (2) years thereafter. The work must be completed as promptly as weather permits. If the company does not promptly perform and complete work, remove all direct, rubbish, equipment and material, and restore the public ground to the same condition, the City may put it in the same condition at the expense of the company. The company must, upon demand, pay to the City the direct and indirect cost of the work done for the performed by the City, including, but not limited to the City's administrative costs. To recover its costs, the City will first draw on the security posted by the company and then recover the balance of the costs incurred from the company directly by written demand. This remedy is in addition to any other remedies available to the City.

E. Company Initiated Relocation. The company must give the City written notice prior to a company initiated relocation of facilities. A company initiated relocation must be at the company's expense and must be approved by the City; such approval not to be reasonably withheld.

F. City Required Relocation. The company must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocate its facilities whenever the City requires such relocation.

G. Relocation Where Public Ground Vacated. The vacation of public ground does not deprive the company of the right to operate and maintain its facilities in the City. If the vacation proceedings are initiated by the company, the company must pay the relocation costs. If the vacation proceedings are initiated by the City or other persons, the company must pay the relocation costs unless otherwise agreed to by the City, company and other persons.

H. Inspection of Work. When the work is completed, the company must request an inspection by the Director. The Director will determine if the work has been satisfactorily completed and provide the company with a written report of the inspection and approval.

I. Notice. If the company is in default in the performance of the work authorized by the permit, including but not limited to restoration requirements, for more than

thirty (30) days after receiving written notice from the City of the default, the City may terminate the rights of the company under the permit. The notice of default must be in writing and specify the provisions of the permit under which the default is claimed and state grounds of the claim. The notice must be served on the company by personally delivering it to an officer thereof at its principal place of business in Minnesota or by certified mail to that address.

J. City Action on Default. If the company is in default in the performance of the work authorized by the permit, the City may, after the above notice to the company and failure of the company to cure the default, take such action as may be reasonably necessary to abate the condition caused by the default. The company must reimburse the City for the City's reasonable costs, including costs of collection and attorney fees incurred as a result of the company default. The security posted under this Section will be applied by the City first toward payment for such reimbursement.

K. Use of Public Ground. Facilities must be located, constructed, installed, maintained, or relocated so as not to endanger or unnecessarily interfere with the usual and customary traffic, travel, and use of public ground. The facilities are subject to additional conditions of the permit as established by the Director including but not limited to (1) the right of inspection by the City at reasonable times and places; (2) the obligation to relocate the facilities pursuant to this Section; and (3) compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission and other State and Federal law, including prompt compliance with the requirements of the Gopher State One Call program, Minnesota Statutes Chapter 216D.

L. Location. The facilities must be placed in a location agreed to by the City. The company shall give the City forty-five (45) days advanced written notice of the company's proposed location of facilities within the public ground. No later than forty-five (45) days after the City's receipt of the company's written notice, the City will notify the company in writing of the City's acceptance or rejection of the proposed location; the City shall propose alternative locations. The City does not waive or forfeit its right to reject the location of facilities by failure to respond within the forty-five (45) days.

M. Emergency Work. A company may open and disturb the surface or public ground without a permit where an emergency exists requiring the immediate repair of its facilities. In such event, the company must request a permit no later than the second working day thereafter and comply with the applicable conditions of the permit. In no event, may the company undertake such an activity which will result in the closing of a street or alley without prior notification to the City.

N. Street Improvements Paving and Resurfacing. The City will give the company written notice of plans for street improvements where permanent paving or resurfacing is involved. The notice must contain (1) the nature and character of the improvements; (2) the streets upon which the improvements are to be made; (3) the extent of the improvements, the time when the City will start the work; and, (4) if more than one street is involved, the sequence in which the work is to proceed.

O. Company Protection of Facilities. The company must take reasonable measures to prevent the facilities from causing damage to persons or property. The company must take reasonable measures to protect its facilities from damage that could be inflicted on the facilities by persons, property, or the elements. The company must take specific protective measures when the City performs work near the facilities.

P. Prior Service Connections. In cases where the City is undertaking the paving or resurfacing of streets and the facilities are located under such street, the company may be required to install service connections prior to the paving or resurfacing, if it is apparent that service will be required during the five (5) year period following the paving or resurfacing.

Q. Public Ground Other Than Right-Of-Way. Nothing in this Section is intended to grant to the company authority beyond that given by Minnesota Statutes, Section 222.37 for use of the public right-of-way for construction and operation of facilities. If the City allows the company to use its non-right-of-way public ground, the terms of this Section apply to the extent they are consistent with the contract, statutory and common law rights the City owns in such property.

R. Permit Schedules. The Director is authorized and directed to prepare suitable regulations and schedules for the administration of permits issued under this Section.

Subd. 16. Special Testing. At any time after commencement of service to subscribers, the City may require additional tests, full or partial repeat tests, different test procedures or tests, involving a specific subscriber's terminal. Requests for such tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance; and such tests will be limited to the particular matter in controversy. The cost of such testing shall be borne by franchisee.

Subd. 17. Subscriber Privacy.

A. No signals of a Class IV cable communications channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns of practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one year which shall be renewable at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such permission shall be required for each type of classification of Class IV cable communications activity planned for the purpose.

B. No information or data obtained by monitoring, transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of the subscribers or any lists that identify the viewing habits of subscribers may be sold or otherwise made available to any party other than the franchisee and its employees for internal business use, or to the subscriber subject of that information, unless the franchisee has received

specific written authorization from the subscriber to make the data available.

C. Written permission from the subscriber shall not be required for the systems conducting system-wide or individually addressed electron sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing; confidentiality of such information shall be subject to the provision set forth in 4 MCAR 4.202 W.1.

Subd. 18. Subscriber Complaints.

A. All franchises shall conduct their business in accordance with the customer service standards established by the FCC and 47 C.F.R. 76.309.

B. All complaints by the City or other citizens regarding the quality of service, equipment malfunction, billing disputes, and any other matters relative to a franchise granted pursuant to this Section shall be investigated by the franchisee within two business days and resolved by the franchisee. Any complaints not resolved to the satisfaction of the complaining party shall be communicated to the City. A record of unresolved complaints may be retained by the City and related to the franchise.

C. A franchisee shall provide to the subscriber a toll-free or collect telephone number for the reception of subscriber complaints and the franchisee shall maintain a repair service capable of responding to subscriber complaints or requests for service within 24 hours after receipt of the complaint or request. Costs included in making repairs and adjustment shall be borne by the franchisee unless it can be clearly determined that the repair or adjustment was made necessary by abuse intentional misuse of the system by the subscriber. Costs of installation shall be borne by the subscriber.

Subd. 19. Unlawful Denial.

A. A franchisee shall not deny access to cable service because of the income of a resident.

B. A franchisee shall not deny access to cable service to a geographical area of the City because of income demographics.

Subd. 20. Termination. The franchising authority shall have the right to terminate and cancel any franchise and all rights and privileges of a franchise, if the franchisee attempts to evade any of the provisions of the franchise or this Section, practices any fraud or deceit upon the City, or fails to operate the franchise in accordance with this Section. The City shall provide the franchisee with a written notice to the local and corporate office by certified mail, return receipt requested of the cause for termination and its intention to terminate the franchise and shall allow the franchisee a minimum of thirty (30) days after service of the notice in which to correct the violation. The franchisee shall be provided the opportunity for a public hearing before the Council prior to the termination of the franchise. In the event that the franchisor determines to terminate the franchise, the franchisee has thirty days from the date of termination of the franchise to take such available action challenging the termination, as provided by law, or its right to challenge termination is waived.

Subd. 21. Abandonment. The franchisee may not abandon any portion of the cable communications service provided under a franchise without prior written notice to the City.

Subd. 22. Removal of Cable Equipment Upon Termination or Forfeiture. Upon termination or forfeiture of a franchise, the franchisee shall remove, if the franchising authority so requests, all of its plants, structures, works, pipes, mains, conduits, cables poles and wires and refill at its own expense and excavation that shall be made by it and shall leave said streets, alleys, public ways and places, in as good condition as that prevailing prior to the franchisee's removal of equipment and appliances. In the event the franchisee fails to do so, the franchisee shall pay to the franchisor as liquidated damages 125 percent of the cost of the removal.

Subd. 23. Municipal Right to Purchase System. The City shall have the right to purchase any franchise or cable system offered for sale pursuant to the same terms and conditions of any bona fide offer to purchase. The franchisee shall provide the City with a copy of a bona fide written offer, and the City has sixty (60) days of receipt to exercise its option to purchase. The purchase option shall be exercised in writing. If not exercised within sixty (60) days of notice, the City's right to purchase is forfeited with respect to that offer, but only that offer.

Subd. 24. Access Channels.

A. A franchisee shall provide to each of its subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities or local government, the franchisee may lease time to commercial or noncommercial users on a first-come first served nondiscriminatory basis if the demand for that time arises. The franchisee may also use this specially designated access channel for local origination during those hours when the channel is not in use by local educational authorities, local government, or commercial or non-commercial users who have leased time.

B. The City reserves the right to establish rules for the administration of the specially designated access channel and establish reasonable rates for the use and administration of the access channel.

C. Franchisee shall provide cable service free of charge to the following locations:

1. City Fire Hall.
2. St. Michael's School.
3. Cedar Mountain Public School - Two-way installation for public access channel.
4. City Offices - Two-way installation for public access channel.

D. Franchisees providing only alarm services or only data transmission

services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers.

Subd. 25. Franchisee Fee.

A. During the term of any franchise granted hereunder, the franchisee shall pay to the City quarterly a franchise fee in accordance with the terms of the Resolution granting the franchise. The franchise fee shall not exceed five (5%) percent of gross revenues. If a franchise fails to state a fee, a fee based on four (4%) percent of gross revenues shall be assumed.

B. "Gross Revenues" are defined to include revenue derived from the City system from the basic television service, tier service and pay cable.

Subd. 26. Non-Interference. Installations shall be maintained so as not to interfere with television reception already in existence within the City.

Subd. 27. Line Extension. The City shall have the right to require reasonable extensions of the franchisee's transmission and distribution system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide accommodations for the public. The City may not require an extension into areas where there are less than twenty-five (25) residential units per mile of trunk or distribution cable as is required.

Subd. 28. Obscenity.

A. For purposes of this Section, obscenity shall mean a program when, to the average person applying contemporary community standards, the program taken as a whole, appeals to the prurient interest; the program depicts or describes, in a patently offensive way, sexual conduct, that is, patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated or patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibition of genitals; and the program taken as a whole lacks serious literary, artistic, political, or scientific value.

B. It is a misdemeanor to originate or produce an obscene program which is transmitted over any cable communications system. However, neither the cable communications franchisee whose facilities are used to transmit a program produced by a person other than the cable communications franchisee, nor the officers, directors, or employees of the cable communications franchisee, shall be liable for any penalty or damages arising from any obscene program presented thereon when the franchisee or its employees does not originate or produce a program. Any entity which schedules the programming of the access channels of a cable communications system shall not be liable for the presentation of any obscene program thereon unless the entity itself originates or produces the program.

Subd. 29. Contradictions With State or Federal Law. Any provisions of this Section or a franchise which are in direct contradiction to any State or Federal law, rule or regulation of cable television franchising, shall be deemed invalid but only to the extent of the contradiction. All other portions of this Section shall continue in full force and effect. As may be possible, all provisions of this Section shall be construed in a manner consistent with State or Federal law so as to maintain the validity of those provisions.

Subd. 30. Additional Franchise Requirements. All cable communication franchises shall also be subject to the following terms and conditions:

A. The franchisee shall provide for citizen participation in selecting programming, and consider citizen preference.

B. The franchisee shall provide customers with reasonable notice of rate changes. "Reasonable notice" shall be a minimum of thirty (30) days.

C. The franchisee shall offer customers a device to allow channels to be blocked-out.

D. All franchises shall be subject to review and renegotiation at any time in the event of a significant change in technology, equipment or regulatory laws, or if the service provided by the franchise fails to meet industry standards of comparable sized communities with respect to channel capacity, system reliability or quality of signal.

Subd. 31. Franchise Terms. All franchises granted pursuant to this Section shall be considered to have incorporated the terms of this Section by reference. In granting a franchise, the City may incorporate additional terms and conditions, as permitted by law.

Subd. 32. Enforcement. The City reserves the right to enforce any violation of this Section by seeking declaratory or injunctive relief in Redwood County District Court. In the event the City is the prevailing party in any such action, the City shall be entitled to judgment for reasonable attorney's fees incurred in pursuing the action.

Source: City Code
Effective Date: 01-01-2001

(Sections 2.83 through 2.98, inclusive, reserved for future expansion.)

(Pages 59 through 63 reserved)

SEC. 2.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 3

MUNICIPAL AND PUBLIC UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. **"Utility"** means all utility services, whether the same be public City-owned facilities or furnished by public utility companies.

2. **"Municipal Utility"** means any City-owned utility system, including, but not by way of limitation, water and sewerage service.

3. **"Company", "Grantee", and "Franchisee"** mean any public utility system to which a franchise has been granted by the City.

4. **"Consumer" and "Customer"** mean any user of a utility.

5. **"Service"** means providing a particular utility to a customer or consumer.

SEC. 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

SEC. 3.03. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

SEC. 3.04. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subd. 1. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly. Each billing shall be done on the first day of the month following the month in which the billing is made. If billing is not paid when due, a collection charge of 10% shall be added thereto. If any past due bill is not paid within thirty (30) days from the due date, the Water Committee of the Council may cause utility services to the building or premises wherein or whereon the past due bill was incurred to be shut off. A service, when shut off, shall not be turned on again until all previously incurred water service charges have been paid, plus a charge

for turning on the water. Any other seasonal turnoffs shall be subject to the same charges.

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same, and all fees, charges and assessments required by this Chapter have been paid in full. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subd. 3. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that:

A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,

B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,

C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

Subd. 4. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof, subject to the following specific provisions: (a) the City owns all gas lines up to and including the gas meter servicing each individual property; all piping and gas equipment leaving the gas meter belongs to the property owner; (b) the City owns individual water service lines up to and including the “curb stop”. All individual water service lines beyond the “curb stop” belong to the property owner; (c) each property owner owns the individual sewer line servicing the property from the structure which it serves to the sewer main, including that portion located in any street, alley, or public property; (d) private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subd. 5. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his/her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

Subd. 6. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him/her, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an

accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test.

Subd. 7. Unlawful Acts.

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

Subd. 8. Municipal Utility Services and Charges a Lien.

A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City of Morgan, Minnesota. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of said building shall be the customer of record and this responsibility shall not be waived by contract or otherwise. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than forty-five (45) days delinquent may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the City of Morgan, Minnesota, to the County Auditor, and the City Clerk-Treasurer in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Subd. 9. Municipal Utility Service Outside the City. The City Clerk-Treasurer is hereby authorized to furnish municipal utility service to consumers outside the City, provided, that such consumers specifically agree to all of the terms of the City Code, including, but not limited to, rules, regulations and rates adopted thereunder and the right to specially assess delinquent services, charges and penalties.

SEC. 3.05. CONNECTION OR TAPPING PROHIBITED - DELINQUENT ASSESSMENTS OR CHARGES. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

SEC. 3.06. ABANDONED SERVICES - PENALTIES. All service installations connected to the water and sewerage system that have been abandoned or, for any reason, have become useless for further service shall be forthwith disconnected at the main. The owner of the premises served shall pay all costs of excavation, capping, main and street restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. If any property owner shall fail to pay the costs incident to services performed under this Section, the City may collect payment therefor as any other utility charge.

Source: City Code
Effective Date: 01-01-2001

(Sections 3.07 through 3.19, inclusive, reserved for future expansion.)

Pages 69 through 73 reserved)

SEC. 3.20. RULES AND REGULATIONS RELATING TO REFUSE COLLECTION AND DISPOSAL.

Subd. 1. Definition. "Refuse" means and includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, but not including construction material or debris.

Subd. 2. Storage and Transporting Refuse.

A. It is unlawful for any person to store refuse except as herein provided.

B. It is unlawful for any person to transport refuse over any street, for hire, except by special permit from the Council, or acting within the course and scope of a written contract with the City, or his/her employment with the City.

C. It is unlawful for any person to transport refuse on any street unless it is carried in a vehicle equipped with a leak-proof body or container and completely covered with a heavy canvas or top to prevent loss of contents.

Subd. 3. Containers. All refuse shall be stored in clean, rust-resistant, water-tight, non-absorbent and washable closed containers, approved for the purpose by the City. Provided, however, that tree clippings may be stored in tied bundles no longer than four feet and lawn clippings and paper may be stored in containers protected from wind and other elements.

Subd. 4. Collection and Disposal of Refuse. The City shall provide for collection and disposal of residential refuse in a sanitary manner to insure the health, safety and general welfare of its residents, under such terms and conditions as the City may, from time to time, deem appropriate. Containers shall be placed at the designated collection point on days specified by the City. Collection points will generally be the street adjacent to the property from which refuse is collected.

Subd. 5. Property of the City. All materials at public disposal sites are the property of the City. It is unlawful for any person to separate, collect, carry off or dispose of such materials except by direction of the City.

Subd. 6. Disposal Site. Privately hauled non-refuse disposal from households, and refuse and non-refuse disposal from commercial establishments, may be deposited at the disposal site upon payment of charges therefor.

Source: City Code
Effective Date: 01-01-2001

(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)

(Pages 76 through 80 reserved)

SEC. 3.30. RULES AND REGULATIONS RELATING TO WATER SERVICE.

Subd. 1. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

Subd. 2. Repair of Leaks. It is the responsibility of the consumer or owner to maintain the water service from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her water service within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

Subd. 3. Replacement or Increasing Size of Water Service. When the customer or owner desires to replace or increase the size of water service from the main, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service; except, that when the existing service from the main to the curb stop is leaking, the City shall make necessary repairs or replacements at City expense.

Subd. 4. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression-fitted, and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter.

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow.

Subd. 6. Prohibited Uses or Restricted Hours. Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit

the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

Subd. 7. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

Subd. 8. Opening Hydrants. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

Subd. 9. Unmetered Service. Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service.

Subd. 10. Water Meters. All water meters exceeding one inch in size shall be purchased and maintained by the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner, as shall any maintenance and repair of meters which are not of the remote reading type. Any meter twenty years old, or older, or in need of replacement, shall be replaced with a remote type which shall be purchased by the property owner and shall be the maintenance responsibility of the City. All water meters shall be installed and controlled by the City and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished by the City, installed at the expense of the property owner, and the City shall thereafter own such meter.

Subd. 11. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

Source: City Code
Effective Date: 01-01-2001

(Sections 3.31 through 3.39, inclusive, reserved for future expansion.)

(Pages 84 through 88 reserved)

SEC. 3.40. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated.

1. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

2. "BOD₅ or Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).

3. "Debt Service Charge" - A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

4. "Industrial User"

(a) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.

Division A: Agriculture, Forestry and Fishing.

Division B: Mining.

Division D: Manufacturing.

Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers.

Division I: Services.

(b) Any user whose discharges, singly or by interaction with other wastes:

(1) Contaminate the sludge of the wastewater treatment system.

(2) Injure or interfere with the treatment process.

(3) Create a public nuisance or hazard.

(4) Have an adverse effect of the waters receiving wastewater treatment plant discharges.

(5) Exceed NDSW limitations.

(6) Exceed normal residential unit volumes of wastewater.

5. "Infiltration/Inflow (I/I)" - Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

6. **"MPCA"** - Minnesota Pollution Control Agency.

7. **"National Categorical Pretreatment Standards"** - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities. (Section 307(b) of the Act).

8. **"National Pollutant Discharge Elimination System (NPDES) Permit"** - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.

9. **"Natural Outlet"** - Any outlet, including storm sewers and combined sewers, which overflows into a body of surface water or ground water.

10. **"Normal Domestic Strength Waste (NDSW)"** - Wastewater that is primarily introduced by residential users with BOD₅ concentrations not greater than 272 mg/l and total suspended solids (TSS) concentrations not greater than 300 mg/l.

11. **"Non-Residential Users"** - A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.

12. **Operation, Maintenance and Replacement Costs (OM&R)** - Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

13. **"Residential User"** - A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

14. **"Sewer"** - A pipe or conduit that carries wastewater or drainage water.

(a) **"Building Sewer"** - The extension from the building to the public sewer or other place of disposal, also referred to as a service connection.

(b) **"Sanitary Sewer"** - A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of I/I.

(c) **"Storm Sewer"** - A sewer intended to carry unpolluted surface and sub-surface water from any source.

15. **"Sewer Service Charge"** - The total of the User Charge and the Debt Service Charge.

16. **"Slug"** - Any discharge of water or wastewater which in

concentration or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation.

17. "State Disposal System (SDS) Permit" - A permit issued by the MPCA pursuant to Minn. Stat. 115.07 for a disposal system as defined by Minn. Stat. 115.01, Subd. 8.

18. "Total Suspended Solids (TSS)" - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).

19. "Unpolluted Water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.

20. "User Charge" - A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance including replacement.

21. "Wastewater" - Liquid and water-carried wastes from residential, non-residential and industrial users, together with any ground water, surface water and storm water that may be present.

