

ORDINANCE NO. 54, FOURTH SERIES

**AN ORDINANCE ADOPTING, AMENDING, AND UPDATING ORDINANCES
REGULATING PUBLIC PROTECTION, CRIMES AND OFFENSES.**

THE CITY COUNCIL OF REDWOOD FALLS ORDAINS:

SECTION 1. That Redwood Falls City Code of Ordinances §10.01 - §10.99 shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

I. GENERAL PROVISIONS

10.01 BURN SITE

Subd. 1. *Burning Site Established.* A tree, tree trimmings and brush burn site is established under the direction of the Public Works Department.

Subd. 2. *Trees, Tree Trimmings and Brush Accepted (Permitted Material).* Trees, tree trimmings and brush may be delivered to the burn site for disposal by any person when the material cannot be disposed of by alternative methods. The suitability of any tree, tree trimmings or brush material delivered to the site shall be determined by the burn site operator and the ability to refuse acceptance of the material shall be within the authority of the operator.

Subd. 3. *Prohibited materials.* Rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters, hazardous waste as defined by the laws of the state, debris generated from demolition or construction of residential, commercial or institutional structures, discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food and other non-vegetative material of any kind will not be accepted at the burn site. It shall be unlawful for any person to deliver, or attempt to deliver, leave or otherwise deposit any such prohibited material to, at or within 100 yards of the burn site.

Subd. 4. *Unlawful Entry and Dumping.* It shall be unlawful for any person to enter the burn site when the site is not open for access by the public. "Unlawful entry" shall mean going within the perimeter of that area designated as the burn site, whether demarcated by fencing, signs or other posting, or as designated by a map of the site, the map being approved by resolution of the City Council and posted at least at one point of the established perimeter. It shall be unlawful for any person to leave, dump or otherwise deposit any permitted material at or within 100 yards of the burn site when the site is not open for access by the public.

Subd. 5. *Unlawful Igniting.* It is unlawful for any person to ignite or otherwise cause the burn site to burn.

Subd. 6. *User Fee.* The City Council may, by resolution, establish a fee to be charged to any person bringing material to the burn site for disposal. Any such fee so established may be a variable fee that increases with the amount of material or a flat fee based upon residency. (Ord. 23, Third Series, passed 11-4-1997; Ord. 77, Third Series, passed 10-15-2002)

10.02 OPEN PITS, BASEMENTS AND OTHER EXCAVATIONS.

It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool, swimming pools, or other excavations on the premises open and without protection for the public except drainage ditches or park ponds.

A. If the excavation is open for 72 hours or less, it shall be protected by use of flares or lights at night and railing or other temporary protection during the day.

B. If it shall be permanently installed, it shall be protected with a chain link fence of at least 48 inches high, night and day.

10.03 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 a petty misdemeanor to violate the rules and regulations as are conspicuously sign-posted in the parks.

Subd. 2. *Hours.* It is a petty misdemeanor for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 11:00 p.m. and 6:00 a.m. of the day following; provided, however, that, this section shall not apply to registered campground patrons or 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. *Unlawful Acts.* It is a petty misdemeanor for any person, in any parks or other public lands, to:

A. Destroy, alter, injure, remove or otherwise molest, interfere, or tamper with any real or personal property, ruins, relics, vegetation or geological formations or molest, destroy or injure any wild bird or animal in any park. Provided, however, that, items for educational or scientific purposes may be taken or procured upon written permit from the city or its duly authorized representative, the permit to specify the name of the person to whom permit is granted, a description of the item or items and the purpose or purposes for which the same may be taken or procured and the time when the same shall be so taken or procured;

B. Scatter, dispose of or leave any garbage, rubbish, refuse or litter in any park which was generated as a result of activities occurring outside the park; or fail to deposit in the garbage receptacles provided in the park any garbage, rubbish, refuse or litter generated as a result of activities in that park;

C. Start any fire except in a fireplace, a fire ring, a grill or an authorized site;

D. Enter any area of a park which has been designated as a restricted area by the city except by authorization of the city or its duly authorized representative;

E. Use or attempt to use any shelter or picnic grounds, tables or other facilities of any park to the exclusion of others;

F. Camp in any portion of the parks except in areas designated specifically for such purpose by the city and further provided that no campers camping in designated camp areas shall remain there for a period longer than five days unless approved by the park staff;