22. "Wastewater Treatment Facilities" or "Treatment Facilities" - The land, devices, facilities, structures, equipment, and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

Subd. 2. Control and General Supervision. The Wastewater Plant Operator shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this Section to ensure that a proper and efficient public sewer is maintained. He/She may delegate responsibilities to designated representatives.

Subd. 3. Use of Public Sewers Required.

A. Upon receiving official notification, the owners of all properties shall install a suitable service connection, at their own expense, in accordance with the provisions of this Section.

B. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this Section, the City will have said connection made and shall assess the cost against the benefitted property.

C. Except as provided hereinafter, it is unlawful to construct or maintain

any private facility intended or used for the disposal of wastewater.

Subd. 4. Private Wastewater Disposal.

A. Where a public sewer is not available under the provisions of Subdivision 3, above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Subdivision.

B. Before construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The permit shall not become effective until the installation is completed to the City's satisfaction and ISTS regulations. A designated representative of the City shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice.

C. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080, and applicable City Code provisions.

D. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

E. When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with this Section, and within thirty (30) days private wastewater disposal systems will be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

F. No statement contained in this Subdivision shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible Federal, State or local agencies.

Subd. 5. Building Sewers and Connections Design.

A. It is unlawful for any person to make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

B. Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD₅, and TSS, as determined by the City.

C. A separate and independent building sewer shall be provided for every building. Old building sewers may be used to service new buildings only when they are found to

meet all requirements of this Section.

D. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

E. The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City, and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Environment Federal (WEF) Manual of Practice No. 9. All such connections shall be made gas and water-tight, and verified by proper testing to prevent I/I.

F. No unpolluted water sources shall be connected to the sanitary sewer.

G. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of a designated representative.

H. An appropriate construction license is required to install a service connection. Any person desiring a license shall apply in writing to the Council, providing satisfactory evidence of the applicant's qualifications. If approved by the Council, the license shall be issued by a designated representative upon the filing of a bond as hereinafter provided.

I. A license for sewer service connection installation shall not be issued until a \$500.00 bond to the City is filed and approved by the Council. The licensee will indemnify the City from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, made by the licensee or by those in the licensee's employment. The City will do all taping of sewer mains and will charge for time and material accordingly.

J. The Council may suspend or revoke any license issued under this Subdivision for any of the following causes:

(1) Giving false information in connection with the application for a license.

(2) Incompetence of the licensee.

(3) Willful violation of any provisions of this Subdivision or any rule or regulation pertaining to the making of service connections.

(4) Failure to adequately protect and indemnify the City and the user.

Subd. 6. Use of Public Wastewater Treatment Facilities.

A. No unpolluted water or storm water shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies.

B. It is unlawful for any person to discharge any of the following substances to the public sewer:

1. Liquids, solids, gases or other substances which singly or by interaction with others may cause fire or explosion.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer.

3. Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.

4. Wastewater containing toxic pollutants, as defined in Section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01, Subd. 14, or which result in the presence of toxic gases, vapors, or fumes which might cause acute worker health and safety problems.

C. Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance. The Wastewater Plant Operator may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the City's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

1. Wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.

2. Wastewater containing fats, wax, grease, or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.5 degrees C).

3. A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation.

4. Food waste not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than 1/2 inch in any dimension.

5. Noxious or malodorous liquids, gases, or solids.
6. Wastewater with objectionable color not removed in the treatment process.
7. Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
8. Radioactive wastes or isotopes in concentrations that exceed limits established by applicable State and Federal regulations.
9. Wastewaters with BOD₅ or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the City, subject to other provisions of this Section.
10. Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, State or Federal regulation.

D. In the event of discharges to the public sewers which contain substances or possess the characteristics prohibited in this Section or which in the judgment of the City may have a deleterious effect to the treatment facility, receiving waters, soils, vegetation, or which create a hazard or nuisance, the City may: (1) Refuse to accept the wastes; (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof; (3) Require control over the quantities and rates of discharge; and/or, (4) Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. If the City permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to the review and approval by the City pursuant to the requirements of the MPCA.

E. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Subdivision, the National Categorical Pretreatment Standards, and any State or local requirement.

F. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the City. Any removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

G. Where required by the City, industrial users shall install and maintain at their own expense a suitable structure or control manhole, with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The Council may require submission of laboratory analyses to illustrate compliance with this Section and any special conditions for discharge established by the Council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association.

H. Where required by the City, users shall provide protection from an accidental discharge of substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the City for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this Section.

I. Users shall notify the City immediately if a slug or accidental discharge of wastewater occurs in violation of this Section. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities, or for any fines imposed on the City by any State or Federal agency as a result of their actions.

J. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

K. It is unlawful for any person to permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the City.

L. Each day after ten (10) days that the owner neglects to make said repairs shall constitute a separate violation of this Section. The City may then cause the work to be done, and recover related expenses from the owner or agent by an action in the name of the City.

M. In addition to penalties that may be imposed for violation of any provision of this Subdivision, the City may assess against the user/owner the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

N. No statement contained in this Subdivision shall prevent any special agreement or arrangement between the City and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment

by the industrial user, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

Subd. 7. Damage to Facilities. It is unlawful for any person to willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

Subd. 8. Powers and Authority of Inspectors.

A. Duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Section.

B. Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential, however, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

SEC. 3.41. SEWER SERVICE CHARGE SYSTEM.

Subd. 1. Establishment of a Sewer Service Charge System.

A. The City hereby establishes a Sewer Service Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading.

B. Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed in accordance to the provisions of this Section. Sewer service rates and charges shall be adopted by Council resolution and published in the local paper.

C. Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

Subd. 2. Sewer Service Fund.

A. The City hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

B. The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

- 1. Operation and Maintenance.**
- 2. Equipment Replacement.**
- 3. Debt Retirement for the Treatment Facility.**

Subd. 3. Administration of the Sewer Service Fund.

A. A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall furnish the Council with a report of such costs annually.

B. At that time the Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionate user charges and sufficient funds.

C. In accordance with State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Subd. 4. Determination of Sewer Service Charges.

A. Charges to users who discharge NDSW will be calculated on the basis of metered water use. Users of the wastewater treatment facilities shall be classified as belonging to one of the following user classes:

- 1. Residential.**
- 2. Non-Residential.**
- 3. Industrial.**

B. Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loading of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations. Those industrial users discharging only segregated NDSW can be classified as non-residential users for the purposes of rate determination.

C. Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow as follows:

1. Residential Users: Billable wastewater volume for residential users shall be calculated on the basis of monthly metered water usage. The City may require residential users to install water meters for the purpose of determining billable wastewater

volume.

2. Non-Residential Users: Billable wastewater volume of non-residential users may be determined in the same manner as for residential users, except that if the City determines that there are significant seasonal variations in metered water usage resulting in a proportionate increase in wastewater volume, the billable wastewater volume will be:

(a) Calculated on the basis of quarterly water usage as recorded throughout the year; or

(b) Calculated on the basis of metered wastewater flow. The City may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

D. Determination of User Charges.

1. For producers of Normal Domestic Strength Wastes:

$$Uomr = Comr \text{ divided by } Tbwv$$

Where: $Uomr =$ Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

$Comr =$ Total annual OM&R costs.

$Tbwv =$ Total annual billable wastewater flow in Kgal.

2. Calculation of User Charges:

$$Uc = Uomr \times bwv$$

$Uc =$ User Charge.

Where: $Uomr =$ Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

$bwv =$ Billable wastewater volume in Kgal.

E. Recovery of Local Construction Costs. Local construction costs for the wastewater treatment facility will be recovered through a Debt Service Charge calculated in a manner consistent with the User Charge as follows:

1. Calculation of Unit Cost for Debt Service:

$$Uds = Cds \text{ divided by } Tbwv$$

Where: U_{ds} = Cost for annual debt service (\$/Kgal.)

C_{ds} = Cost of annual debt service.

T_{bwv} = Total annual billable wastewater volume (Kgal.)

2. Calculation of Debt Service Charge:

D_c = $U_{ds} \times bwv$

Where: D_c = Debt Service Charge.

U_{ds} = Unit Charge for Debt Service (\$/Kgal.)

bwv = Billable wastewater volume of a single user (Kgal.)

F. Determination of Sewer Service Charges. The sewer service charge for a particular connection shall be determined as follows:

$SSC = U_c + D_c$

Where: SSC = Sewer Service Charge.

U_c = User Charge.

D_c = Debt Service Charge.

G. The Sewer Service Charge established in this Section will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

1. The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.

2. The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater", latest edition.

3. A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, and other significant loadings shall be developed and used to determine the proportionate allocation of costs to flows and loadings for industrial users.

Source: City Code

Effective Date: 01-01-2001

SEC. 3.42. ESTABLISHMENT OF STORM WATER DRAINAGE UTILITY.

See Ordinance No. 14, Second Series, for full text of Recitals.

Subd. 1. Establishment. There is hereby established a public utility which shall be known as the Storm Water Drainage Utility in and for the City of Morgan. The Storm Water Drainage Utility shall be operated as a public utility pursuant to the City Code and applicable statutes. The revenues there from shall be derived subject to the provisions of this Ordinance and Chapter 444, Minnesota Statutes. The Storm Water Drainage Utility operations shall be part of the Public Utilities Department under the supervision of the Superintendent of Public Works and administered by the City of Morgan under the administration of the City Clerk-Treasurer.

Subd. 2. Definitions. The following terms shall have the definitions as herein stated with respect to the construction and interpretation of this Ordinance:

- A. **Construction.** Construction shall mean the improvements to the storm water system in areas not previously served with lateral and trunk lines.
- B. **Maintenance.** Maintenance shall include direct and indirect costs as well as equipment costs for repairs and cleaning. Cleaning includes catch basin cleaning, jetting, thawing pipes and any other operations that assure a dependable drainage system. It shall also include the administrative costs.
- C. **Reconstruction.** Reconstruction shall mean the improvements made to the storm water drainage system in areas previously served with lateral and trunk lines.
- D. **Administrative.** Administrative costs are those associated with acquiring and maintaining the necessary contour maps that define the watershed in and for the City of Morgan; the periodic planning and engineering studies that shall determine the adequacy and condition of the storm water drainage system; and those costs associated with the billing and collecting of fees, ordinance establishment or modifications, and other related expenses.
- E. **Developed Land.** Developed land is land that has been platted. Undeveloped land is any land that has not been platted.
- F. **Residential Equivalent Factor (REF).** For purposes of this ordinance, Residential Equivalent Factor (REF) is defined as the ratio of the storm water utility rate for one-half (1/2) acre of a given land use to the storm water utility rate of one-half (1/2) acre of typical single family residential land.

Subd. 3. Storm Water Drainage Fees. In determining fees, the City Council shall by resolution establish a basic system rate to be charged monthly against one-half acre of land having an REF of one. The charge to be made against each parcel of land shall then be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate divided by 0.5 acres. The REF values for various land uses

are as follows:

<u>Land Use</u>	<u>REF</u>
Single family and duplex residential	1.00
Vacant Lots of any kind	1.00
Cemeteries	1.00
Agricultural land	0.05
Multiple residential	1.25
Commercial	1.50
Schools and churches	1.50
Industrial	3.00

For the purpose of calculating storm water drainage fees, all developed parcels shall be considered to have a minimum acreage of one-half acre. The city clerk/treasurer shall determine land use classifications by assigning them to classes most nearly like the listed land uses. An appeal of such classifications from the determination of the city clerk/treasurer may be made to the City Council.

Subd. 4. Exemptions. The following land uses are exempt from storm water drainage fees: Public right of ways, municipal property being used for public service, and City parks.

Subd. 5. Payment of Fees. The City Council shall establish policy relating to the payments of fees and penalties relating thereto.

Subd. 6. Recalculation of Fees. If a property owner or person responsible for paying the storm water drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the City Clerk, made within twelve (12) months of mailing the invoice by the City. The property owner may appeal the decision of the City Clerk to the City Council by filing notice of such appeal with the City Clerk within sixty (60) days of the City Clerk's determination.

Subd. 7. Certification of Past Due Fees on Taxes. Any past due storm water drainage fees in excess of ninety (90) days past due on October 1, of any year may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to Minnesota Statutes Sec. 444.075, Subdivision 3. In addition the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

Subd. 8. This Ordinance shall take effect and be in force from and after its passage and publication.

(Ord. #14, 2nd Series – 08-09-2006)

(Sections 3.43 through 3.98, inclusive, reserved for future expansion.)

SEC. 3.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 4

CONSTRUCTION LICENSING, PERMITS AND REGULATION

SECTION 4.01. PERMIT FEES. Fees for permits under this Chapter, which may include a surcharge, shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Clerk-Treasurer and uniformly enforced.

SEC. 4.02. LAND USE PERMITS REQUIRED.

Subd. 1. Unlawful Acts. It is unlawful for any person to erect, construct, enlarge, remove, convert, or demolish any building or structure, or any part or portion thereof, without first obtaining a land use permit for each such building or structure from the City, and paying the appropriate fee.

Subd. 2. Application and Approval. Application for a land use permit shall be made to the Council on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and use and accessory buildings and uses to be erected or constructed. Applications for any of the land use permits shall contain such other information as may be deemed necessary for the proper enforcement of the City Code. The fee for the land use permit shall be determined by the Council. The Council shall issue the land use permit only after determining that the building plans, together with the application, comply with the City Code.

SEC. 4.03. PRIVATE SEWAGE DISPOSAL SYSTEMS AND WATER WELLS.

Subd. 1. Private Sewage Disposal Systems. It is unlawful to construct, reconstruct or maintain any private sewage disposal system in the City.

Subd. 2. Private Water Wells. It is unlawful to construct any private water well in the City.

Source: City Code
Effective Date: 01-01-2001

(Sections 4.04 through 4.29, inclusive, reserved for future expansion.)

SEC. 4.04. PLUMBING PLANS AND SPECIFICATIONS. Prior to the installation of a plumbing system other than for a single-family dwelling, complete plans and specifications together with any additional information that the city may require, shall be submitted in duplicate and approved by a building official designated by the city. The appraisal of the building official shall reflect the degree to which these plans and specifications affect the public health and conform to the provisions of the Minnesota Plumbing Code. No construction shall proceed except in accordance with the approved plans. Any alternation or extension of an existing plumbing system shall be subject to the same requirements.

(Ord. #3, 2nd Series – 07-11-2001)

SEC. 4.30. MINIMUM STRUCTURAL REQUIREMENTS.

Subd. 1. Foundations. Any structure designed to be used as a dwelling shall be placed on a permanent, continuous, perimeter foundation constructed of masonry, concrete or treated wood. All footings supporting the foundation shall be placed at a minimum depth of forty-two (42) inches below the finished grade or at such greater depth as required by the Minnesota State Building Code. Provided, that this Subdivision shall not apply to a building constructed on a reinforced concrete slab if such slab forms the ground floor of the dwelling.

Subd. 2. Exterior of All Buildings. The exposed exterior of all buildings shall be brick, solid masonry or concrete, or colored steel, wood, vinyl, aluminum or masonite siding.

Subd. 3. Roof Pitch and Eaves. Any structure designed to be used as a dwelling shall have a minimum roof pitch of four (4) on twelve (12) and have a minimum eave overhang of twelve (12) inches.

Subd. 4. Width and Area. Any structure designed to be used as a dwelling shall have a minimum width of twenty (20) feet, and all single-family dwellings shall have a minimum floor area of 800 square feet.

Subd. 5. Exception. This Section shall not apply to manufactured homes in manufactured home parks licensed by the State.

Source: City Code
Effective Date: 01-01-2001

(Ord. #10, 2nd Series – 03-03-2004)

(Sections 4.31 through 4.98, inclusive, reserved for future expansion.)

(Pages 119 through 123 reserved)

SECTION 4.31. REGULATING THE BURNING OF SOLID FUELS IN EXTERNAL SOLID FUEL – FIRE HEATING DEVICES.

Section 1. Definitions

- A. “External solid fuel-fired heating device” means a device designed for external solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.
- B. “Stacks or chimneys” means a vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially the part of such a structure extending above a roof.
- C. “Person” means an individual, partnership, corporation, company or other association.

Section 2. Permit Required

- A. The City of Morgan requires any person to obtain a land use permit prior to the installation of any external solid fuel-fired heating device after the date this ordinance becomes effective, and such device must meet all local, state, and federal regulations and the manufacturer’s specifications for installation.

Section 3. Other Requirements Upon the Effective Date of this Ordinance:

- A. All external solid fuel-fired heating devices, used, installed, or purchased within the city limits of Morgan, Minnesota, are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- B. All outdoor wood-burning units or external solid fuel-fired heating devices are subject to public nuisance as described in Morgan City Code Section 10.53.
- C. Any dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, is declared a public nuisance.
- D. All external solid fuel-fired heating devices must have a stack or chimney that is constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the external solid fuel-fired heating device. The stack or chimney height shall be a minimum of 25 feet above ground level or 2 feet

higher than the roof line of any residence or principal building within a 300 foot radius of the stack or chimney, whichever is greater. All stacks or chimneys must be of masonry or insulated metal with a minimum six-inch (6") flue. No person shall use an external solid fuel-fired heating device in violation of this paragraph.

- E. Only wood or other fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage may be burned in an external solid fuel-fired heating device. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- F. All external solid fuel-fired heating devices shall be equipped with properly functioning spark arresters.
- G. The exterior of any external solid fuel-fired heating device shall not be too hot to touch while operating or must be surrounded by a fence at least four feet in height to keep people away.
- H. No person may use an external solid fuel-fired heating device in the City of Morgan during the months of May, June, July, August, September and October.

Section 4. Right of Entry and Inspection.

An officer, agent, employee, or representative of the City may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 5. Existing External Solid Fuel-fired Heating Devices.

External solid fuel-fired heating devices installed prior to the adoption of this ordinance shall be operated in compliance with this ordinance:

Section 6. Penalty

Any violation of this ordinance is a misdemeanor. Each day a violation occurs is a separate offense.

Section 7. Effective Date

This ordinance shall take effect upon its passage and publication.

(Ord. #19, 2nd Series – 09-03-2008)

SECTION 4.32. AUTHORIZING AND REGULATING THE CONDUCT OF OPEN BURNING WITHIN THE CITY OF MORGAN, MINNESOTA.

See Ordinance No. 23, Second Series, for full text of Sections 1, 2, and 3.

SECTION 4. DEFINITIONS

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

DESIGNATED FIRE OFFICIAL. The Fire Chief, Assistant Fire Chief, or other person designated by the city council who provides fire protection or public safety services to the city.

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

RECREATIONAL/CAMP FIRE. A fire set with an approved starter fuel no more than three (3) feet in height contained within 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, or social food preparation; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality requirements so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches 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 may be used to start an open burn.

VEGETATIVE MATERIALS. Dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.

WOOD. Dry, clean fuels, such twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" 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 less than three foot lengths.

SECTION 5. PROHIBITED MATERIALS.

- A. No person shall conduct, cause or permit the open burning of oils, petroleum fuels, rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke such as, but not limited to: tires; railroad ties; treated, painted or

glued wood composite shingles; tar paper; insulation; composition board; sheet rock; wiring; or paint and paint filters.

- B. No person shall conduct, cause or permit the open burning of: hazardous waste or materials from salvage operations; solid waste generated from an industrial or manufactured process; materials from a service or commercial establishment; or building materials generated from demolition of residential, commercial or institutional structures.
- C. No person shall conduct, cause or permit the open burning of discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
- D. No person shall conduct, cause or permit the open burning of any leaves or grass clippings.

SECTION 6. OPEN BURNING PROHIBITED EXCEPT BY PERMIT.

No person shall start or allow any open burning on any property in the city without first having obtained an open burning permit. A permit is not required for any fire which is a recreational/camp fire as defined in Section 4.

SECTION 7. PERMITTED OPEN BURNING; SPECIAL CIRCUMSTANCES.

- A. Under special or extraordinary circumstances, open burning permits may be issued by the city or by a DNR forestry official for:
 - (1) Elimination of health hazard that cannot be abated by other practical means, as determined by the commissioner of health or the local health authority.
 - (2) Ground thawing for utility 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, land spreading or other alternative methods are not practical.
 - (4) Disposal of diseased trees generated on-site, diseased or infected nursery stock, or 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 may only be issued by the Minnesota Department of Natural Resources (DNR).

- C. Permits for the operation of permanent tree and brush burning sites may only be issued by the Minnesota Department of Natural Resources (DNR).

SECTION 8. PERMIT APPLICATION AND FEES.

- A. Open burning permits shall be obtained by making application on a form prescribed by the DNR and adopted by the Fire Department. The permit application shall be presented to the designated fire official for review.
- B. An open burning permit shall require the payment of a fee. Permit fees shall be in an amount established by the Council.

SECTION 9. PERMIT PROCESS

- A. The applicant shall demonstrate to the designated fire official the ability to comply with the applicable state statutes, this ordinance, or any additional guidelines as may be adopted.
- B. Upon receipt of the completed open burning permit application and fee, the designated fire official may, if he or she believes necessary, require a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and times of permitted burn and review fire safety considerations, including the preparation of a detailed burn event safety plan with the designated fire official, when conditions require.

SECTION 10. DENIAL OF PERMIT.