G. Travel by motor vehicle in any park except upon approved roads;

H. Permit any dog or cat owned by him or her or under his or her supervision and control to roam at large in any park or to be or remain therein unless the same is on a leash or otherwise confined;

I. Use, carry or have in his or her possession in any park any firearms, explosives, air guns, B-B guns, sling shots, bows and arrows or other weapons;

J. Post, distribute or display any bill, notice, advertisement or like matter in any park unless the same has been approved by the city and has printed thereon a statement that such approval has been given and exists;

K. Engage in or solicit any business in any park except that the city may, by written permit, authorize any educational, cultural, religious, civic, agricultural or other non-profit organizations to use designated areas of parks for the staging of exhibitions and entertainments such as athletic contests or concerts, for which the organization may charge admission within the designated area; the city may also, in writing, permit the sale of food, refreshments and confections;

L. Operate a snowmobile, three- or four-wheel all-terrain vehicle or "off road" motorcycle within Alexander Ramsey City Park;

M. Ride a bicycle on paved pedestrian trails within Alexander Ramsey City Park, except for law enforcement purposes;

N. Drink or consume intoxicating or 3.2% malt liquors in any city park whether or not in a motor vehicle except when and where the permission has been specifically granted by the City;

O. Washing of cars or other vehicles in any park;

P. Climbing or jumping off Ramsey Falls or vicinity thereof; and

Q. Feeding the animals at the Ramsey Park Zoo, with the exception of zoo feed dispensers on site or from other authorized sources.

10.04 WATERCRAFT REGULATION.

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

A. The term "bathing area" means any area of the Redwood River, known as Lake Redwood, which the Council may from time to time designate as a bathing area and cause to be appropriately marked off by placing and anchoring in the water around the area, white buoys mounting red flags at appropriate intervals.

B. The term "restricted area" means any area of the Redwood River, known as Lake Redwood, which the Council may from time to time designate as a restricted area and cause to be appropriately marked by anchoring in the water around the area, white buoys spaced at appropriate intervals.

C. The term "watercraft" means and includes any boat, raft, canoe, surf board, water skis or other device designed for carrying, capable of carrying or used to carry human beings and propelled or pulled through or upon the surface of the water.

Subd. 2. *Unlawful Acts.*

A. It is unlawful for any person to operate a watercraft in the Redwood River, known as Lake Redwood, in a careless manner or in a manner which endangers or is likely to endanger the life of a human being or the property of another.

B. It is unlawful for any person to operate a watercraft within a bathing area or a restricted area, or permit the operation of a watercraft of which he or she is the owner or of which he or she is in control within a bathing area or a restricted area.

Subd. 3. *Exception.* The provisions of Subd. 2. hereof shall not apply to any lifeguard or instructor authorized by the Council on duty at a bathing area, or to any person who may operate a watercraft in either a bathing area or a restricted area for the purpose of aiding a person in distress in the area or for the purpose of protecting or preserving public property, or in connection with any course of instruction given by any person pursuant to authority from the Council.

10.05 MANDATORY REFUSE COLLECTION

Subd. 1. It is unlawful for each occupant of residential or commercial (of either type) premises to fail or refuse to subscribe for, receive and pay for (at going rates for the class of service) the refuse collection services of a garbage and refuse hauler licensed by the City.

Subd. 2. It is unlawful for any person to obstruct a licensed garbage and refuse hauler in the performance of its duties.

Subd. 3. If any person fails or refuses to comply with Subd. 1. above, the City may, upon 15-days' notice in writing mailed to the owner of the premises at the address appearing on the tax rolls of the county, and as an additional and not alternate to any other remedy provided herein, subscribe and pay for the services of such hauler and certify all costs to the County Auditor to be spread upon the tax rolls as a special assessment on the subject premises.

10.06 [RESERVED]

10.07 [RESERVED]

II. GENERAL OFFENSES

10.08 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;

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;

C. Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club;

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically;

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;

F. Permit, as a parent or guardian, any child under 14 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;

G. Furnish a minor under 18 years of age with a firearm, air gun, ammunition or explosive without the written consent of his or her parent or guardian; or

H. Possess with criminal intent, 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.

1. The term "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.

2. The term "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.

3. The term "splat gun" means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substance.

4. The term "throwing star" means a circular metallic device with any number of points projecting from the edge.

Subd. 2. *Exception.* Nothing in Subd. 1. of this section shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

Subd. 3. *Discharge of Explosives.* It is unlawful for any person to fire or discharge any cannon, firecracker, sky rocket or other fireworks within city limits.