- A. If the established criteria for the issuance of an open burning permit are not met, the application will be denied.
- B. Even if the established criteria for the issuance of an open burning permit are met, if it is determined that a practical alternative method for disposal exists, a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the designated fire official, the application may be denied.

SECTION 11. 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.
- B. The open burning site shall have appropriate communication and fire suppression equipment available.
- C. The open burn shall be attended to at all times. No fire may ever be allowed to smolder. The fire shall be completely extinguished before the permit holder or his or

her representative leaves the site. It is the responsibility of the permit holder to have a valid permit, as required by this ordinance, available for inspection on site by law enforcement, the Fire Department, a Minnesota Pollution Control Agency (MPCA) representative or DNR officer.

- D. The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and guidelines 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.

SECTION 12. REVOCATION OF PERMIT.

An open burning permit is subject to revocation at the discretion of a DNR officer or the designated fire official. Reasons for revocation include but are not limited to: a fire hazard existing or developing during the course of the burn; any permit conditions 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, or attendant, present.

SECTION 13. BURNING BAN OR AIR QUALITY ALERT.

- A. The designated fire official is authorized to determine when conditions make open burning potentially hazardous and declare a burning ban within the city.
- B. No recreational fire or open burn will be permitted when the city or the DNR has officially declared a burning ban due to potentially hazardous fire conditions or when the MPCA has declared an air quality alert.

SECTION 14. PENALTY,

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor as defined by the Minnesota Statutes, as may be amended from time to time.

SECTION 15. SEVERABILITY.

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

SECTION 16. EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its passage and publication.

(Ordinance #23, 2nd Series – 09-05-2012)

SECTION 4.33. AN ORDINANCE REGARDING RENEWABLE ENERGY SYSTEMS (WIND, SOLAR, GEOTHERMAL)

See Ordinance No. 24, Second Series, for full text of Sections 1, 2, and 3.

Section 4. Definitions, Wind Energy Sources and Systems.

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

A. Feeder Line. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

B. Ground mounted WECS. Freestanding WECS mounted to the ground with footings or other apparatus.

C. Large WECS. A WECS of equal to or greater than 100 kW in total nameplate generating capacity. The energy must be used on-site with excess energy distributed into the electrical grid. Large WECS are limited to one-hundred twenty five (125) feet in height.

D. MET Tower. A MET Tower shall mean a meteorological tower used for the measurement of wind speed.

E. Property Line. The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

F. Roof Mounted WECS. A WECS utilizing a turbine mounted to the roof of a structure.

G. Small WECS. A WECS of less than 100 kW in total nameplate generating capacity. The energy must be used on-site with excess energy distributed into the electrical grid. Small WECS are limited to sixty (60) feet in height.

H. Tower. Vertical structures that support the electrical generator, rotor, and blades, or the meteorological equipment.

I. Tower Height. The total height of the WECS, including tower, rotor, and blade to its highest point of travel.

J. Turbine Cut-In Speed. The lowest wind speed at which turbines generate power to the utility system.

K. Wind Energy. Kinetic energy present in wind motion that can be converted into electrical energy.

L. WECS. A Wind Energy Conversion System which is an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy must be used onsite with excess energy distributed into the electrical grid.

M. Wind Energy System. An electrical generating facility that consists of a wind turbine associated controls and may include a tower.

N. Wind Turbine. A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Section 5. Large WECS Districts.

A. Large WECS Districts.

1. Ground and Roof Mounted Large WECS shall be allowed with approval of a conditional use permit as outlined in Section 5 (Conditional Use Permit Procedure) in the following zoning districts and land use designations:
 - a. In all properties located in the Commercial, Industrial, and Agricultural zoning districts;
 - b. In all properties located in the Residence zoning district (R-1 - One and two family residence district and R-2 - Multiple residence district) for purposes of shared WECS energy production among the residential dwelling units.
 - c. In all properties approved as a planned unit development for purposes of shared WECS energy production among the businesses/organizations, residential dwelling units, or adjoining businesses/organizations/residential dwelling units.
 - d. In all properties guided as government or institutional by the city council.
2. Ground and Roof Mounted Large WECS shall be prohibited in all properties guided as park or open space on an official plat of the city or as designated by the city council.

B. Small WECS Districts.

1. Roof Mounted Small WECS shall be deemed permissible in all zoning districts.

2. Ground Mounted Small WECS shall be deemed an accessory structure, permissible in the following zoning districts and land use designations:
 - a. In all properties located in Commercial, Industrial, or Agricultural zoning districts.
 - b. In all properties located in multiple dwelling Residence zoning district (R-1 - One and two family residence district and R-2 - Multiple residence district) for purposes of shared WECS energy production among the residential dwelling units.
 - c. In all properties approved as a planned unit development for purposes of shared WECS energy production among the businesses/organizations, residential dwelling units, or adjoining business/organizations/residential dwelling units.
 - d. Ground Mounted Small WECS shall be deemed an accessory structure, permissible in double or single dwelling residential zoning districts if the following neighborhood consent requirements are met: Written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one-hundred fifty (150) feet or more from any house. Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

Section 6. Placement and Design.

A. Ground Mounted WECS.

1. Height.
 - a. Large WECS shall have a total height, including tower and blade to its highest point of travel, of no more than one-hundred twenty-five (125) feet.
 - b. Small WECS shall have a total height, including tower and blade to its highest point of travel, of no more than sixty (60) feet.

B. Placement.

1. Large WECS shall be located as follows:
 - a. Shall not be located between a principal structure and a public street, unless the city determines that such a location would lessen the visibility of the Large

WECS or would lessen the negative impacts of such a WECS on nearby properties.

- b. Have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, electric substation, transmission line, or other WECS.
 - c. In addition, the setback distance must be increased by twenty-five (25) feet from any property that is zoned or planned for residential.
 - d. Have a minimum setback distance from the base of the monopole of one and onehalf (1-1/2) times the height from any public right of way, occupied structure, or public use area.
 - e. Have a minimum setback distance from the base of the monopole of one-fourth (1/4) mile or one thousand three hundred and twenty (1,320) feet from any bluff.
2. Small WECS shall be located as follows:
- a. Shall not be located between a principal structure and a public street, unless the city determines that such a location would lessen the visibility of the Small WECS or would lessen the negative impacts of such a WECS on nearby properties.
 - b. Have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, public right-of-way, electric substation, transmission line, or other WECS.

C. Number.

1. Large WECS. One (1) large WECS shall be allowed on a single lot of one (1) to five (5) acre(s). All other larger parcels will be limited to one (1) large WECS per five (5) acres of land area.
2. Small WECS. One (1) small WECS shall be allowed on a single lot up to one (1) acre in size. All other larger parcels will be allowed one (1) small WECS per five (5) acres of land area.

D. Design.

1. Tower Configuration. All ground mounted WECS shall:
 - a. Be installed with a tubular, monopole type tower.
 - b. Have no guyed wires attached to the tower or other components.

- c. Have no ladder, step bolts, rungs, or other features used for lower access to extend within eight (8) feet of the ground. Lattice-style towers shall have a protective barrier to prevent unauthorized access to the lower eight (8) feet of the tower.
2. Signs. A WECS operator is required to provide a single posting, not to exceed from (4) square feet, at the base of a WECS prohibiting trespassing, warning of high voltage, and providing the emergency contact information for the operator.

Section 7. Roof Mounted WECS.

A. Height.

1. Large Roof Mounted WECS:

- a. Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.

2. Small Roof Mounted WECS:

- a. Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.
- b. Residential Installation: In addition to the twenty-five (25) foot height restriction for the Small Roof Mounted WECS, the height of the WECS and the structure on which it is attached must not exceed the maximum height allowed in the residential zoning district for which it is installed.

B. Placement.

1. Roof mounted WECS must be erected above the roof of a building or structure. The mounts associated with the WECS may extend onto the side of the building or structure.

C. Number.

1. Large Roof Mounted WECS. The maximum number of Large Roof Mounted WECS shall be approved through the conditional use permit process.
2. Small Roof Mounted WECS. No more than three (3) roof mounted Small WECS shall be installed on any rooftop.

Section 8. Conditional Use Permit Procedure.

Procedures for granting conditional use permits from this ordinance are as follows:

- A. The city council may approve conditional use permit requirements in this Ordinance.

- B. Before the city council acts on a conditional use permit the planning commission will make a recommendation to the city council.
- C. In reviewing the conditional use permit the planning commission and city council will follow the requirements for conditional use permit approvals.

Section 9. General Standards.

The following provisions will apply to all WECS erected under the provisions of this ordinance:

- A. Noise: Have a maximum noise production rating of fifty-five (55) dB fifty (50) dBA and shall conform to this standard under normal operating conditions as measured at any property line.
- B. Over Speed Controls: Shall be equipped with manual and automatic over speed controls to limit the blade rotation within design specifications.
- C. Lighting: WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA Regulations Part 77 "Objects Affecting Navigable Air Space" and FAA Advisory Circular 70/7460-IF, September 1978 "Obstruction Marking and Lighting".
- D. Intent to Install: Prior to the installation or erection of a WECS, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
- E. Signs: The placement of all other signs, postings, or advertisements shall be prohibited on the units. This restriction shall not apply to manufacturer identification, unit model numbers, and similar production labels.
- F. Commercial Installations: All WECS shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total on-site demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
- G. Feeder Lines: Any lines accompanying a WECS, other than those contained within the WECS' tower or those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area to which the lines accompanying a WECS can be attached.
- H. Clearance: Rotor blades or airfoils must maintain at least 20 feet of clearance between their lowest point and the ground.

- I. Blade Design: The blade design and materials must be engineered to insure safe operation in an urban area.
- J. Energy Storage: Batteries or other energy storage devices shall be designed consistent with the Minnesota Electric Code and Minnesota Fire Code.
- K. In addition to the provisions outlined above, the following provisions will apply to large WECS erected under the provisions of this ordinance:
 - 1. Color: Turbine paint color and high levels of ultraviolet and infrared components of paint could have an impact on the attraction of insect species to the structure, which may attract birds and bats and cause bird and bat mortality. As such, turbine paint color may be approved as part of the conditional use permit process and must be shown to reduce the negative impacts to birds and bats and be a non-obtrusive color so not to cause negative visual impacts to surrounding properties.
 - 2. Warnings: A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
 - 3. Environmental Standards: The applicant shall provide the following information in the conditional use permit application. The information will be evaluated in meeting the criteria of a conditional use permit for purposes of minimizing impacts on the environment:
 - a. Natural Heritage Review by the Minnesota Department of Natural Resources.
 - b. Lands guided as park or open space in the city that are located within one (1) mile of the project.
 - c. Conservation easements and other officially protected natural areas within a quarter mile of the projected natural areas within a quarter mile of the project.
 - d. All significant trees impacted by the project.
 - e. A plan for turbine cut-in speed strategies where feasible in order to reduce bird and bat deaths. Studies have shown that bird and bat fatalities would be significantly reduced by changing turbine cut-in speed and reducing operation hours during low-wind periods, evening hours (one-half hour before sunset to one-half hour after sunrise-only in spring, summer, and early fall), and migration times in spring and fall.
- L. Small WECS erected under the provisions of this ordinance must be painted in a nonobtrusive color so not to cause negative visual impacts to surrounding properties.

Section 10. Ornamental Wind Devices.

Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Chapter.

Section 11. Abandonment.

A WECS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city after notification to the owner or operator of the WECS, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator or owner of the property on which it is located.

Section 12. Inspection.

- A. The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- B. Conditional permits shall be certified annually, provided the WECS passes inspection set forth in Section 9A.

Section 13. Solar Energy Sources and Systems.

- A. Definitions, Solar Energy Sources and Systems. The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:
 - 1. Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.
 - 2. Ground Mounted Panels. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
 - 3. Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.
 - 4. Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
 - 5. Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

6. Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
7. Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
8. Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
9. Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.
10. Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

B. Districts

1. Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

C. Placement and Design

1. Height.
 - a. Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
 - b. Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.
2. Placement.
 - a. Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed.

- b. Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.
3. Coverage.
- a. Ground mounted SES may not exceed the area restrictions placed on accessory structures within the subject zoning district.
4. Visibility.
- a. SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
 - b. Building Integrated Solar Systems - Building integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.
 - c. Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

D. General Standards.

1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.
2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area to which the lines accompanying an SES can be attached.
3. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
4. Morgan encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed must be consistent with Minnesota Statutes, Chapter 500, Section 30.

Section 14. Abandonment.

A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator or owner of the property on which it is located.

Section 15. Inspection.

- A. The City hereby reserves the right upon issuing any SES conditional use permit to inspect the premises on which the SES is located. If a SES is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- B. Conditional permits shall be certified annually, provided the SES passes inspection set forth in Section 15A.

Section 16. Geothermal Energy Sources and Systems.

- A. Definitions, Geothermal Energy Sources and Systems. The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:
 - 1. Closed Loop Ground Source Heat Pump System. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.
 - 2. Geothermal Energy. Renewable energy generated from the interior of the earth and used to produce energy for heating buildings or serving building commercial or industrial processes.
 - 3. Ground Source Heat Pump System (GSHP). A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. The energy must be used on-site.
 - 4. Heat Transfer Fluid. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.
 - 5. Storm water Pond. These are ponds created for storm water treatment. A storm water pond shall not include wetlands created to mitigate the loss of other wetlands.
- B. Districts.

1. Ground source heat pump systems (GSHPS) shall be deemed an accessory structure, permissible in all zoning districts.

C. Placement and Design.

1. Placement.

- a. All components of GSHPS including pumps, borings and loops shall be set back at least five (5) feet from interior and rear lot lines.
- b. Easements. All components of GSHPS shall not encroach on easements.
- c. GSHPS are prohibited in surface waters, except for storm water ponds where they are permitted.

2. Design.

- a. Only closed loop GSHPS utilizing Minnesota Department of Health approved heat transfer fluids are permitted.
- b. Screening. Ground source heat pumps are considered mechanical equipment and subject to the requirements of the city's zoning ordinance.

D. General Standards

1. Noise. GSHPS shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules Chapter 7030.

Section 17. Abandonment.

A GSHPS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city after notification to the owner or operator of the GSHPS, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator or owner of the property on which it is located.

Section 18. Inspection.

- A. The City hereby reserves the right upon issuing any GSHPS conditional use permit to inspect the premises on which the GSHPS is located. If a GSHPS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- B. Conditional permits shall be certified annually, provided the GSHPS passes inspection set forth in Section 18A.

Section 19. General Ordinance Provisions.

A. Interpretation.

1. In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

B. Conflict.

1. This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

C. Severability.

1. If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

Section 20. Penalty.

Any violation of this ordinance is a misdemeanor. Each day a violation occurs is a separate offense.

Section 21. Effective Date.

This ordinance shall take effect upon its passage and publication.

(Ord. #24, 2nd Series – 04-02-2014)

SEC. 4.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when s/he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 5

ALCOHOLIC BEVERAGES LICENSING AND REGULATION

SECTION 5.01. PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes Chapter 340A, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this Chapter as if set out in full.

SEC. 5.02. LICENSE REQUIRED.

Subd. 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in this Chapter. “On-sale”, temporary “on-sale”, “off-sale”, and combination licenses.

Subd. 2. On-Sale Licenses. “On-sale” licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores, and shall permit “on-sale” of liquor only. If issued to an exclusive liquor store, the exclusive liquor store may sell food for on-premise consumption.

Subd. 3. Temporary On-Sale Licenses. Subject to the approval of the Commissioner of Public Safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious, or other non-profit organizations in existence for at least three years. A temporary license authorizes the on-sale of intoxicating liquor in connection with a social event within the City sponsored by the licensee and subject to restrictions imposed by the State liquor act.

Subd. 4. Off-Sale Licenses. “Off-sale” licenses shall be issued only to exclusive “off-sale” liquor stores and shall permit “off-sales” of liquor only.

Subd. 5. Combination Licenses. A combination “on-sale” and “off-sale” license shall be issued only to an exclusive liquor store, which may sell food for on-premise consumption.

Subd. 6. Sunday On-Sale Intoxicating Liquor Licenses. “Sunday on-sale intoxicating liquor” licenses shall be issued only to restaurants, clubs, bowling centers, or hotels with a seating capacity for at least 30 persons and which hold an on-sale or combination intoxicating liquor license.

Subd. 7. Number of Licenses. The maximum number of licenses to be issued under the authority of this chapter for the sale of “on-sale” intoxicating liquor shall be two; for the sale of the “off-sale” intoxicating liquor shall be two; and for the sale of “Sunday on-sale intoxicating liquor” shall be two. (Ord. #7, 2nd Series – 12-04-2002)

SEC. 5.03. APPLICATION FOR LICENSE.

Subd.1. Contents of Application. Every application shall contain the following:

A. Form. In addition to the information required by the State Liquor Control Commission and the Minnesota Bureau of Criminal Apprehension, the initial application shall also contain the further information required herein, as well as other information that the Council may from time to time require.

B. Nature of Application. The application shall show whether the applicant is a natural person, corporation, partnership or other form of organization.

C. Type of Application. The application shall state the type of license the applicant seeks.

D. Natural Person. If the applicant is a natural person, the following information shall be required.

1. True name, place and date of birth and street address of applicant.

2. Whether applicant has ever used or been known by a name other than his or her true name and, if so, what was such name or names, and information concerning dates and places were used.

3. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant.

4. Whether the applicant is married or single. If married, true name, place and date of birth and street address of applicant's present spouse.

5. Street addresses at which applicant lived during the preceding five years.

6. Kind, name and location of every business or occupation applicant has been engaged in during the preceding five years.

7. Names and addresses of applicant's employers and partners, if any, for the preceding five years.

8. Whether the applicant has ever been convicted of any felony, crime or violation of any City Code provision, other than traffic offenses, except that alcohol related driving offenses shall be reported. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.

9. Whether applicant or his or her spouse have ever engaged as an employer or in operating a saloon, hotel, restaurant, cafe, tavern or other business of similar nature. If so, applicant shall furnish information as to the time, place and length of time of such

employment or operation.

10. Whether applicant has ever been in the military service. If so, applicant shall upon request exhibit all discharges.

11. The name of the manager or proprietor or other agent in charge of the premises to be licensed.

E. Partnership. If the applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant in Subparagraph D, above. A managing partner or partners shall be designated. The interest of each partner in the business shall be disclosed, a true copy of the partnership agreement shall be submitted with the application. If and in the event the composition of the partnership shall change at any time subsequent to the initial application, any amended partnership agreements must be filed with the City.

F. Corporation. If the applicant is a corporation or other association and is applying for an “on-sale” license the following:

1. Name and if incorporated the state of incorporation.

2. A true copy of certificate of incorporation, articles of incorporation, or association agreement and bylaws, and, if a foreign corporation, a certificate of authority, as described by Chapter 303A of Minnesota Statutes.

3. The name of the manager or proprietor or other agent in charge of the premises to be licensed, giving all information about said person as is required of a single applicant in Subparagraph D above.

4. A list of all persons who, whether individually or with another, own or control any interest in said corporation or association together with their addresses and all information and as required of a single applicant in Subparagraph D above.

G. Legal Description. The exact legal description of the premises to be licensed together with plat plan of the area showing dimensions, location of building, street access, parking facilities and the locations of and distances to the nearest church or school building.

H. Street Address. The street number where the sale of intoxicating liquors is to be conducted and the rooms where liquor is to be sold or consumed.

I. Federal Permit. If a permit from the Federal government is required by the laws of the United States, whether or not such a permit has been issued, and if so required, in what name issued and the nature of the permit.

J. Financial Interest. The names and addresses of all persons other than

the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture, stock and trade; the nature of such interest, amount thereof, terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, lessors, mortgagees, mortgagors, lenders, lienholders, trustees, trustors, and persons who have co-signed notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.

K. Plans. The application for an Aon-sale@ license to sell intoxicating liquor or for the transfer thereof, shall be accompanied by a set of plans showing the design of the proposed premises to be licensed, the dining room or dining rooms which will be open to the public, and show dimensions and indicate the number of persons intended to be served, and identify the rooms or portions of the premises where intoxicating liquors are to be sold and where liquor is to be consumed.

L. Taxes. Whether or not all real estate taxes and other taxes for the premises and the business to be licensed have been paid, and if not paid, the years for which they are delinquent.

M. Release of Information. A release authorizing the City to obtain all financial information that may be appropriate.

N. Other Information. Such other information as the Council shall require. The requirements for this Section and other Sections of this Chapter set forth minimum requirements but the Council reserves the right to consider any and all factors as to the qualifications of any applicant and the suitability of any location.

O. Execution of Application. If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by an unincorporated association, by the manager or managing officer thereof. If the applicant is a partnership, the application and license shall be made and issued in the name of all partners.

Subd. 2. Financial Responsibility. Prior to the issuance of a liquor license, the applicant shall file with the City Clerk-Treasurer a liability insurance policy providing at least \$300,000.00 of coverage because of bodily injury and loss of means of support to any one person in any one occurrence and providing at least \$300,000.00 of coverage because of bodily injury and loss of means of support to two or more persons in any one occurrence and shall comply with the provisions of Minnesota Statutes Section 340A.409 relating to liability insurance policies.

Subd. 3. Approval of Security. The security offered under Subd. 2 of this Section shall be approved by the Council and by the State Commissioner of Public Safety. Liability insurance policies required by this Chapter but not by State law shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security as required by Subd. 2 is cause for revocation of the license.

SEC. 5.04. RENEWAL APPLICATION.

Subd. 1. Time for New Application. Applications for the renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license. If, in the judgment of the Council, good and sufficient cause is shown by the applicant for his or her failure to file a renewal application within the time prescribed above, the Council may nevertheless receive such application.

Subd. 2. Forms of Renewal Application. The renewal application shall be made on such forms as may be required by the State Liquor Control Commission and the Minnesota Bureau of Criminal Apprehension. In addition, the applicant shall provide the information required by the Council on such abbreviated forms as the Council may from time to time approve.

SEC. 5.05. LICENSEES FEES.

Subd. 1. Fees. The license fee for “on-sale”, temporary “on-sale”, “off-sale”, and combination licenses shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may, from time to time, be amended by the Council by resolution.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the City Treasurer for the payment in full of the license fee and the fixed investigation fee required under Sec. 5.06, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the Treasurer shall refund the amount paid as a license fee.

Subd. 3. Pro Rata Fee. Each license shall be issued for a period of one year, except that if the application is made during a license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire upon the last day of December.

Subd. 4. Refunds. No refund of any fee shall be made except as authorized by Statute.

Subd. 5. Non-Transferability. No transfer of license shall be permitted from place to place or person to person without complying with the requirements of an original application.

SEC. 5.06. GRANTING LICENSES.

Subd. 1. Investigation. On an initial application for an “on-sale” license and on application for transfer of an existing “on-sale” license, the applicant shall pay the actual costs incurred; however, in no event more than \$500.00, for an investigation. The City shall request that its Chief of Police conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed the State Bureau of

Criminal Apprehension and with such additional information as the Council may require. If the Council deems it to be in the public interest to have an investigation made on a particular application for renewal of an “on-sale” license, it shall so determine. If the Council determines that a comprehensive background and financial investigation of an applicant is necessary, it may conduct the investigation itself or contact the Bureau of Criminal Apprehension. If an investigation outside the State is required, the applicant shall be charged the cost, not to exceed \$10,000.00, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted. Upon the completion of the investigation, the Chief of Police shall make a written report and recommendation to the Council of his/her findings, including a specific report on any violations of Federal or State law or municipal regulations.

Subd. 2. Opportunity to be Heard. Opportunity shall be given to any person to be heard for or against the granting of a license. After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application. No “off-sale” license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

Subd. 3. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license shall be transferred to any other person or place without Council approval and without a new application having been filed. Any transfer of stock of a corporate licensee or any change in the composition of a partnership which is licensed is deemed a transfer of the license, and the transfer of stock or a change in partnership composition without prior Council approval is a ground for revocation of the license.

SEC. 5.07. PERSONS INELIGIBLE FOR LICENSE. No license shall be granted to or held by any person made ineligible for such license by State law. No license shall be issued to an individual who is not of good moral character. No more than one intoxicating liquor license shall be directly or indirectly issued within the City to any one person.

SEC. 5.08. PLACES INELIGIBLE FOR LICENSE.

Subd. 1. General Prohibition. No license shall be issued for any place or any business ineligible for such license under State law.

Subd. 2. Delinquent Taxes and Charges. No license shall be granted for operation on any premises in which taxes, assessments or other financial claims of the City are delinquent and unpaid.

Subd. 3. Distance from School or Church. No license shall be granted for any premises located within 300 feet of any church or school. The distances herein referred to shall be measured in a straight line from the nearest property boundary of the licensed premises to the nearest point of the church or school building.

SEC. 5.09. CONDITIONS OF LICENSE.

Subd. 1. In General. Every license is subject to the conditions in the following Subdivisions and all other provisions of this Chapter and any other applicable City Code provision, State law or regulation.

Subd. 2. Posting of License. The license shall be posted in a conspicuous place in the licensed establishment at all times.

Subd. 3. Licensee's Responsibility. Every licensee is responsible for the conduct of his or her place of business and the conditions of sobriety and order in it. The act of any employee on the licensee's premises authorized to sell intoxicating liquor is deemed the act of the licensee as well and the licensee shall be liable for all penalties provided by this Chapter and the law equally with the employee.

Subd. 4. Area Limitation. No license shall be effective beyond the space named in the license for which it was granted.

Subd. 5. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 6. Display During Prohibited Hours. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Subd. 7. Unlawful Acts.

A. All patrons of an "on-sale" establishment selling intoxicating liquor, must vacate the premises within thirty (30) minutes after the legal hours for making licensed sales. Any patron who remains or any licensee or his/her employee who allows a patron to remain beyond the 30-minute limit, is in violation of this Section.

B. It is unlawful for any on-sale licensee to permit any glass, bottle, or other container containing beer, wine or liquor in any quantity, to remain upon any table, bar, stool, or other place where customers are served, more than thirty (30) minutes after the hour when a sale thereof can legally be made.

C. The violation of any provision of this Section shall be a misdemeanor, and upon conviction thereof, shall be punishable as a misdemeanor offense. Also, said licensee may have liquor license suspended by the Council for an allotted period of time due to the nature and/or frequency of offense(s).

SEC. 5.10. ENLARGEMENT, ALTERATIONS OR EXTENSION OF PREMISES. Proposed enlargement, alteration or extension of premises previously licensed shall be reported to the Council at or before the time application is made for a building permit for any such change and the licensee also shall give such information as required by Sec. 5.03 hereunder.

SEC. 5.11. SUSPENSION AND REVOCATION.

Subd. 1. The Council may either suspend for not to exceed 60 days or revoke any liquor license upon the finding that the licensee has failed to comply with the applicable Statute, regulation or City Code provision relating to intoxicating liquor. No suspension and revocation shall take effect until the licensee has afforded an opportunity for a hearing pursuant to Minnesota Statutes "14.572 to 14.70 of the Administrative Procedure Act.

Subd. 2. Lapse of required dram shop and insurance or bond, or withdrawal of a required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this Chapter without further action of the Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposit cash or security shall also constitute notice to the licensee of impending suspension of license. The holder of a liquor license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if such a request is made in writing to the City Clerk-Treasurer, a hearing shall be granted within ten days or such longer period as may be requested. Any suspension under this paragraph shall continue until the Council determines that the financial responsibility requirements of this Chapter have again been met.

Source: City Code
Effective Date: 01-01-2001

(Sections 5.12 through 5.89, inclusive, reserved for future expansion.)

(Pages 134 through 143 reserved)

SEC. 5.12. HOURS AND DAYS FOR ON-SALE INTOXICATING LIQUOR.

Subd. 1. No sale of intoxicating liquor for consumption on the licensed premises may be made:

A. between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

B. after 2:00 a.m. on Sundays, except as provided by Section 5.02 of the Morgan City Code and Section 340A.504 of the Minnesota Statutes.

(Ord. #12, 2nd Series – 01-05-2005)

SEC. 5.90. NUDITY OR OBSCENITY PROHIBITED.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

B. "Obscene performance" means a play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

C. "Obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

D. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

E. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

F. "Sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Act. It is unlawful for any person issued a license provided for in this Chapter to permit upon licensed premises any nudity, obscene performance, or continued use of obscenities by any agent, employee, patron or other person.

Source: City Code

Effective Date: 01-01-2001

(Sections 5.91 through 5.98, inclusive, reserved for future expansion.)
(Pages 146 through 150 reserved)

SEC. 5.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 6

OTHER BUSINESS REGULATION AND LICENSING

SECTION 6.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. **"Applicant"** means any person making an application for a license under this Chapter.

2. **"Application"** means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his/her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

3. **"Bond"** means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.

4. **"Business"** means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated, by the terms and conditions of this Chapter.

5. **"License"** means a document issued by the City to an applicant permitting him/her to carry on and transact a business.

6. **"Licensee"** means an applicant who, pursuant to his/her application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.

7. **"License fee"** means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.

8. **"Person"** includes all firms, partnerships, associations, limited liability companies, corporations and natural persons.

9. **"Sale", "Sell" and "Sold"** mean all forms of barter and all manner or means of furnishing merchandise to persons.

SEC. 6.02. APPLICATIONS. All applications shall be made as follows:

Subd. 1. All applications shall be made at the office of the City Clerk-Treasurer upon forms that have been furnished by the City for such purposes.

Subd. 2. Unless otherwise provided for in this Chapter, all such applications must be subscribed, sworn to, and include such information as the Council deems necessary considering the nature of the business for which license application is made.

Subd. 3. It is unlawful for any applicant to intentionally make a false statement

or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 4. The City Clerk-Treasurer shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he/she deems necessary. For such investigation the City Clerk-Treasurer may enlist the aid of the Chief of Police. The Council shall not consider an application before such investigation has been completed.

Subd. 5. Applications for renewal licenses may be made in such abbreviated form as the Council may by resolution adopt.

SEC. 6.03. ACTION ON APPLICATION, TRANSFER, TERMINATION AND DUPLICATE LICENSE.

Subd. 1. Granting. The Council may grant any application for the period of the remainder of the then current calendar year or for the entire ensuing license year. Failure to pay any portion of a fee when due shall be cause for revocation. No license fee shall be refundable upon revocation or voluntarily ceasing to carry on the licensed activity. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of 1/12th for each calendar month or part thereof remaining in the then current license year.

Subd. 3. Transfer. Unless otherwise provided herein, no license shall be transferable between persons or to a different location. It is unlawful to make any transfer in violation of this Subdivision.

Subd. 4. Termination. Licenses shall terminate only by expiration or revocation.

Subd. 5. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person of questionable moral character or business reputation. Before revocation of any license, the Council shall give notice to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of

such illegal acts but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 6. Duplicate License. Duplicates of all original licenses may be issued by the City Clerk-Treasurer, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee in an amount adopted by resolution of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

SEC. 6.04. FIXING LICENSE FEES. Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the City Clerk-Treasurer, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

SEC. 6.05. CARRYING OR POSTING. All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device licensing, the City may provide a sticker for the current license year which shall be affixed to each machine or device requiring such sticker. All licensees shall display their licenses upon demand by any officer or citizen.

SEC. 6.06. PENALTY FOR PROPERTY OWNER. It is unlawful for any person to knowingly permit any real property owned or controlled by him/her to be used, without a license, for any business for which a license is required by this Chapter.

SEC. 6.07. RESPONSIBILITY OF LICENSEE. The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, except as to criminal liability therefor, shall be deemed the conduct of the licensee.

SEC. 6.08. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SEC. 6.09. RENEWAL OF LICENSES. Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SEC. 6.10. INSURANCE REQUIREMENTS. Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the City Clerk-Treasurer a policy or certificate of public liability insurance showing (1) that the limits are at least as high as stated in individual Sections of this

Chapter, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the City Clerk-Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

SEC. 6.11. LICENSE DENIAL AND FIXING RATES - HEARING.

Subd. 1. Right to Deny. The Council reserves to itself the right to deny any application for a license to operate any business licensed or regulated under this Chapter where such business involves service to the public, rates charged for service, use of public streets or other public property by the applicant or the public, or the public health, safety and convenience. The Council may also consider the location of such business in making such determination. Provided, however, that before making such determination, the Council shall hold a public hearing thereon pursuant to such notice to interested parties and the public as it may deem necessary or proper in action calling for such hearing.

Subd. 2. Rates. Where, under specific provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee or proprietor of a regulated business shall claim or demand payment in excess thereof.

Subd. 3. Hearing. Any applicant or licensee under this Chapter who challenges denial of a license or rates fixed or approved by the Council shall have a right to a hearing before the Council upon written request therefor. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

SEC. 6.12. WORKER'S COMPENSATION. No license to operate a business shall be issued by the City until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

Source: City Code
Effective Date: 01-01-2001

(Sections 6.13 through 6.19, inclusive, reserved for future expansion.)

(Pages 157 through 161 reserved)

SEC. 6.20. AMUSEMENT DEVICES.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Game of skill" - Any device excepting pool and billiard tables, bowling alleys and shooting lanes, but including miniatures thereof, played by manipulating special equipment and propelling balls or other projectiles across a board or field into respective positions whereby a score is established, which is available to be played by the public generally at a price paid either directly or indirectly for such privilege.

B. "Coin amusement" - Any machine which upon the insertion of a coin, token or slug, operates or may be operated and is available to the public generally for entertainment or amusement, which machine emits music, noise or displays motion pictures.

C. "Video game" - Any electrical device which displays objects on a screen and upon insertion of a coin, token or slug may be played by the public generally for entertainment or amusement.

D. "Amusement device" - includes a game of skill, a coin amusement, or a video game, as defined in this Subdivision, or any combination thereof.

E. "Distributor" - The person who places amusement devices on premises not owned by him/her or under his/her control, which devices may be played by the public generally for a price paid either directly or indirectly.

F. "Arcade" - A contiguous area in which more than six (6) amusement devices are kept for use by the public generally.

Subd. 2. License Required. It is unlawful for any person to have upon premises owned or controlled by him/her (1) any amusement device, or (2) operate an arcade, without a license therefor from the City. It is unlawful for any person to be a distributor without a license therefor from the City.

Subd. 3. Exception. This Section shall not apply to video games of chance licensed by the State.

Subd. 4. Unlawful Use and Devices. It is unlawful for any person to: (1) sell or maintain a machine or device which is for gambling or contains an automatic pay-off device; (2) give any prize, award, merchandise, gift, or thing of value to any person on account of operation of such device; (3) sell or maintain, or permit to be operated in his/her place of business, any amusement device equipped with an automatic pay-off device; (4) equip any amusement device with an automatic pay-off device; (5) permit the playing of coin amusement machines between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M. of any day; or, (6) permit the use of a video game by any primary or secondary school student during hours when such school classes are in session in the City.

SEC. 6.21. DANCES.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Public dance" means any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, which fee may be in the form of a club membership, or payment of money, directly or indirectly.

B. "Public dancing place" means any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.

Subd. 2. License Required. It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefor from the City. Licenses may be issued for a single event on an annual basis.

Subd. 3. License Fee. The license fee shall include the cost of providing attendance of a police officer, or officers.

Subd. 4. Application and License.

A. A verified application for a dance license shall be filed with the City and shall specify the names and addresses of the person, persons, committee or organization that is to hold the dance, time and place thereof, and the area of the dance floor.

B. No license shall be granted by the Council for any place having so-called "private apartments" or "private rooms" furnished or used for any purposes other than a legitimate business purpose which adjoins such dancing place, or which may be reached by stairs, elevators, or passageway leading from such dancing place. Nor shall a license be granted for any place which is not properly ventilated and equipped with necessary toilets, washrooms or lighting facilities.

C. Applications may be referred by the Council to the Chief of Police for investigation and report prior to being acted upon by the Council.

D. The Council shall act upon all dance license applications at a regular or special meeting thereof, whether or not it is included in the call or agenda of the meeting.

E. At least one officer of the law shall be designated by the Chief of Police and employed by the City to be present at every public dance during the entire time said dance is being held. For purposes of this Subparagraph the term "officer of the law" means any person who is a full-time or part-time peace officer. In the discretion of the Council or Chief of Police more than one such peace officer may be required.

F. The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefor, and the time and place licensed. The license shall also state that the licensee is responsible for the manner of conducting the dance.

G. No license shall be issued to any applicant under the age of eighteen (18) years.

Subd. 5. Dance Regulations.

A. Obscenity and Immorality Prohibited. It is unlawful for any person to dance, or for a licensee to permit or suffer any person to dance at any public dance in an indecent or immodest manner. It is also unlawful for any person at a public dance to speak in a rude, boisterous, obscene, or indecent manner or for any licensee to suffer or permit any person so to act or speak in any public dancing place.

B. Certain Persons Prohibited. No licensee shall permit any unmarried person under the age of sixteen (16) years, unless said unmarried person is accompanied by his/her parent or guardian, to remain in a public dancing place. Nor shall any licensee permit any intoxicated person, or other person who persists in violating the law, to be or remain in a public dancing place.

C. Hours of Dancing. No public dance shall be held on Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon. No public dance shall be held on any day between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.

SEC. 6.22. BILLIARDS, POOL AND BOWLING.

Subd. 1. License Required. It is unlawful for any person to keep or maintain any pool, billiard, snooker or other game table, or any bowling alley (bowling lane) available for public use without first having obtained a license from the City.

Subd. 2. Practices Prohibited. It is unlawful for any:

A. Licensee to permit any form of gambling thereon.

B. Licensee to permit any person to become disorderly or to use profane, obscene or indecent language.

C. Licensee, not having an on-sale liquor license, to sell or possess, or knowingly allow any person on the licensed premises to sell or possess, intoxicating liquor.

SEC. 6.23. BED AND BREAKFAST INNS.

Subd. 1. Unlawful Act. It is unlawful for any person to operate a bed and breakfast inn, as defined in Chapter 11 of the City Code (Zoning Regulations), without a license.

Subd. 2. License Requirements. The location and operation of the proposed facility shall comply with the following requirements:

A. The facility shall be licensed for a specific number of guest rooms not to exceed five (5) in number.

B. The facility shall be an owner or manager occupied single family dwelling that meets the requirements set by the State Department of Health. The owner or manager must reside on the premises and be the operator of the facility.

C. No cooking facilities shall be permitted in any guest room, and meals provided by the operator shall be served only to registered overnight guests.

D. Off-street parking shall be provided with a minimum of one (1) off-street parking space per guest room.

E. All bedrooms in the bed and breakfast inn must be located in the principal structure.

F. No other commercial enterprise, including a home occupation, shall be operated in the facility during the term of the license.

G. Prior to issuance of any license hereunder, the premises shall be inspected and approved by the Fire Marshal.

SEC. 6.24. JUKEBOXES.

Subd. 1. Definition. "Jukebox" means any automatic or coin or token controlled or operated music box or device commonly known as a jukebox.

Subd. 2. License Required. It is unlawful for any business to have upon their premises any jukebox without a license therefor from the City.

Subd. 3. Unlawful Act. It is unlawful to use or permit the use of such jukebox licensed hereunder in a manner which unreasonably interferes with the health, peace or comfort of any person.

Source: City Code
Effective Date: 01-01-2001

(Sections 6.25 through 6.98, inclusive, reserved for future expansion.)

(Pages 167 through 171 reserved)

SEC. 6.25. ADULT ESTABLISHMENTS.

Section 1. Purpose and Intent. *Reference Ordinance No. 5, Series 2, for full text.*

Section 2. Definitions.

Subd. 1. Definitions. For purposes of this ordinance the terms defined in this section have the meanings given them.

Subd. 2. Adult Use. Any of the activities and businesses described below constitute “Adult Oriented Businesses” which are subject to the regulation of this Ordinance.

Subd. 3. Adult Book and/or Media Store. An establishment which excludes minors and which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotapes, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Subd. 4. Adult Cabaret. An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Subd. 5. Adult Establishment. Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.

Subd. 6. Adult Hotel or Motel. Adult Hotel or Motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Subd. 7. Adult Mini-Motion Picture Theater.

- (a) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

- (b) Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films, videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

Subd. 8. Adult Modeling Studio. An establishment, which excludes minors from all or part of the establishment, whose major business is to provide to customers figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in Specified Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Subd. 9. Adult Motion Picture Arcade. Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

Subd. 10. Adult Motion Picture Theater. A theater in an enclosed building from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment of motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons herein.

Subd. 11. Adult Novelty Business. A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.

Subd. 12. Specified Anatomical Areas. Any of the following conditions:

- (a) Less than completely and opaquely covered;
 - (1) human genitals, pubic region, or pubic hair,
 - (2) buttock; and
 - (3) female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernible turgid state, even if opaquely covered.

Subd. 13. Specified Sexual Activities. Any of the following conditions:

- (a) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
- (b) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
- (c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ clothed or unclothed.
- (d) Physical contact or simulated physical contact with the clothed, or unclothed pubic areas or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Section 3. Application of this Ordinance.

Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose or in any manner which is not in conformity with this Ordinance.

No Adult Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by an ordinance of the City of Morgan, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

Section 4. Location.

During the term of this Ordinance, no Adult Oriented Business shall be located less than 750 feet from any residential zoning district boundary or site for residential purposes, and less than 1,000 feet from any church site, from any school site, from any daycare facility, or from any park which is adjacent to property zoned residential. In addition, no Adult Oriented Business may be located within 1,000 feet of another Adult Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, daycare site, park site, or another Adult Oriented Business site to the nearest boundary of the proposed Adult Oriented Business.

Section 5. Hours of Operation.

No Adult Oriented Business shall be open to the public at any time on Sundays or any other days from the hours of 11:00 p.m. to 9:00 a.m.

Section 6. Operation.

Subdivision 1. Off-site Viewing. An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

Subdivision 2. Entrances. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.

Subdivision 3. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale or viewing, including but not limited to books, magazines, photographs, videotapes or any other material.

Subdivision 4. Illumination. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

Subdivision 5. Signs. Signs for Adult Oriented Businesses shall comply with the City's Ordinance for signs, and in addition signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

Section 7. Licenses.

Subdivision 1. Licenses Required. All establishments, including any business operating at the time this Ordinance became effective, operating or intending to operate an Adult Oriented Business, shall apply for and obtain a license from the City of Morgan. A person is in violation of the City Code if he or she operates an Adult Oriented Business without a valid license, issued by the City.

Subdivision 3. Applications. An Application for a license must be made on a form provided by the City.

- (a) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

- (b) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire marshal and building official.
- (c) Application for license shall contain the address and legal description of the property to be used; the names, addresses, phone numbers, dates of birth of the owners, lessee, if any, the operator or manager, and all employees; the names, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information of the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.
- (d) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors extending credit for the acquisition, maintenance, operation and furnishing of said business. In the case of a corporation, the application shall include the names, addresses, and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the business including the purchase or acquisition of any items of personal property for use in said operation.
- (e) All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.
- (f) The license fee required by this ordinance must be paid.
- (g) An applicant must disclose if the applicant has been convicted of a crime involving any of the following offenses:
 - (1) Any sex crimes as defined by Minn. Stat. 609.29 through 609.352 inclusive or as defined by any ordinance or statute in conformity therewith;

- (2) Any obscenity crime as defined by Minn. Stat. 617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith, for which:

less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the latter date, if the conviction is a misdemeanor offense;

less than five years have elapsed since date of last conviction or the date of release from confinement for the conviction, whichever is the latter date, if the conviction is a felony offense; or

less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the latter date, if the conviction is for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 hour period.

- (3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or applicant's spouse.

Subdivision 4. Requalification. An applicant who has been convicted of an offense listed in Section 7, Subdivision 3(g), may qualify for an Adult Oriented Business license only when the time period required by Section 7, Subdivision 3(g) has elapsed.

Subdivision 5. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Oriented Business so that it may be easily read at any time.

Subdivision 6. Council Action. The City Council shall act to approve or disapprove the license application within 120 days from the date the application was submitted, provided that the application contains all of the information required by this ordinance. If the application is deficient, the Council shall act on the application within 120 days from the date that the deficiency has been corrected.

Subdivision 7. Appeals. Within 90 days after the decision by the Council to disapprove a license application, the applicant may appeal to the District Court by service of a notice upon the Mayor or Clerk of the Municipality.

Section 8. Fees.

License fees shall be set by Council Resolution.

Section 9. Inspection.

Subdivision 1. Access. An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspection division, to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

Subdivision 2. Refusal to Permit Inspections. A person who operates an Adult Oriented Business or his agent or employee commits an offense if she or he refuses to permit lawful inspection of the premises by health officials, representatives or the police department, fire department, and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section 11.

Subdivision 3. Exceptions. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for uses as a permanent or temporary habitation.

Section 10. Expiration and Renewal.

Subdivision 1. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 7, Subdivision 1. Application for Renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

Subdivision 2. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of the denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the denial became final.

Section 11. Suspension.

Subdivision 1. Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

- (a) Violated or is not in compliance with any provisions of this ordinance.
- (b) Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises other than at an Adult Hotel or Motel.
- (c) Refused to allow an inspection of the Adult Oriented Business Premises as authorized by this ordinance.

- (d) Knowingly permitted gambling by any person on the. Adult Oriented Business premises.
- (e) Demonstrated the inability to operate or manage an Adult Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

Subdivision 2. Notice. A suspension by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

Section 12. Revocation.

Subdivision 1. Suspended Licenses. The City may revoke a license if a cause for suspension in Section 11 occurs and the license has been suspended within the preceding 12 months.

Subdivision 2. Causes of Revocation. The City shall revoke a license if it determines that:

- (a) A licensee gave false or misleading information in the material submitted to City during the application process;
- (b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (c) A licensee or an employee has knowingly allowed prostitution on the premises;
- (d) A licensee or an employee knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;
- (e) A licensee has been convicted of an offense listed in Section 7, Subdivision 3(g), for which the time period required in Section 7, Subdivision 3(g), has not elapsed;
- (f) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 7, Subdivision 3(g), for which a conviction has been obtained, and the person or persons were employees of the Adult Oriented Business at the time the offenses were committed;
- (g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

Subdivision 3. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subdivision 4. Exceptions. Section 12, Subdivision 2(g), does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

Subdivision 5. Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Oriented Business license for one year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Section 12, Subdivision 2(e), an applicant may not be granted another license until the appropriate number of years required under Section 7, Subdivision 3(g), has elapsed.

Subdivision 6. Notice. A revocation by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

Section 13. Transfer of License.

A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

Section 14. Severability.

Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof, and to the extent that any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 15. Effective Date of Ordinance.

This ordinance shall become effective upon its passage and publication as provided by law.

(Ord. #5, 2nd Series – 12-05-2001)

SEC. 6.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 7

STREETS AND SIDEWALKS GENERALLY

**(THIS CHAPTER CONTAINS PROVISIONS AS TO DEFINITIONS,
APPLICATION AND SCOPE RELATING TO CHAPTERS 8 AND 9
AS WELL AS THIS CHAPTER)**

SEC. 7.01. DEFINITIONS. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters 7, 8 and 9.

SEC. 7.02. APPLICATION. The provisions of City Code, Chapters 7, 8 and 9, are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to, those owned or operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision.

SEC. 7.03. SCOPE AND ORDERS OF OFFICERS.

Subd. 1. Scope. The provisions of Chapters 7, 8 and 9 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.

Subd. 2. Orders of an Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

SEC. 7.04. TRAFFIC AND PARKING CONTROL.

Subd. 1. 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, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. 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.

Subd. 3. 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.

Subd. 4. Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions

painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5. 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 such 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.

SEC. 7.05. ICE AND SNOW ON PUBLIC SIDEWALKS.

Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twelve (12) hours after such snow or ice has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 3. Cost of Removal to be Assessed. The City Clerk-Treasurer shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such 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.

Subd. 4. Civil Suit for Cost of Removal. The City Clerk-Treasurer 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 Subdivision 2 hereof, the cost of such clearing and the cost and disbursement of a civil action therefor.

Subd. 5. City Clerk-Treasurer to Report Sidewalks Cleared. The City Clerk-Treasurer shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subdivision 2 hereof 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 Subdivisions 3 or 4 of this Section.

SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. 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.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. Permit Required. It is a misdemeanor to construct or reconstruct 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 City. Application for such 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 City Clerk-Treasurer to the Public Utilities Superintendent and no permit shall be issued until approval has been received from the Council. 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 such work.

Subd. 3. 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 in the office of the City Clerk-Treasurer and open to inspection and copying there. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

Subd. 4. Inspection. The Public Utilities Superintendent 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 Public Utilities Superintendent 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 such work.

SEC. 7.07. OBSTRUCTIONS IN STREETS.

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. Fires. It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3. 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.

Subd. 4. 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.

Subd. 5. Placing Snow or Ice in a Roadway or on a Sidewalk.

A. It is a misdemeanor for any person, not acting under a specific contract with the City or without special permission from the City Clerk-Treasurer, to remove snow or ice from private property and place the same in any roadway or on a sidewalk.

B. Where permission is granted by the City Clerk-Treasurer the person to whom such permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefitted property as any other special assessment.

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 7.08. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his/her employment or a contractor acting within the course and scope of a contract with the City, 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 City as herein provided.

Subd. 1. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to

facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk-Treasurer.

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the City Clerk-Treasurer shall cause such investigation to be made as he/she may deem 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 limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate. Payment of such estimated costs shall be made before the permit is issued.

Subd. 3. Protection of the City and the Public.

A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six hours' notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect public liability insurance of not less than \$100,000.00 for any person, \$300,000.00 for any occurrence and property damage insurance of not less than \$25,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

Subd. 4. Issuance of Permit. The City shall issue such permit after (1) completion of such investigation, (2) determination of all estimated costs as aforesaid, (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, and, (5) agreement in writing by the applicant to be bound by all of the provisions of this Section.

Subd. 5. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City and an accurate account of costs thereof shall be kept.

Subd. 6. Cost Adjustment. Within sixty days following completion of such permanent repairs the City Clerk-Treasurer shall determine actual costs of repairs, including cost

of investigation, and prepare and furnish to such permit holder an itemized statement.

Subd. 7. 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.

SEC. 7.09. REGULATION OF GRASS, WEEDS AND TREES.

Subd. 1. City to Control Tree Planting (Standards). The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof. Such standards shall be kept on file in the office of the City Clerk-Treasurer and may be revised from time to time by action of the Council upon the recommendation of the City Clerk-Treasurer.

Subd. 2. Permit Required. It is unlawful for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way, without first procuring permission from the City.

Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring permission therefor, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subd. 4. City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 5. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the City Clerk-Treasurer shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk-Treasurer shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

SEC. 7.10. LOAD LIMITS. The City Clerk-Treasurer, upon the recommendation of the Public Utilities Superintendent, may from time to time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such 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.

SEC. 7.11. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

Subd. 1. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such 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 such street will be served by such utilities installed in the street.

Subd. 2. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. Waiver. The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

SEC. 7.12. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 1. Primary Responsibility. It is the primary responsibility of the owner of property upon which there is an abutting sidewalk to keep and maintain the sidewalk in safe and serviceable condition, including the removal of snow, ice, or rubbish. The owner of the abutting property, or in the absence of the owner, the occupant of the property, shall diligently keep the sidewalk safe for pedestrians and shall removal all snow and rubbish within twenty-four (24) hours of its deposit thereon. The Street Superintendent shall make inspections as are necessary to determine that sidewalks are kept in safe and serviceable condition.

Subd. 2. Removal and Installation of Sidewalks. It is unlawful for any person, firm or corporation to remove a sidewalk, or any section thereof, within the City limits without the consent of the Council. The Council may require that sidewalks be installed in areas where it is necessary to adequately provide for the safety and welfare of pedestrians.

Subd. 3. Construction, Reconstruction and Repair Specifications. All construction and repair of sidewalks shall be done under the supervision of the Street Superintendent and in strict accordance with specifications, if any, approved by resolution of the Council and on file in the office of the City Clerk-Treasurer. All sidewalks shall conform to the following minimum standards:

A. Sidewalks in the R-1 Residence District shall be at least four feet wide. All sidewalks outside of the R-1 Residence District shall be at least six feet wide.

B. All sidewalks shall be six inches above and shall follow the established

grade line of the adjacent street. Sidewalks shall slope one-fourth inch per foot toward the street and match up with the sidewalk or curb on each end.

C. New sidewalks shall be placed in the public right-of-way, one foot from the front property line. However, sidewalks may be placed in a different location if it is necessary for the sidewalk to line up with sidewalks on adjacent property.

D. Sidewalks shall be constructed of concrete four inches thick and placed on a four-inch gravel base.

Subd. 4. Notice - No Emergency. Where, in the opinion of the Street Superintendent, no emergency exists, notice of the required sidewalk repair or installation shall be given to the owner of the abutting property. This notice shall require completion of the work within ninety (90) days, and state that if the owner fails to do so, the Council may order the work to be done, that the expense thereof must be paid by the owner, and that if unpaid, it will be made a special assessment against the property concerned. This notice shall be personally served upon the record owner of the property or upon the record owner and occupant by registered or certified mail to their last known address if the owner does not reside within the City or cannot be found therein.

Subd. 5. Emergency. Where, in the opinion of the Street Superintendent, an emergency exists, notice of the required sidewalk repair or installation shall be given to the owner of the abutting property. This notice shall require completion of the work within ten (10) days, and state that if the owner fails to do so, the Council may order the work to be done, that the expense thereof must be paid by the owner, and that if unpaid, it will be made a special assessment against the property concerned. This notice shall be personally served upon the record owner of the property or upon the record owner and occupant by registered or certified mail to their last known address if the owner does not reside within the City or cannot be found therein.

Subd. 6. Failure of Owner to Repair, Reconstruct, or Install Sidewalk.

A. The cost of all sidewalk repair, construction and installation made under the provisions of this Section shall be paid by the owner of the abutting property. If the owner of the abutting property fails to make the repairs or accomplish the installation as herein required, the City Clerk-Treasurer shall report such failure to the Council. The Council may, by resolution, order the work done. If the Council orders the work done, the Street Superintendent shall keep a record of the total cost of the work attributable to each lot or parcel of property and report such information to the City Clerk-Treasurer.

B. On or before September 1 of each year, the City Clerk-Treasurer shall list the total unpaid charges for all work done against each separate lot or parcel to which it is attributable under this Section. After notice and hearing as provided in Minnesota Statutes, Section 429.061, the Council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes, Section 429.101 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 five (5), as the Council may determine in each case.

Source: City Code
Effective Date: 01-01-2001

(Sections 7.13 through 7.98, inclusive, reserved for future expansion.)

(Pages 182 through 186 reserved)

SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he/she shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he/she shall be punished as for a misdemeanor; where he/she stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he/she shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he/she shall be punished as for a petty misdemeanor.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 8

TRAFFIC REGULATIONS

(SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 8.01. MINNESOTA STATUTES, CHAPTERS 168, 169 AND 171 ADOPTED BY REFERENCE. Except as otherwise provided in this Chapter, or in Chapters 7 and 9 of this Code, the regulatory and procedural provisions of Minnesota Statutes, Chapter 168, Chapter 169 (commonly referred to as the Highway Traffic Regulation Act) and Chapter 171, as amended through Laws 1998, are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

SEC. 8.02. TRUCK ROUTE. It is unlawful for any person to drive a tractor, agricultural implement, truck over 9,000 pounds gross vehicle weight, truck-trailer, tractor-trailer or truck tractor in through traffic, upon any street except those which have been designated and sign-posted as truck routes. For the purpose of this Chapter, "through traffic" means originating without the City and with a destination without the City, as distinguished from "local traffic" which means traffic either originating or having a destination within the City.

SEC. 8.03. BICYCLES.

Subd. 1. Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

Subd. 2. Right of Way - Sidewalks. Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Provided, that it is unlawful for any person to ride a bicycle on a sidewalk contrary to sign-posted prohibitions or on Vernon Avenue from Front Street to Third Street.

Subd. 3. Carrying Articles. It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

Subd. 4. Overtaking a Bicycle or an Individual Proceeding in the Same Direction. A person operating a bicycle or other vehicle on a bikeway shall leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

SEC. 8.04. U-TURNS. It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

SEC. 8.05. EXHIBITION DRIVING.

Subd. 1. Prima Facie Evidence. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled, three-wheeled or four-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. Unlawful Act. It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided, that this Section shall not apply to driving on a racetrack. For purposes of this Section, a "racetrack" means any track or premises whereon motorized vehicles, horses, dogs, or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

SEC. 8.06. DRIVING THROUGH PRIVATE PROPERTY TO AVOID TRAFFIC SIGNAL. It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through any private property.

SEC. 8.07. EMERGENCY VEHICLES. The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SEC. 8.08. SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Snowmobile" - A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

B. "Owner" - A person, other than a lien holder having the property in or title to a snowmobile entitled to the use or possession thereof.

C. **"Operate"** - To ride in or on and control the operation of a snowmobile.

D. **"Operator"** - Every person who operates or is in actual physical control of a snowmobile.

E. **"Deadman Throttle" or "Safety Throttle"** - A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

Subd. 2. Scope of Application. Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of snowmobiles as to matters set forth herein. All provisions of this Chapter, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.

Subd. 3. Operation. Except as otherwise herein permitted, it is unlawful for any person to operate a snowmobile not licensed as a motor vehicle as follows:

A. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except upon the most right-hand lane of a street or alley and may in passing or making a left-hand turn, operate on other lanes which are used for vehicle traffic in the same direction. A snowmobile may also be operated upon the ditch bottom or the outside bank of trunk, County State-aid and County highways where such highways are so configured within the corporate limits.

B. On a public sidewalk provided for pedestrian travel.

C. On boulevards within any public right-of-way.

D. On private property of another without specific permission of the owner or person in control of said property.

E. At a rate of speed greater than reasonable or proper under all surrounding circumstances.

F. At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.

G. During the hours from 9:00 o'clock P.M. to 7:00 o'clock A.M. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons; provided, however, that snowmobile operation shall be permitted during such hours when traveling directly to or from the residence of the operator and the nearest City limits line at a rate of speed not in excess of fifteen (15) miles per hour.

H. So as to tow any person or thing except through use of a rigid towbar attached to the rear of the snowmobile.

I. At any place while under the influence of alcohol or drugs as defined in M.S.A. 169.121, which is hereby incorporated herein by reference.

J. Within 100 feet of any pedestrian, skating rink or sliding area where the operation would conflict with the use or endanger other persons or property.

Subd. 4. Special Orders. In addition to the regulations provided in Subdivision 3, it is unlawful to operate a snowmobile on any public place where prohibited by order of the City. Such areas shall be appropriately sign-posted before such order shall become effective.

Subd. 5. Direct Crossings. A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

A. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

B. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

E. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Subd. 6. Yielding the Right-of-Way. It is unlawful for any person operating a snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subd. 7. Equipment. It is unlawful for any person to operate a snowmobile any place within the City unless it is equipped with the following:

A. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile.

B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

C. A safety or so-called "deadman" throttle in operating condition.

D. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at a time of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness and under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions.

E. Reflective material at least sixteen inches on each side, forward of the handlebars, or steering device of a snowmobile and at the highest practical point on any towed object, as to reflect light at a 90 degree angle.

Subd. 8. Locking Vehicles. It is unlawful for any person to leave a snowmobile on a public place unless he/she shall lock the ignition, remove the key and take the same with him.

Subd. 9. Emergencies. Notwithstanding the prohibition of operating a snowmobile upon a roadway to the contrary, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where, snow upon the roadway renders travel by automobile impractical.

Subd. 10. Animals. It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.

Subd. 11. Signal From Officer to Stop. It is unlawful for a snowmobile operator, after having received a visible or audible signal from any law enforcement officer to come to a stop, to (1) operate a snowmobile in willful or wanton disregard of such signal, or (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or (3) increase his/her speed or attempt to flee or elude the officer.

Subd. 12. Certain Statutes Adopted. Minnesota Statutes, Sections 84.81 through 84.912, inclusive, as amended through 1995, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof, except as otherwise provided herein.

SEC. 8.09. GOLF CARTS AND FOUR-WHEEL ALL-TERRAIN VEHICLES.

Subd. 1. Operation Authorized. Operation of motorized golf carts or four-wheel all-terrain vehicles are hereby authorized on the roadways of all streets, except such as are prohibited by resolution of the Council, and only in strict compliance with this Section.

For the purpose of this Section, a four-wheel all-terrain vehicle is a motorized floatation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Subd. 2. Permits. Application for a permit to operate a motorized golf cart or a four-wheel all-terrain vehicle on the roadways of streets shall include the name and address of the applicant and such other information as may from time-to-time be required by the Council. All permits shall expire on December 31, unless renewed. The fee for a permit shall be fixed by resolution of the Council.

(Ord. #18, 2nd Series – 08-06-2008)

Subd. 3. Unlawful Acts. It is unlawful for any person to operate a motorized golf cart or a four-wheel all-terrain vehicle on the roadway of a street unless:

A. The operator has in possession a valid, current and unrevoked permit from the City.

B. The operation is on a roadway which has not been designated as prohibited for such operation, except crossing at an intersection.

C. The operation is during daylight hours between sunrise and sunset.

D. The operation is not during inclement weather, or when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to clearly see persons or vehicles thereon at a distance of 500 feet.

E. The motorized golf cart or four-wheel all-terrain vehicle displays a slow moving vehicle emblem, as described by statute, on the rear thereof.

F. The motorized golf cart or four-wheel all-terrain vehicle is equipped with rear view mirrors as required by statute for other vehicles.

G. The operator has insurance coverage. In the event persons operating a motorized golf cart or four-wheel all-terrain vehicle under this Section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Assigned Risk Plan.

H. The operator observes all traffic laws, except such as cannot reasonably be applied to motorized golf carts or four-wheel all-terrain vehicles.

SEC. 8.10. ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Scope of Application. Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of

vehicles falling within the definition of all-terrain vehicles as to matters set forth herein. All provisions of this Chapter, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.

Subd. 2. Certain Statutes Adopted. Minnesota Statutes, Sections 84.92 through 84.929, as amended through 1994, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof.

SEC. 8.11. SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES AND ROLLER BLADES.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Skateboards" means a wheeled self-propelled device designed to transport a rider in a standing position, which device is not otherwise secured to a rider's foot or shoes.

B. "Roller Skates", "In-Line Skates" and "Roller Blades" mean a shoe with wheels attached, or a device with wheels which is designed to be attached to a shoe.

Subd. 2. Skateboards, Roller Skates, In-Line Skates and Roller Blades Regulations.

A. It is unlawful for any person to use the streets and sidewalks on Vernon Avenue to operate, propel or ride skateboards, roller skates, in-line skates or roller blades. When using such devices, it is unlawful to meet or overtake another person except at a reduced velocity or pace, substantially equal to a brisk walk.

B. Whenever a person is riding skateboards, roller skates, in-line skates or roller blades upon a sidewalk where not prohibited, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Any conduct which creates a dangerous condition or fails to use precautionary measures for the protection of the public, regardless of the pace or velocity of the offender, shall be in violation of this Section.

Source: City Code
Effective Date: 01-01-2001

(Sections 8.12 through 8.98, inclusive, reserved for future expansion.)

(Pages 196 through 200 reserved)

SEC. 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he/she shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he/she shall be punished as for a misdemeanor; where he/she stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he/she shall be punished as for a misdemeanor.

Subd. 2. As to any violations not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he/she shall be punished as for a petty misdemeanor.

Subd. 3. As to any violation of a provision adopted by reference, he/she shall be punished as specified in such provision, so adopted.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 9

PARKING REGULATIONS

(SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 9.01. PRESUMPTION. As to any vehicle parking in violation of Chapters 7, 8 and 9 when the driver thereof is not present, it shall be presumed that the owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

SEC. 9.02. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty feet of the nearest rail of a railroad crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; or, (16) on any boulevard which has been curbed.

SEC. 9.03. RECREATIONAL CAMPING VEHICLE PARKING.

Subd. 1. Definition. The term "recreational camping vehicle" means any of the following:

A. "Travel Trailer" - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

B. "Pick-up Coach" - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. "Motor Home" - A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. "Camping Trailer" - A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

Subd. 2. Unlawful Act. It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for a continuous period in excess of seventy-two (72) hours, except where signs are erected designating the place as a campsite or in a mobile home park. Provided, however, that during such 72-hour period, such vehicle shall not be occupied as living quarters.

SEC. 9.04. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned, leased or under the control of such person into any prohibited area or away from a curb such distance as is unlawful.

SEC. 9.05. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 9.06. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

SEC. 9.07. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

SEC. 9.08. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SEC. 9.09. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 1. It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of seventy-two (72) hours.

Subd. 2. The Chief of Police may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute, ten-minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour, morning or afternoon rush hour limited parking zones and shall mark by appropriate

signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

Subd. 3. It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a police officer for the purpose of measuring the length of time such vehicle has been parked.

SEC. 9.10. SNOW REMOVAL. It is unlawful for any person to leave a vehicle, trailer, or other personal property parked or unattended on the streets of the City after the expiration of eight (8) hours following a snowfall with an accumulation of two (2) inches or more in such a manner as to obstruct the operation of snow removal equipment on the streets until the snow has been removed or pushed back to the curb line of the streets. Once the snow has been removed or pushed back to the curb line, only then may a vehicle again be parked on the street. Citations may be issued to vehicles, trailers, and personal property parked on the streets of the City in violation of this ordinance. All vehicles, trailers, or property receiving citations will be fined and may be removed and stored at the owner's expense beginning twelve (12) hours after the citation is issued.

(Ord. #26, 2nd Series – 03-03-2021)

SEC. 9.11. TRUCK PARKING.

Subd. 1. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except such as are specifically designated by the Council by resolution and sign-posted.

Subd. 2. It is unlawful to park a semi-trailer, truck-tractor, or a combination thereof, within an area zoned as a residential district, except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity.

Subd. 3. It is unlawful to park a commercial vehicle of more than 12,000 pounds gross vehicle weight upon any street in the business district except streets as specifically designated by the Council by resolution and sign-posted, but parking of such vehicle for a period of not more than twenty (20) minutes shall be permitted in such space for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 4. It is unlawful to park a truck or other vehicle using or equipped with a trailer, or extended body or other extension or projection beyond the original length of such vehicle, or any passenger bus, diagonally along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. Provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

Subd. 5. It is unlawful to park a semi-tractor or semi-trailer on any street, or within 300 feet of the occupied dwelling of another, with any engine thereon running, for a period of more than one hour.

SEC. 9.12. IMPOUNDING AND REMOVING VEHICLES. When any police officer finds a vehicle standing upon a street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the same to a position in compliance with this Chapter. When any police officer finds a vehicle unattended upon any street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

SEC. 9.13. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed by order of the City where in the judgment of the Council a commercial loading zone is justified, and duly sign-posted.

SEC. 9.14. VEHICLE REPAIR ON STREET. It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than twenty-four (24) hours.

SEC. 9.15. PHYSICALLY HANDICAPPED PARKING.

Subd. 1. Statutory parking privileges for physically handicapped shall be strictly observed and enforced. Police officers [and trained citizen volunteers] are authorized to tag vehicles on either private or public property in violation of such statutory privileges.

Subd. 2. It is unlawful for any person, whether or not physically handicapped, to stop, park, or leave standing, a motor vehicle (1) in a sign-posted fire lane at any time, or (2) in lanes where, and during such hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

Source: City Code
Effective Date: 01-01-2001

(Sections 9.16 through 9.98, inclusive, reserved for future expansion.)

(Pages 207 through 211 reserved)

SEC. 9.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he/she shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he/she shall be punished as for a misdemeanor; where he/she stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he/she shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he/she shall be punished as for a petty misdemeanor.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 10

PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 10.01. REFUSE, JUNK AND NUISANCE REGULATIONS, PROHIBITIONS AND REMEDIES.

Subd. 1. Findings. The Council finds that unregulated deposit and storage of junk and unregulated storage and non-mandatory collection of refuse are not only potential, but immediate, habitat for rodents, the spread of noxious weeds and other hazardous conditions of decay which are insanitary, unhealthy, and an ecological blight. The Council further finds that such hazardous conditions must not only be halted in the future but also corrected for the present. The Council recognizes that the regulations, prohibitions and remedies provided for herein are bold steps but absolutely essential to the health of the residents and ecology of the community.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Refuse" means and includes all organic and inorganic (1) material resulting from the manufacture, preparation or serving of food or food products; (2) spoiled, decayed or waste food from any source; (3) bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing; (4) tree, lawn or bush clippings and weeds; (5) furniture, household furnishings or appliances, or parts or components thereof; or, (6) human or household waste of all kinds not included in any other portion of this definition.

B. "Junk" means and includes all (1) unregistered, unlicensed or inoperable (including, but not limited to, the lack of component parts) motor vehicles, motorized vehicles or equipment, bicycles, boats, outboard motors, or trailers, or parts or components thereof; (2) inoperable (including, but not limited to, the lack of component parts) agricultural implements or parts or components thereof, machines and mechanical equipment of all kinds or parts or components thereof, and by-products or waste from manufacturing operations of all kinds; (3) used lumber or waste resulting from building construction, renovation, remodeling, or demolition; or, (4) felled trees and tree branches that are not immediately processed into lumber, wood for fuel, fence components, or other such ultimate use.

C. "Nuisance" means and includes (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way or waters used by the public; or, (3) any other act or omission declared by law to be a public nuisance.

D. "Residential Premises" means any building consisting of any number of dwelling units, each with individual kitchen facilities, and, in the case of multiple dwelling units in such building, each unit shall be considered "residential premises".

E. "Commercial Premises" shall consist of two types: (1) any premises where a commercial, industrial or governmental enterprise of any kind is carried on where food is prepared or served from a central kitchen, including restaurants, clubs, churches, schools and health care facilities; or, (2) any premises where a commercial, industrial or governmental enterprise of any kind is carried on where food is not prepared or served.

Subd. 3. Refuse Storage.

A. It is unlawful for any person to store refuse on residential or commercial premises, type (2), for a continuous period in excess of seven (7) days.

B. It is unlawful for any person to store refuse on commercial premises, type (1) for a continuous period in excess of ninety-six (96) hours.

C. It is unlawful to store organic refuse unless it is drained, wrapped (in paper or plastic) and placed in an impervious and leak-proof container with a tight-fitting cover.

Subd. 4. Junk Storage.

A. It is unlawful to park or store junk on any premises unless it is housed within a completely enclosed building or on a junk dealer premises complying with MSA 161.242.

B. If any person fails or refuses to comply with Subparagraph A of this Subdivision, the City may, upon fifteen (15) days' notice in writing mailed to the owner of such premises at the address appearing on the tax rolls, and as an additional and not alternate to any other remedy provided herein, physically remove the junk, dispose of it as valueless, and certify all costs thereof to the County Auditor to be spread upon the tax rolls as a special assessment on the subject property.

Subd. 5. Nuisance. It is unlawful for any person to permit or maintain a nuisance upon any premises.

Subd. 6. Additional Unlawful Acts.

A. It is unlawful for any person to deposit offal or the body of a dead animal in any place other than a sanitary landfill or other facilities approved by statute or the City Code.

B. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point of danger of fire.

SEC. 10.02. MAINTENANCE OF INDIVIDUAL SEWERAGE SYSTEMS. It is unlawful for the owner or tenant of any premises to permit an individual sewage disposal system to overflow, or expose the contents thereof above ground.

SEC. 10.03. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definitions. For the purpose of this Section:

- A. **"Owner"** means a person who owns an animal hereby regulated.
- B. **"Own"** means to have a property interest in, or to harbor, feed, board, keep or possess.
- C. **"Dangerous Animal"** means an animal which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.
- D. **"Dog"** means both male and female and includes any animal of the dog kind.
- E. **"Animal"** means a dog.

Subd. 2. Running at Large Prohibited. It is unlawful for any person who owns or has control of any animal to permit such animal to run at large. Any cat or dog 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 under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure.

Subd. 3. License Required. It is unlawful for the owner of any animal, four months of age or more, to fail to obtain a license therefor from the City.

Subd. 4. License Issuance, Term and Renewal. All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall expire on April 1st. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license.

Subd. 5. Adoption of Fees. All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk-Treasurer and open to inspection during regular business hours.

Subd. 6. Tag Required. All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license.

Subd. 7. Dog Pound. Any dog found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Dog Pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the Dog Pound shall be held for redemption by the owner for at least five business days. Impoundment records shall be preserved for at least six months and shall show (1) the description of the dog by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog was seized; (3) the date of seizure; (4) the name and address of the person from whom any dog three months of age or over was received; and, (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such dog may be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog, or a statement by the dog's owner after seizure specifies that the dog should not be used for research, such dog shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

Subd. 8. Exception. Any dog or other animal seized under Minnesota Statutes, Section 343.22 or 343.29, shall be held for 10 days. A person claiming an interest in an animal in custody under this Section may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within 10 days of the seizure inclusive of the date of the seizure.

Subd. 9. Notice of Impounding. Upon impounding an animal under this Section, notice shall be given the owner or person claiming interest in the animal by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice shall include:

A. A description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

B. A statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within 10 days of the date of the notice will result in disposition of the animal;

C. A statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and

D. A form that can be used by a person claiming an interest in the animal for requesting a hearing under this Section.

Subd. 10. Right to Hearing and Release From Animal Pound. Upon request of a person claiming interest in the animal, which request must be made within 10 days of the date of seizure, a hearing shall be held within five business days of the request to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under MSA Section 343.22, the hearing must be conducted by the judge who issued the warrant. If the seizure was done under MSA Section 343.29, the City may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming interest in the animal who is aggrieved by a decision of a hearing officer under this Section may seek a Court Order governing the seizure or impoundment within five days of the notice of the order.

A. The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that:

1. The animal is physically fit; and
2. The person claiming an interest in the animal can and will provide the care required by law for the animal.

B. The person claiming an interest in the animal is liable for all actual costs of the care, keeping, and disposal of the animal, except if a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs shall be paid in full or a mutually satisfactory arrangement for payment must be made between the City and the person claiming an interest in the animal before return of the animal to the person.

1. If such an animal is owned by a resident of the City, the cost shall include the purchase of a license, if unlicensed, payment for the animal's maintenance while in custody, and may include an immunization fee of any such animal for rabies.

2. If such an animal is owned by a person not a resident of the City, the cost shall include payment for the animal's maintenance while in custody, and may include an immunization fee of any such animal for rabies.

Subd. 11. Seizure by a Citizen. It is lawful for any person to seize and impound an animal so found running at large and shall within six hours thereafter notify the Pound master of said seizure. It shall be the duty of the Pound master to place said animal in the City Pound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he/she or she shall inform the Pound master of the name of the owner, and the address if known.

Subd. 12. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 13. Other Unlawful Acts. It is unlawful for the owner of any animal to (1) fail to have the license tag issued by the City firmly attached to a collar worn at all times by

the licensed animal, or (2) own a dangerous animal, or (3) interfere with any police officer, or other City employee, in the performance of his/her duty to enforce this Section, or (4) fail to keep his/her dog from barking, howling or whining.

Subd. 14. Summary Destruction. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such animal may be destroyed in a humane manner.

Subd. 15. Rabies Control - Generally.

A. Every animal which bites a person shall be promptly reported to the Chief of Police or Pound master and shall thereupon be securely quarantined at the direction of the Chief of Police or Pound master for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Chief of Police, such quarantine may be on the premises of the owner or at the veterinary hospital of his/her choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him/her.

B. The owners, upon demand made by the Pound master or by any other City employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.

C. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.

D. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

Subd. 16. Reports of Bite Cases. It is the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Subd. 17. Responsibility of Veterinarians. It is the duty of every licensed veterinarian to report to the Chief of Police his/her diagnosis of an animal observed by him/her as a rabies suspect.

Subd. 18. Police Dogs, Seeing-Eye Dogs. The provisions of this Section shall not apply to the ownership or use of seeing-eye dogs by blind persons, or dogs used in police activities of the City, such as canine corps or tracking dogs used by or with the permission of the Police Department.

Subd. 19. Animals in Heat. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

Subd. 20. Number of Animals Restricted. The number of licensed animals permitted shall not exceed three (3) over the age of six months.

SEC. 10.04. WILD ANIMAL REGULATION.

Subd. 1. Purpose. This Section is adopted for the purpose of protecting the health, safety and welfare of the residents of the City.

Subd. 2. 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.

Subd. 3. Running at Large Prohibited. It is unlawful for the owner of any wild animal to keep such animal within the City limits. 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.

Subd. 4. Permit Required. It is unlawful for any person to keep, shelter or harbor any wild animal without a permit therefor from the City.

Subd. 5. Permit Term and Fees. All permits shall be issued for a term of two (2) years and the fee for such permits shall be fixed and determined by the Council, adopted by resolution and uniformly enforced. Such fee may from time to time be amended by the Council by resolution.

Subd. 6. 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:

A. 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.

B. Erection and maintenance of suitable fencing for the protection of

adjoining property owners and the general public.

C. Providing suitable sanitation controls so as not to create a public or private nuisance.

D. Proof of insurance for medical expense and liability.

Subd. 7. Inspection. Prior to the issuance of the permit, the City shall require an inspection be made to determine that the facilities are suitable for the protection of the health, safety and welfare of the public. Such inspection shall be made by a person approved by the City and the cost of such inspection shall be borne by the applicant.

Subd. 8. Suspension or Revocation of Permit. The Council may, for any violation or other reasonable cause: (1) refuse to grant any renewal application; (2) suspend for a period of sixty (60) days; or (3) revoke any permit issued under this Section. Such 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 such animal shall be responsible for any expense incurred as the result of such action. Before revocation of any permit, the Council shall give notice to the permittee and grant such permittee opportunity to be heard. The permittee shall have thirty (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.

SEC. 10.05. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING; LICENSE REQUIRED.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

A. **"Farm Animals"** - Cattle, horses, mules, donkeys sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, rabbits, guinea hens and honey bees.

B. **"Animals"** - Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

C. **"License"** - A document issued by the City to an applicant permitting him/her to carry on and transact a business.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in a licensed livestock holding area within a 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 used in a parade for which a license has been issued, or, (4) animals kept in a licensed laboratory for scientific or experimental purposes, or, (5) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

Subd. 3. 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.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

Subd. 6. 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.

SEC. 10.06. ANIMAL WASTE.

Subd. 1. Definitions. For the purpose of this Section:

- A. **"Owner"** means a person who owns an animal hereby regulated.
- B. **"Animal"** means a dog, cat or other household pet.

Subd. 2. Unlawful Acts. It is unlawful for any owner to:

A. Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.

B. Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his/her possession equipment and supplies for excrement removal.

C. Permit animal excrement to accumulate for a period in excess of seven (7) days on premises occupied by him/her without removal and sanitary disposal.

Subd. 3. Exceptions. The provisions of Subdivision 2, Subparagraphs A and B, do not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person, or a dog while engaged in police or rescue activity.

Source: City Code
Effective Date: 01-01-2001

(Sections 10.07 through 10.19, inclusive, reserved for future expansion.)

(Pages 223 through 227 reserved)

SEC. 10.20. SHADE TREE DISEASE CONTROL AND PREVENTION.

Subd. 1. 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 also been determined that the health of many tree species may be threatened by diseases of an epidemic nature. It has further been determined that the loss of oak, elm and other trees threatened by epidemic diseases 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.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Shade Tree Disease" - Dutch elm disease, oak wilt disease, or any other tree disease of an epidemic nature as declared by the Council.

B. "City Forester" - The Street Commissioner, or such other employee of the City as the Council may designate and who shall thereafter qualify.

C. "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 such parts have been fully burned or treated under the direction of the City Forester.

Subd. 3. Scope and Adoption by Reference. Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is unlawful for any person to keep, maintain or permit, upon premises owned by him/her or upon public property where he/she has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection, Diagnosis and Abatement. It is the power and duty of the City Forester to enter upon public or private property at any reasonable time for the purpose of inspecting for, and diagnosing, and if necessary, abating shade tree disease. In the case of suspected shade tree disease, and in performance of his/her duties, the City Forester may remove such specimens or samples as may be necessary or desirable for diagnosis.

Subd. 6. 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. Such abatement procedures shall be carried out in accordance with 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. Such standards shall be kept on file in the office of the City Forester and shall be revised from time to time based on current research.

Subd. 7. 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/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/she may choose to reinspect said tree either later the same growing season or at the beginning of the following growing season. If at that time the tree has not recovered, the City Forester shall proceed by abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429.

2. If the City Forester finds that danger of infection of other trees is imminent, he/she shall notify the owner of the property by certified mail that the nuisance will be abated by a specific time, not more than twenty (20) days from the date of receipt of such notice. After the expiration of the notice the City Forester 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/she may proceed to abate the nuisance forthwith. The City Forester shall upon the completion of the nuisance abatement, ascertain the cost attributable to each lot. The City Clerk-Treasurer shall certify to the County Auditor of Redwood County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

B. The City Forester shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the City Clerk-Treasurer all work done for which assessments are to be made starting and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

C. On or before September 1 of each year, the City 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 Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 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.

Subd. 8. Spraying Trees.

A. Whenever the City Forester determines that any tree or wood is

infected or threatened with infection, he/she may spray or treat all nearby high value trees with an effective pesticide or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert specifications or, where appropriate, the plans of the Commissioner of Agriculture.

B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. It is unlawful for any person to transport any elm wood into or through the City unless the same is debarked, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the City Forester. The City Forester shall grant such permits only when the purposes of this Section will be served thereby.

Subd. 10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the City Forester while he/she is engaged in the performance of duties imposed by this Section.

Subd. 11. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees".

Subd. 12. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, may be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

SEC. 10.21. MINNESOTA UNIFORM FIRE CODE.

Subd. 1. Adoption. The 1994 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF MORGAN - OFFICIAL COPY and kept on file in the office of the City Clerk-Treasurer and open to inspection and use by the public.

Subd. 2. Storage of Flammable and Explosives Material. Present installations for the purpose of storage of flammable liquid, liquefied petroleum gas and explosives and blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefor shall be investigated by the Chief of Police and the Chief of the Fire Department, and a hearing held thereon before the Council.

SEC. 10.22. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or

parcel of land to maintain any weeds or grass growing thereon at a height of not more than six inches; to remove all public health or safety hazards therefrom; to install or repair water service lines upon any property which is improved with commercial or habitable structures; and to treat or remove insect-infested or diseased trees thereon.

Subd. 2. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk-Treasurer has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk-Treasurer shall certify to the County Auditor of Redwood County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

SEC. 10.23. OBSTRUCTIONS ON PUBLIC PROPERTY.

Subd. 1. Obstructions. It is unlawful for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. Fires. It is unlawful for any person to build or maintain a fire upon public property.

Subd. 3. Dumping on Public Property. It is unlawful for any person to throw or deposit on public property 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 chemicals thereon. It is a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on public property without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is unlawful for any person to place or maintain a sign, advertisement, or other structure on public property without first having obtained a written permit from the Council.

Subd. 5. Snow or Ice on Public Property. It is unlawful for any person not acting under a contract with the City to dump snow or ice on public property.

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for

safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 10.24. JUNK CARS, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PUBLIC OR PRIVATE PROPERTY.

Subd. 1. Unlawful Acts. It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a lawfully erected building. Any violation of this Section is declared to be a nuisance and upon seven days written notice to the owner, as shown by the records in the office of the County Auditor, of private premises on which such material is found, the City may remove the same and certify the cost of such removal as any other special assessment.

Subd. 2. Commercial Motor Vehicle Exception.

A. Notwithstanding any provision contained in this Section to the contrary, a person, firm or corporation may locate or keep any number of commercial motor vehicles fitting the definition of "junk vehicles" as set forth in City Code, Chapter 2, on private property, which are to be used for legitimate business purposes, for nine (9) consecutive months.

B. After nine-months, any such commercial motor vehicle fitting the definition of "junk vehicle" as set forth in City Code, Chapter 2, shall be in violation of this Section. Thereafter, the City shall issue written notice to the owner of the premises giving notice of said violation. Any owner in violation of this Section seven (7) days after mailing of notice of violation shall be guilty of a separate misdemeanor for each day that each vehicle remains in violation.

Source: City Code
Effective Date: 01-01-2001

(Sections 10.25 through 10.29, inclusive, reserved for future expansion.)

(Pages 234 through 238 reserved)

SEC. 10.30. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts Prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,

C. Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club; or,

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,

F. Sell or have in his/her possession any device designed to silence or muffle the discharge of a firearm; or,

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his/her parent or guardian or of the Police Department; or,

I. Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck, sharp stud or splat gun. For the purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device with any number of points projecting from the edge, (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod, (3) a "sharp stud" means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed, and (4) a "splat gun" means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substance.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other

fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his/her duty, or to a person in the lawful defense of his/her person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow or other similar device within the City limits except in a Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

SEC. 10.31. FIREARMS AND HUNTING REGULATIONS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Firearm" means a weapon of any gauge, caliber or designation which, when a trigger is pulled or some other means of discharge employed, propels a projectile or projectiles of any kind and includes, but is not limited to, shotguns, handguns, air guns, pellet guns or B-B guns.

B. "Hunting" means carrying or discharging a firearm, bow and arrow, or other similar device in an attempt to kill game or other animals or fowl.

C. "Encased Firearm" means any firearm placed in a case in such a manner as to prevent discharge of the same.

D. "Dismantled Firearm" means any firearm which is dismantled in such a manner as to prevent discharge of the same.

Subd. 2. Unlawful Acts. It is unlawful for any person to carry or discharge a firearm which is not an encased firearm or dismantled firearm except:

A. In a range or area equipped for target practice which has been specifically described and approved by the Council.

B. Law enforcement officers in the line of duty.

C. When necessary in the lawful defense of the person or family.

D. When hunting in the Agricultural District with a permit obtained from the City therefor, and except that bow and arrow hunting is permitted.

Source: City Code

Effective Date: 01-01-2001

(Sections 10.32 through 10.49, inclusive, reserved for future expansion.)

(Pages 242 through 246 reserved)

SEC. 10.50. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his/her person or the private parts thereof, or procure another to so expose himself or herself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his/her person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his/her official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SEC. 10.51. CURFEW.

Subd. 1. Definition. As used in this Section "minor" means a person under the age of eighteen (18) years.

Subd. 2. Unlawful Acts.

A. It is unlawful for any minor person under the age of sixteen (16) years to be or loiter upon the streets or public places between the hours of 10:00 P.M. and 5:00 A.M. of the day following.

B. It is unlawful for any minor person sixteen (16) or seventeen (17) years of age to be or loiter upon the streets or public places between the hours of 12:00 midnight and 5:00 A.M. of the day following.

C. It is unlawful for any parent, guardian, or other person having the legal

care or custody of any minor to allow or permit such minor to be or loiter upon the streets or public places in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge.

D. It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge. This Subparagraph shall not be construed to permit the presence, at any time, of any person under age in any place where his/her presence is otherwise prohibited by law.

Subd. 3. Exceptions. Such curfew shall not apply to any married persons under the age of eighteen (18) years or to any minor student who is lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events.

SEC. 10.52. UNLAWFUL USE AND FURNISHING OF TOBACCO.

Subd. 1. It is unlawful for any person, under the age of eighteen years, to use tobacco in any form.

Subd. 2. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen years.

SEC. 10.53. PUBLIC NUISANCE. It is unlawful for any person to maintain a public nuisance by his/her act or failure to perform a legal duty, and for purposes of this Section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or, (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or, (3) obstruction to the free flow of water in a natural waterway, or the throwing, placing, or depositing on a public street, gutter, or ditch any trash, grass, lawn clippings, leaves, brush, or any other material of a like nature; or, (4) any other act or omission declared by law to be a public nuisance.

SEC. 10.54. PERMITTING A PUBLIC NUISANCE. It is unlawful for any person to permit real property under his/her control to be used to maintain a public nuisance, or let the same to another knowing it is to be so used.

Source: City Code
Effective Date: 01-01-2001

(Sections 10.55 through 10.69, inclusive, reserved for future expansion.)

(Pages 250 through 254 reserved)

SEC. 10.70. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Subd. 1. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

Subd. 2. Hours. It is unlawful for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. of the day following; provided, however, that this Section shall not apply to those vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in a park.

Subd. 3. Animals in Parks. It is unlawful for any person who owns or has control of any animal to allow or permit the same to enter any City park unless such animal is on a leash or under the control of any accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure.

SEC. 10.71. FURNISHING OBSCENE MATERIAL.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Furnish" - To sell, give, rent, loan or otherwise provide.

B. "Material" - Any printed matter, visual representation, or sound recording, and includes, but is not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.

C. "Nudity" - Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

D. "Obscene" - Material which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit descriptions or narrative accounts of sexual conduct.

E. "Obscenities" - Those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

F. "Sado-masochistic Abuse" - Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

G. "Sexual Conduct" - Human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

H. "Sexual Excitement" - The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Act. It is unlawful for any person to furnish another person obscene material.

Subd. 3. Prosecution. Any prosecution under this Section shall include the following elements: (1) that the average person, applying contemporary community standards, would find the material, taken as a whole, appealing to the prurient interest of the audience or reader; (2) that the material describes or depicts, in a patently offensive way, sexual conduct included in the definition of "obscene"; and, (3) that the material, taken as a whole, lacks serious literary, artistic, political or scientific value.

SEC. 10.72. FIRE, BURGLARY AND SAFETY ALARM REGULATIONS AND REQUIREMENTS.

Subd. 1. Purpose. This Section regulates the use of fire, burglary and safety alarms for the purpose of preventing the public safety services from misuse of public safety alarms through frequency of false alarms.

Subd. 2. Definitions. For the purpose of this Section:

A. "Alarm User" means the person using an alarm system to protect his premises, regardless of whether he owns or leases the system.

B. "Alarm System" means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire on the premises which contain an alarm installation. Automobile alarm devices shall not be considered an alarm system.

C. "False Alarm" means the occurrence of an alarm in an alarm system for any reason other than an authorized intrusion or attempted robbery, or call to an existing fire.

D. "Financial Institution" means a commercial bank, savings and loan association, credit union or establishment leasing safe deposit boxes.

E. "Audible Alarm" means a device designed for the detection of smoke or fire or of an unauthorized entry on the premises, which alarm activates or generates an audible sound on or near the premises.

F. **"Calendar Year"** means the period January 1 through December 31 of each year.

G. **"Residential Alarm User"** means occupied housing units, residential homes and condominiums.

H. **"Non-Residential"** means commercial, industrial, business, State agencies, special purpose units of government, apartment complexes.

Subd. 3. Regulations and Requirements.

A. **Alarm User Registration.** Following the first false alarm within any calendar year, the alarm user shall fill out and return to the Police Department the "Alarm User Registration" form as provided within 30 days.

B. **False Alarm Statement of Correction.** Following the third false alarm within the calendar year, the alarm user shall fill out and return to the Police Department within five days the "False Alarm Statement of Corrections". This form shall contain a detailed statement of the corrective actions the alarm user has taken to prevent additional false alarms, and to notify alarm user of impending forfeitures should additional false alarms occur.

C. **Audible Alarms.** All audible alarms shall meet the following requirements:

1. Every person maintaining an alarm system with an audible alarm signal shall post a notice containing the name and telephone number of a person to be notified to render repairs or service to such alarm system during any hour of the day or night upon activation of such alarm system. Such notice shall be posted at the main entrance to such premises or near the alarm in such a position as to be legible from the ground level adjacent to the building.

2. Alarm systems with audible alarm signals, except for fire alarms, shall have an automatic shut-off which will silence the audible alarm signal within a period not to exceed 20 minutes.

D. **In-House Annunciation Panel.** Financial institutions having an alarm system with multiple sensors shall have an in-house annunciation panel providing specific annunciation of the sensors at a private monitoring location on the premises. When, in the judgment of the Police Department, no such private monitoring location is possible upon the premises, the requirements of this Subparagraph D may be waived. Compliance with this Subparagraph D is required of all alarm systems installed in financial institutions after the effective date of this Section, and within one year from effective date of this Section for currently operating alarm systems.

E. No person shall install an alarm system or use, monitor, and possess an

operative alarm system which utilizes taped or prerecorded messages which deliver a telephone alarm message to the Police or Fire Departments. No automatic dialing services or systems are permitted in any form, including automatic dialing of the emergency number 911.

E. Unlawful Act. It is unlawful for any person to fail or refuse to comply with the regulations set forth in this Subdivision.

Subd. 4. Schedule of Payment Rates.

A. Users of alarm systems shall be permitted three (3) false alarms per calendar year and pay the current rate for rural fire calls.

B. There is hereby established a ninety (90) day grace period for all newly installed alarm systems; all false alarms occurring during this period shall not be considered part of the six allowable false alarms per year. The installation date must be verified by a dated sales receipt for the alarm system, or a dated invoice from the installer of the alarm system.

C. A false alarm is excused if prior written notification stating the exact time is given to the Police Department, and the alarm is activated for the purposes of, testing or upgrading the alarm system.

D. All payments provided for in this Subdivision shall be made to the City within 30 days after mailing a statement to the alarm user. Payments not made within 30 days are delinquent and a penalty of 10% of the amount due will be added. All delinquent charges and penalties shall be certified by the City Clerk-Treasurer to the County Auditor who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the property of the delinquent alarm user.

E. Confidentiality. All information submitted in compliance with this Section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law. Subject to requirement of confidentiality, the Chief of Police may develop and maintain statistics for the purpose of on-going alarm systems evaluation.

Source: City Code
Effective Date: 01-01-2001

(Sections 10.73 through 10.98, inclusive, reserved for future expansion.)

(Pages 260 through 264 reserved)

SEC. 10.73. FEE FOR FIRE/RESCUE SERVICES. The City of Morgan shall impose a service charge for each fire/rescue response call to which a fire truck responds within the City. The occupant of the property to which a fire truck is dispatched shall pay a fee of seven hundred fifty dollars (\$750.00) and an additional one hundred fifty dollars (\$150.00) for each hour after the first hour. If the property is unoccupied, the owner of the property shall pay the fee. Rescue Response – Page Out \$300.00; Work Performed \$500.00.

(Ord. #11, 2nd Series – 12-08-2004)

(Ord. #20, 2nd Series – 10-05-2011)

(Ord. #22, 2nd Series – 05-02-2012)

SEC. 10.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 01-01-2001

CHAPTER 11

LAND USE REGULATION (ZONING)

SECTION 11.01. PURPOSES AND INTENT. This Chapter is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City by lessening congestion in the public right of ways, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties; and encouraging the most appropriate use of land.

SEC. 11.02. SCOPE AND INTERPRETATION.

Subd. 1. Scope. From and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Chapter. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed subject to the special regulations herein provided with respect to nonconforming properties or uses.

Subd. 2. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other City Code provision or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other City Code provision or regulation impose greater restrictions than this Chapter, the provisions of such statute, other City Code provision or regulation shall be controlling.

SEC. 11.03. RULES AND DEFINITIONS.

Subd. 1. Rules. For the purpose of this Chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word building shall include the word structure; the word lot shall include the word plot; and the word shall is mandatory and not discretionary.

Source: Ordinance No. 134

Effective Date: 01-02-1979

Subd. 2. Rules for Fencing. All fences hereafter erected or maintained shall conform with the provisions of this Section and any other City Code provisions or regulations.

A. Type. No fence, other than a split rail fence, chain link fence or other decorative fence that

does not obstruct a person's view, shall be permitted within the thirty (30) foot area of any street or alley corner. This 30-foot area shall be in the shape of a triangle with two sides that meet at the street or alley corner and extend 30 feet in each direction along the street or alley boundary lines. The third side of this triangle shall be formed by a straight line connecting the two far ends of each 30-foot line. In no event shall the front yard established by this Chapter contain any wall, fence, tree, shrub or other structure that may cause danger to traffic on a street or public road by obscuring the view.

B. Height. Except as provided in Subparagraph A, above, fences may be erected on any part of a lot; however, a fence located in front of the principal building on any lot may not exceed three and one-half (32) feet in height. All other fences in the R-1 (One and Two Family Residence Districts) and R-2 (Multiple Residence Districts) shall not exceed six (6) feet in height. In the case of a grade separation such as the division of properties by a retaining wall, the height shall be determined from the middle point between the highest and lowest grade. Fences outside of the R-1 and R-2 Districts shall not exceed eight (8) feet in height.

C. Setback. Except in the Industrial District (I-1) and the Commercial District (B-1), fences, walls and hedges shall be setback at least two (2) feet from the side yard property line and shall be setback five (5) feet from the alley right-of-way. A fence, wall or hedge, however, may be located on or within two (2) feet of the side yard property line if the owner of the adjoining property has entered into a written agreement approving the proposed location of the fence, and a copy of the agreement is filed with the City Clerk. The City may further require that this agreement be filed immediately with the Redwood County Recorder. If the location of the property line is in question, the City may also require that a registered land surveyor establish its location at the expense of the owner of the property on which the fence, wall or hedge will be located. (Ord. #13, 2nd Series – 06-08-2005)

D. Ingress for Emergency Vehicles. In those instances where a fence exists as an enclosure that restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be provided for emergency vehicles. Such ingress points shall be unobstructed and at least ten (10) feet wide.

E. Condition. Both sides of any fence or hedge must be maintained in a respectable condition by its owner. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

F. Enforcement. All fences that are presently in violation of this Subdivision will be allowed to continue unless more than twenty percent (20%) of the fence is repaired, replaced, or reconstructed. Current fences or hedges that are determined by the Chief of Police to be a potential threat to public health or safety shall be removed, relocated, or changed to comply with this Subdivision after the property owner has been given the right to be heard by the City Council. The owner of the property on which any fence, wall, or hedge is proposed to be located shall be solely responsible for determining the location of property lines and the conformance of the proposed fence with the terms of this Subdivision.

G. Violation. A violation of any of the provisions of this Subdivision shall be a misdemeanor

for each day the violation continues.

Source: Ordinance No. 195

Effective Date: 12-01-1994

Subd. 3. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

1. **"Accessory Building"** - A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

2. **"Alley"** - A public thoroughfare less than thirty (30) feet in width which provides secondary access to abutting property.

3. **"Automobile Wrecking"** - See Junk Yards.

4. **"Basement"** - A portion of a building located partly underground, but having less than half of its floor-to-ceiling height above the average grade of the adjoining grounds.

Source: Ordinance No. 134

Effective Date: 01-02-1979

5. **"Bed and Breakfast Inn"** - An owner or manager occupied single family dwelling where lodging in up to five guest rooms and breakfast are provided to the traveling public by the resident owner or manager for compensation.

Source: Ordinance No. 191

Effective Date: 03-30-1992

6. **"Building Height"** - The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

7. **"Depth of Lot"** - The mean horizontal distance between the mean front street and the mean rear lot line. The greatest frontage of a corner lot is its depth and its lesser frontage is its width.

8. **"Depth of Rear Yard"** - The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

9. **"District"** - A section of the City for which the regulations governing the height, area, use of buildings and premises are the same.

10. **Dwelling** - Any building or part thereof which is designed or used exclusively for

residential purposes by one or more human beings either permanently or transiently; a mobile home or house trailer shall not be considered a dwelling.

Source: Ordinance No. 134
Effective Date: 01-02-1979

11. "Dwelling - One Family" - A building designed or occupied exclusively by one family, and erected on a permanent foundation, and includes modular buildings or pre-built homes moved onto a permanent foundation.

Source: Ordinance No. 144
Effective Date: 12-11-1980

12. "Dwelling - Two Family" - A building designed for or occupied by two families.

12. "Dwelling - Multiple" - A building designed for or occupied by three or more families.

13. "Family" - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as herein described.

14. "Garage - Private" - A garage with a capacity of not more than four power driven vehicles for storage only and which is erected as an accessory building; except that private garages for more than four power driven vehicles may be allowed for multiple dwelling and other similar uses.

15. "Junk Yard" - Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products for wrecking of automobiles, other vehicles accessory to any business or industrial use on the same lot.

16. "Lot" - One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Chapter and having frontage on a public street.

17. "Non-Conforming Uses" - A use lawfully in existence on the effective date of this Chapter and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it is authorized under Conditional Use Permit where located.

18. "Person" - Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

19. "Structure" - Anything constructed or erected, the use of which requires being located

on the ground or attachment to something having a location on the ground.

20. "Street" - A public thoroughfare thirty (30) feet or more in width.

21. "Use" - The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

22. "Yard" - Any space on the same lot with a building open and unobstructed from the ground to the sky.

23. "Yard, Front" - A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

24. "Yard, Rear" - An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

25. "Yard, Side" - An open unoccupied space on the same lot with a building between the building and the side line of the lot, and extending from the front lot line to the rear of the back yard.

Source: Ordinance No. 134

Effective Date: 01-02-1979

(Sections 11.04 through 11.09, inclusive, reserved for future expansion.)

(Pages 271 through 280 reserved)

SEC. 11.10. CLASSIFICATION OF DISTRICTS.

Subd. 1. Districts. For the purpose of this Chapter, the City is hereby divided into classes of districts which shall be designated as follows:

A. Residence Districts.

- 1. R-1 - One and Two Family Residence District.**
- 2. R-2 - Multiple Residence District.**

B. Commercial Districts.

- 1. B-1 - General Business District.**

C. Industrial Districts.

- 1. I-1 - General Industry District.**

D. Agricultural Districts.

- 1. A-1 - Rural Service District.**

Subd. 2. Zoning Map. The location and boundaries of the districts established by this Chapter are hereby set forth on the Zoning Map and said Map is hereby made a part of this Chapter; said Map shall be known as the "City of Morgan Zoning Map". Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said Map and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Clerk's office.

Subd. 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subd. 4. Future Annexation. Any land annexed to the City in the future shall be placed in the R-1 Residence District, until placed in another district by action of the Council after recommendation of the Planning Commission.

SEC. 11.11. R-1 - ONE AND TWO FAMILY RESIDENCE DISTRICTS.

Subd. 1. Permitted Uses. The following uses shall be permitted in the R-1 Residence District.

- A. Single family detached dwellings.
- B. Parks and recreational areas owned or operated by governmental agencies.
- C. Public schools, elementary or secondary or private schools having a curriculum equivalent to a public elementary school or public secondary school.
- D. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any of the Classes of Residence Districts.
- E. Two family dwellings.

Subd. 2. Conditional Uses. The following uses may be allowed in the R-1 District by Conditional Use Permit, as provided in this Chapter.

- A. Any use permitted in Subd. 3 as regulated herein.

Source: Ordinance No. 134
Effective Date: 01-02-1979

Subd. 3. Permitted Accessory Uses. The following uses shall be Permitted Accessory Uses in the R-1 Residence District:

- A. Private garage.
- B. Keeping of not more than two boarders and/or roomers by a residence family.
- C. Living quarters of persons employed on the premises.
- D. Fallout shelters.
- E. Detached accessory buildings which comply with State Building Code requirements.
- F. Private swimming pool, when completely enclosed by a chain link or similar fence five feet high; any above ground pool must have a security gate that locks which denies people access to the pool.
- G. Licensed bed and breakfast inns as provided for in this Chapter.
- H. Accessory uses customarily incidental to the uses permitted in this Section.

Subd. 4. Height, Yard, Area, Lot Width and Depth Regulations.

- A. **Height Regulations.** No building hereafter erected or altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

B. Front Yard Regulations.

1. There shall be a front yard having a depth of not less than twenty-five (25) feet unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the two nearest residences.
2. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot, and a side yard on the other two sides. No accessory buildings shall project beyond the front yard line of either street.

C. Side Yard Regulations. There shall be a side yard, on each side of a building, having a width of not less than ten (10%) percent of the frontage or twelve feet, whichever is less.

(Ord. #4, 2nd Series – 10-03-2001)

D. Rear Yard Regulations. There shall be a rear yard having a depth of not less than twenty (20%) percent of the depth of the lot.

E. Lot Area Regulations.

1. Every lot on which there is erected a single family dwelling shall contain an area of not less than ten thousand (10,000) square feet.
2. Every lot on which there is erected a two family dwelling shall contain an area of not less than twelve thousand five hundred (12,500) square feet.

F. Lot Width and Depth Regulations. Every lot on which there is erected a one family dwelling or a two family dwelling shall have a minimum width of not less than seventy five (75) feet at the building setback line.

G. Established Lots. Presently platted lots with a minimum frontage of fifty (50) feet shall be acceptable under this Chapter.

Source: Ordinance No. 134
Effective Date: 01-02-1979

H. Required Frontage. No construction shall be permitted on a lot that does not have at least fifty (50') feet of frontage on a dedicated street.

Source: Ordinance No. 151
Effective Date: 11-04-1981

SEC. 11.12. R-2 - MULTIPLE RESIDENCE DISTRICT.

Subd. 1. Permitted Uses.

- A. All uses permitted in the R-1 One and Two Family Residence District.
- B. Multiple family dwellings.

Subd. 2. Permitted Accessory Uses.

- A. Garage space for occupants.

Subd. 3. Height, Yard, Area, Lot Width and Depth Regulations.

- A. Height, Front Yard, Side Yard, Rear Yard and Lot Width and Depth Regulations.** Height, front yard, side yard, rear yard and lot width and depth regulations shall be the same as the R-1 District regulations.
- B. Lot Area Regulations.** Lot area regulations shall be the same as the R-1 District regulations with a minimum requirement of 10,000 square feet plus 1,000 square feet for each dwelling unit over one (1) unit.

Source: Ordinance No. 134
Effective Date: 01-02-1979

(Sections 11.13 through 11.19, inclusive, reserved for future expansion.)

(Pages 285 through 294 reserved)

SEC. 11.20. B-1 - COMMERCIAL DISTRICT.

Subd. 1. Permitted Uses. The following uses shall be permitted in the B-1 Commercial District:

A. All uses permitted in the Residential District, but a special use permit must be secured for any use which is permitted in the Residential District upon the securing of such a permit.

B. Retail stores and shops.

C. Automobile stations for the sale of gasoline, oil and accessories, public garages, and garages for the storage, repair and servicing of motor vehicles.

D. Theatre, financial institutions, telephone and telegraph offices, messenger offices, professional offices.

D. Carpenter, furniture repairing or upholstery shops, book binding shops, dressmaking shops, shoe repairing and dyeing shops, newspaper or job printing establishments, electrical, tinsmithing, plumbing, water, gas or steam fitting shops, paint or paper hanging shops.

E. Self-service laundries.

F. Municipal administration building, police and fire stations, community center buildings, public libraries, museums, art galleries, post office, elevated municipal storage tank and water works, and other municipal service buildings.

G. Other business uses, but only upon the securing of a special use permit as provided in this Chapter.

1. Undertaking establishments.
2. Mobile Home Court or Trailer Park.
3. Any drive-in business where people are served in automobiles.
4. Outdoor advertising signs and structures.

Subd. 2. Conditional Uses. The following uses may be allowed in the B-1 Commercial District by Conditional Use Permit as provided in this Chapter.

A. Other general business activities of the same general character as listed in Subd. 1 of this Section.

Subd. 3. Permitted Accessory Uses. The following uses shall be Permitted Accessory Uses in the B-1 Commercial District.

- A. Accessory uses customarily incident to the uses permitted in this Section.
- B. Off-street parking and loading as regulated in the General Regulations Section of this Chapter.

Subd. 4. Height and Yard Regulations.

- A. **Height Regulations.** No building shall hereafter be erected or structurally altered to exceed fifty (50) feet in height.
- B. **Front Yard Regulations.** No front yard shall be required.
- C. **Side Yard Regulations.** No side yard shall be required.
- D. **Rear Yard Regulations.** No rear yard shall be required.
- E. No construction shall be permitted on a lot that does not have at least 50 feet of frontage on a dedicated street.

Source: Ordinance No. 197
Effective Date: 12-22-1994

Subd. 5. General Regulations. Additional regulations in the B-1 Commercial District are set forth in the General Regulations Section of this Chapter.

Source: Ordinance No. 134
Effective Date: 01-02-1979

(Sections 11.21 through 11.29, inclusive, reserved for future expansion.)

(Pages 297 through 306 reserved)

SEC. 11.30. I-1 - INDUSTRIAL DISTRICT.

Subd. 1. Permitted Uses. The following uses shall be permitted in the I-1 General Industry District:

- A. Storage or warehouse.
- B. Research, experimental or testing stations.
- C. Railroad rights of way.
- D. Building materials sales and storage.
- E. Cartage and express facilities.
- F. Electric light or power generating station.
- G. Freight terminal.
- H. Fuel and ice sales and storage.
- I. Garage for storage, repair, and servicing of motor vehicles.
- J. Highway maintenance shops and yards.
- K. Public service structures, including power substations, gas regulator stations, sewage disposal plants, telephone exchanges, police or fire stations, elevated tanks and water works.
- L. Manufacturing, processing, storage, servicing and testing.

Subd. 2. Conditional Uses. The following uses may be allowed in the I-1 Industrial District by Conditional Use permit as provided in this Chapter.

- A. Any use permitted in the I-1 Industrial District, as regulated therein.
- B. Extraction, processing or storage of sand, gravel, stone or other raw materials.
- C. Junk yards, wrecking yards or auto salvage yards.
- D. Other general industrial activities of the same general character as listed in Subd. 1 of this Section.

Subd. 3. Permitted Accessory Uses. The following uses shall be permitted Accessory Uses in the I-1 Industrial District.

- A. Accessory uses customarily incidental to the uses permitted in Subdivisions 1 and 2 of this

Section.

B. Off-street parking and loading as regulated in the General Regulations Section of this Chapter.

C. Signs as regulated in the General Regulations Section of this Chapter.

Source: Ordinance No. 134
Effective Date: 01-02-1979

Subd. 4. Height and Yard Regulations.

A. Height Regulations. The height of buildings in the I-1 Industrial District shall be determined on an individual basis by the Council.

B. Front Yard Regulations. No front yard shall be required.

C. Side Yard Regulations. No side yard shall be required.

Source: Ordinance No. 198
Effective Date: 12-22-1994

D. Rear Yard Regulations. There shall be a rear yard setback having a depth of not less than five feet.

Source: Ordinance No. 205
Effective Date: 05-20-1998

E. No construction shall be permitted on a lot that does not have at least 50 feet of frontage on a dedicated street.

Source: Ordinance No. 198
Effective Date: 12-22-1994

Subd. 5. General Regulations. Additional regulations in the I-1 Industrial District are set forth in the General Regulations Section of this Chapter.

Source: Ordinance No. 134
Effective Date: 01-02-1979

(Sections 11.31 through 11.39, inclusive, reserved for future expansion.)

(Pages 310 through 319 reserved)

SEC. 11.40. A-1 - AGRICULTURAL DISTRICTS.

Subd. 1. Permitted Uses. The uses and regulations governing Agricultural Districts shall be those set forth in Ordinance No.131, An Ordinance Dividing the City of Morgan into Urban Service District and Rural Service District together with amendments to said Ordinance, if any there be; provided, however, that there shall be no holding, feeding or pasturing of livestock in said District.

Source: Ordinance No. 134
Effective Date: 01-02-1979

Subd. 2. Unlawful Act. It is unlawful for any person, firm or corporation to farm within the City limits, unless the parcel being farmed that lies within City limits consists of five acres or more and is physically adjoining other farmland on at least one side.

Subd. 3. Definition. For purposes of this Section, "farm" shall mean the raising of a cash crop that is not intended for personal consumption.

Source: Ordinance No. 186
Effective Date: 05-10-1990

(Sections 11.41 through 11.49, inclusive, reserved for future expansion.)

(Pages 321 through 325 reserved)

SEC. 11.50. GENERAL REGULATIONS.

Subd 1. Sign Regulations. All signs hereafter erected or maintained, except official, traffic or street signs, shall conform with the provisions of this Section and any other City Code provisions.

A. General Sign Provisions. The following regulations shall apply to all signs hereinafter permitted in all Districts:

1. Signs shall not be permitted within the public right-of-way or easements except that the Council may, after a report from the Planning Commission, grant a Conditional Use permit for a period of not exceeding one year to allow advertising on a newspaper sale stand or special permits for temporary signs or decorations to be strung across the right-of-way.
2. Illuminated signs giving off intermittent or rotating beams shall not be permitted in any District.
3. No sign shall project more than four (4) feet over a public sidewalk, nor be less than seven (7) feet above sidewalk level.
4. No sign, except name plate signs and directional signs as allowed shall project more than four (4) feet across a required front yard or a required side yard.
5. No sign shall be placed that resembles any official marker erected by a governmental agency or display such words as "Stop" or "Danger".
6. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
7. The owner, lessee, or manager of a ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which such sign is located.
8. Advertising signs, business signs and name plate signs which may be or may hereinafter become unsafe or unsightly shall be repaired or removed by owners, or owner of the property upon which the sign stands upon notice of the Council.
9. Where a sign is illuminated the source of light shall not shine upon any part of a residence or into any of the Classes of Residence Districts.

Source: Ordinance No. 134

Effective Date: 01-02-1979

10. An on-premises sign advertising a bed and breakfast facility located in any zoning district shall be permitted provided the sign does not obstruct traffic and does not exceed four (4) square feet in area. A sign may exceed four (4) square feet in area if the premises

on which the bed and breakfast is located exceeds twenty thousand (20,000) square feet in area, but in no event shall any sign exceed thirty-two (32) square feet in area. The content of the sign shall be limited to identifying not more than the name and address of the facility.

Source: Ordinance No. 191
Effective Date: 03-30-1992

B. Signs in R-1, R-2 Residence Districts. In all Classes of Residence Districts, no sign, business sign, name plate sign or advertising sign shall be erected except the following:

1. A name plate sign, or professional name plate sign, identifying the owners or occupant of a building or dwelling unit, provided the surface area does not exceed two (2) square feet.
2. A sign pertaining to the lease or sale of a building or property, providing such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
3. One identification sign, not to exceed thirty (30) square feet in area, for the following uses: church, school, hospital, sanitarium, club, library, or similar use. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.
4. Directional signs in any parking area necessary for the orderly movement of traffic, provided that such sign shall not be used as advertising space and shall not be illuminated.

C. Signs in B-1 Commercial Districts. In B-1 Commercial Districts, business signs, name or tradename signs and advertising signs are permitted subject to the following regulations:

1. The total surface area of all business signs on a lot shall not exceed the sum of two (2) square feet per linear foot of lot frontage. No single business sign surface shall exceed seventy-five (75) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of seventy-five (75) square feet. In the case of corner lots the least width of a corner lot shall be the front for the purposes of this Chapter.
2. Advertising sign structures shall be limited to not more than one on a lot of one hundred (100) feet frontage or less and to only one per each additional one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of an adjoining residential district.
3. No sign shall project higher than thirty-two (32) feet above average grade at the building line or six (6) feet above the height of the building, whichever is greater.

Subd. 2. Parking and Loading Regulations.

A. Construction and Maintenance. The operator of the principal building or use shall

maintain parking and loading areas, access drives, and yard areas in a neat and adequate manner.

B. Lighting. Lighting shall be reflected away from the public right-of-way and nearby or adjacent Classes of Residence Districts.

C. Required Site Plan. Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this Chapter.

D. Required Number of Off-Street Parking Spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required off-street parking spaces for the following uses shall be as follows:

1. Single Family Dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable off-street parking space is provided.

2. Two Family Dwelling - One (1) parking space for each family or dwelling unit.

3. Boarding and Lodging House - One (1) parking space for each two (2) persons for whom sleeping accommodations are provided.

4. Churches - One (1) parking space for each four (4) seats based on the design capacity of the main sanctuary.

5. Public Junior and Senior High School or Private School - One (1) parking space for each classroom.

6. Municipal Administration Buildings, Community Center, Public Library, Museum, Art Galleries, Post Office, and Other Municipal Service Buildings - Ten (10) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1000) square feet of floor area.

7. Automobile Service Station - Four (4) parking spaces plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas.

8. Auto Sales, Trailer Sales, Marine and Boat Sales, Implement Sales, Garden and Supply Store, Building Materials Sales, Auto Repair - Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1000) square feet.

9. Retail Stores and Service Establishments - One (1) off-street parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for each three hundred and fifty (350) square

feet of gross floor area within the building, whichever is greater.

10. Storage or Warehouse Establishments - One (1) off-street parking space for each two (2) employees on the major shift or one (1) off-street parking space for each three hundred and fifty (350) square feet of gross floor area within the building, whichever is the greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

E. Required Loading Areas. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Source: Ordinance No. 134

Effective Date: 01-02-1979

(Sections 11.51 through 11.59, inclusive, reserved for future expansion.)

(Pages 330 through 339 reserved)

SEC. 11.60. NON-CONFORMING USES.

Subd. 1. Continuation.

A. Non-Conforming Buildings and Uses. The lawful use of buildings or land existing on the effective date of this Chapter which does not conform to the provisions of this Chapter shall be discontinued within a reasonable period of amortization of the building; uses of land which become non-conforming by reason of a subsequent change in this Chapter shall also be discontinued within a reasonable period of amortization of the building. In no event shall the amortization period, commencing with the adoption of this Chapter, be more than:

1. Thirty (30) years for buildings of ordinary wood frame construction.
2. Forty (40) years for buildings of wood and masonry construction.
3. Fifty (50) years for buildings of fire-proof construction.

B. Junk Yards. No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Chapter except that a junk yard may continue as a non-conforming use in an Industrial District if within that period it is completely enclosed within a building, fence, screen, planting or other device of such height so as to screen completely the operations of the junk yard. Plans of such building or device shall be approved by the Planning Commission and the Council before it is erected or put into place.

Subd. 2. Discontinuance. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the District in which it is located.

Subd. 3. Alterations. The lawful use of a building existing on the effective date of this Chapter may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Subd. 4. Restoration. No building which has been damaged by fire, explosion, act of God, or the public enemy, to the extent that more than fifty (50%) percent of its value, shall be restored except in conformity with the regulations of this Chapter.

Subd. 5. Residential Alterations. Alterations may be made to the residential building containing non-conforming residential units when they will improve the livability of such units; provided, however, that they do not increase the number of dwelling units in the building.

Subd. 6. Normal Maintenance. Maintenance of a building or other structure containing or used for a non-conforming use will be permitted when it includes necessary non-structural

repairs of incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Chapter shall prevent the placing of a structure in a safe condition when said structure is declared unsafe by the City.

SEC. 11.61. CONDITIONAL USE PERMITS.

Subd. 1. Application. Conditional Use Permits may be issued for any of the following:

- A.** Any of the uses or purposes for which such permits are required or permitted by the provisions of this Chapter.
- B.** Commercial excavating of the natural materials used for building or construction purposes, in any District.
- C.** To classify as a conforming use, any non-conforming institutional use existing in any District at the time of the establishment of such District.

Subd. 2. Procedure.

- A.** Application for the issuance of a Conditional Use Permit shall be made to the Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this Section may be initiated either by such application or by the Council or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Conditional Use Permit. Following the hearing, the Planning Commission shall make a report upon the proposal to the Council and shall recommend to the Council whatever action it deems advisable; but the Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a use permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to such use, or to the public welfare or injurious to property or improvements to the area adjacent to such use. The Planning Commission may designate conditions and require guarantees in the use permits in the manner provided by the Council.
- B.** To defray administrative costs of processing of requests for Conditional Use Permits, a fee of \$25.00 shall be paid by the applicant.
- C.** Upon receipt of the report of the Planning Commission, the Council may hold whatever public hearings it deems advisable and shall make a decision upon the request for a Conditional Use Permit.
- D.** Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such Permit and of any conditions designated in connection therewith.

Source: Ordinance No. 134
Effective Date: 01-02-1979

(Sections 11.62 through 11.69, inclusive, reserved for future expansion.)

(Pages 343 through 347 reserved)

SEC. 11.70. ADMINISTRATION.

Subd. 1. Zoning Administration. The Council is hereby established as the Zoning Administration for the City and may appoint such employee or employees of the City as it may deem proper to administer the same. It shall be the duty of the Zoning Administration to enforce this Chapter through the proper legal channels.

Subd. 2. Land Use Permits. (See Sec. 4.02 of Chapter 4 of the City Code)

Source: Ordinance No. 190
Effective Date: 02-27-1992

(Sections 11.71 through 11.79, inclusive, reserved for future expansion.)

(Pages 349 through 353 reserved)

SEC. 11.80. AMENDMENT.

Subd. 1. Procedure. This Chapter may be amended whenever the public necessity deems necessary and the general welfare require such amendment, following the procedure specified as follows:

A. The procedure for amendment of this Chapter shall be as follows:

- 1.** A petition of the owner or owners of the actual property, the zoning of which is proposed to be changed;
- 2.** A recommendation of the Planning Commission; or
- 3.** By action of the Council.

B. To defray administrative costs of processing of requests for an amendment to this Chapter, a fee of \$200.00 shall be paid by the petitioner.

C. All applications for changes in the boundaries of any Zoning District which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed, proposed buildings and uses, and all lands within two hundred (200) feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the land in such area as the same appear on the records of Redwood County. Such map or plat shall be submitted on a sheet size of 22 inches by 27 inches.

D. Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper of the City at least ten (10) days before the hearing. Following the hearing the Planning Commission shall make a request of its findings and recommendations on the proposed amendment and shall file a copy with the Council within sixty (60) days after the hearing. If no recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Council may take action without awaiting such recommendation.

E. Upon the filing of such report, the Council shall hold such public hearings upon the amendment as it deems advisable. After the conclusion of such hearings, if any, the Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all members of the Council concur in its passage.

Source: Ordinance No. 134

Effective Date: 01-02-1979

(Sections 11.81 through 11.89, inclusive, reserved for future expansion.)

(Pages 356 through 360 reserved)

SEC. 11.90. VALIDITY. Should any provision of this Chapter be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any part thereof other than the part so declared to be invalid.

Source: Ordinance No. 134
Effective Date: 01-02-1979

(Sections 11.91 through 11.98, inclusive, reserved for future expansion.)

(Pages 362 through 366 reserved)

SEC. 11.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 134
Effective Date: 01-02-1979

CHAPTERS 12 THROUGH 19

Reserved for future expansion

(Pages 368 through 564 reserved)

CHAPTER 20

LISTING OF UNCODED ORDINANCES IN EFFECT

All ordinances described in this Chapter remain in effect after adoption of the City Code. They are of a permanent and continuing nature as authority for a specific act which has been performed. These ordinances are of two types, that generally distinguish them from other provisions of the City Code, either (1) their texts have no continuing reference value, or (2) they are in the nature of a contract and of only occasional reference value. For these reasons it appears justified to list and describe them here only to facilitate finding them in the event this becomes necessary.

Incorporation of Village

Petition for the Incorporation of the Village of Morgan, dated January 2, 1889.

Notice of Incorporation Election, dated January 7, 1889.

Election Results Certificate, undated.

Organization Meeting of Council, dated February 23, 1889.

Telephone Company Franchise

Ordinance No. 21, adopted December 1, 1902, granted a franchise to the Redwood County Rural Telephone Company to use the City's rights-of-way for installation of telephone lines. (No period of time specified).

Railroad Construction Easement

Ordinance No. 23, adopted July 2, 1904, granted Chicago and Northwestern Railroad Company a construction easement over and across First Street.

Ordinance No. 163, adopted December 4, 1985, repealed Ordinance No. 23.

Standard Oil Company

Ordinance No. 32, adopted December 2, 1918, granted permission to Standard Oil Company to construct and maintain on certain property a warehouse, tanks and other buildings necessary for the conduct of its business and to store oil, coal oils, gasoline and other products in quantities necessary for the requirements of its business.

Ordinance No. 163, adopted December 4, 1985, repealed Ordinance No. 32.

**Operation of Public Water System
During Periods of Water Shortage**

Ordinance No. 177, adopted July 6, 1988, regulates use of the municipal water system for certain uses during periods of a declared water shortage.

Establishment of Sewer District

Ordinance No. 56, adopted May 15, 1947, establishes the limits and territory of a Sanitary Sewer District.

Electric Franchise

Ordinance No. 25, adopted February 21, 1910, granted a franchise to R.F. Wherland, his successors and assigns, to erect, construct, install and maintain an electric light plant and permit the installation of conduits, poles, wires, pipes and other fixtures in the City's rights-of-way for a period of ten (10) years.

Ordinance No. 87, adopted November 5, 1969, granted an electric franchise to Northern States Power Company for a period of twenty (20) years.

Ordinance No. 183, adopted October 4, 1989, renewed an electric franchise to Northern States Power Company for a period of twenty (20) years.

Ordinance No. 25 (Second Series), adopted January 4, 2017, granted an electric franchise to Northern States Power Company for a period of twenty (20) years.

Cable TV Franchise

Ordinance No. 154, adopted October 26, 1983, granted a cable TV franchise to Wes-Tel, Inc. for a period of fifteen (15) years.

Ordinance No. 207, adopted August 5, 1998, granted a cable TV franchise to Mark Twain Cablevision Limited Partnership, a Missouri limited partnership, for a period of ten (10) years commencing October 26, 1998.

Economic Development Authority

Ordinance No. 15 (Second Series), adopted January 17, 2008, authorized the Morgan Economic Development Authority to exercise, on behalf of the city, the powers conferred by the Housing Act.

Annexations

<u>Ordinance Number</u>	<u>Date of Adoption</u>	<u>Brief Description</u>
60	02-07-1950	A tract of land on the East Section line of 21-111-34.
65	08-06-1951	A tract of land in the SW3 of NW3, 15-111-34.
78	04-06-1960	A tract of land in the W3, 15-111-34.
132	06-15-1978	Lot 1-A of Auditor's Subdivision No. 1 of NW3 of NW3, 22-111-34; and balance of Lot 1 Auditor's Subdivision No. 1 of NW3 of NW3, 22-111-34.
9 2 nd Series	02-05-2003	Part of Lot 7 of Auditor's Subdivision in the NW4 of NW4 of Section 22-111-34.

Reverse Annexation

<u>Ordinance Number</u>	<u>Date of Adoption</u>	<u>Brief Description</u>
75	04-01-1959	A tract of land in the W2 of the SE3 excepting the cemetery in 16-111.34.

Zoning Map Amendments

<u>Ordinance Number</u>	<u>Date of Adoption</u>
145	12-03-1980
16 (2 nd Series)	10-03-2007
17 (2 nd Series)	6-04-2008
21 (2 nd Series)	5-02-2012

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