Subd. 4. *Exception.* Nothing in Subd. 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 or her duty, or to a person in the lawful defense of his or her person or family. This section shall not apply to the discharge of firearms in a range authorized in writing by the Council nor to the use, display, possession, discharge or sale of any fireworks expressly permitted by M.S. § 624.20(1)(c), as amended from time to time; provided, however, the use and discharge of lawful fireworks shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m.

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 Subd. 4. of this section and as expressly permitted by M.S. § 624.20(1)(c), as amended from time to time, any firecrackers, sky rockets or other fireworks.

10.09 DISCHARGE AND TRANSPORTATION OF FIREARMS

Subd. 1. *Definitions.* For purposes of this section:

A. The term "firearm" shall mean any device from which is propelled any dart, arrow, missile, projectile, or bullet by means of explosive or gas, or by energy stored in a band or limb, string or spring, notwithstanding the fact that such dart, arrow, missile, or projectile remains attached to the device by wire.

B. The term "center fired rifle" shall mean any rifle which is fired by a strike from a firing pin in the center of the cartridge's head.

Subd. 2. *Discharge of Firearms.* The residents and/or their guests shall be permitted to discharge a firearm (which is not a center fired rifle) within the RR District only, however, no firearm shall be discharged within 300 feet of any residence.

Subd. 3. *Transportation of Firearms.* A person may transport a firearm if it is in a closed case and not ready for immediate firing or discharge.

Subd. 4. *Exceptions.* This section does not apply to:

- A. Law enforcement or military personnel acting within the performance of their duty;
- B. The transportation by a person who has obtained a permit to possess or transport a pistol under the provisions of Minn. Stat. §624.714;
- C. A person discharging a firearm in an outdoor shooting or archery range which has been approved for that purpose by the Chief of Police;
- D. A person whose firearm is using blank ammunition in conjunction with a ceremonial occasion.

10.10 GAME HUNTING WITHIN THE CITY

Subd. 1. No person may use a firearm, bow or other dangerous weapon in hunting game within the City except as permitted in 10.11 or 10.10 subd. 2.

Subd. 2. A person may hunt deer or wild turkeys using a firearm in a RR district only or a bow and arrow under all of the following circumstances:

- A. The shooting occurs on property the person owns or on another person's property if the shooter has in his possession written permission of the property owner to engage in the activity;
- B. The arrow does not travel beyond the boundaries of that property;
- C. Unless otherwise specified by written permission of the property owner, any shooting must occur at least 300 feet from any building and from any land not owned by that landowner;
- D. The person has in his or her possession a valid State of Minnesota Deer Archery or Turkey Season License;
- E. A person hunting for deer must make use of a tree stand at least five feet from ground level unless a person engaged in hunting is physically unable. A person hunting for turkey must make use of a portable ground blind;
- F. Bow fishing may be done within the City in accordance with the State of Minnesota fishing regulations, except that bow fishing will be prohibited in the following waters:

1. All of Ramsey Creek;
2. Redwood River from TH 19 Bridge downstream ending 2,500 meandered feet downstream of the MSAS 118 “Swayback Bridge.”

10.11 CITY DEER HUNT BY BOW AND ARROW

Subd. 1. *Findings and Policy.* The City Council finds that the peace and safety of the community are threatened by the overabundance of wild deer within the city. Therefore, the population of wild deer must be regulated and managed. The method for the regulation shall be a harvesting of wild deer by the use of bow and arrow. The harvesting shall occur at a frequency set by City Council and may change from time to time.

Subd. 2. *State Laws.* The conduct of authorized deer hunting within the city must be in compliance with all applicable laws and regulations of the State of Minnesota. This section is supplemental to the laws of the State of Minnesota, as they may be amended or changed from time to time.

Subd. 3. *Enforcement Officers.* The conduct of any authorized deer hunting within the city shall be regulated by the City Administrator or his or her agent.

Subd. 4. *Allowed Hunting Areas.* Deer harvesting will be prohibited in all areas of the city except the following:

A. Any area designated by the Council, by resolution, as a designated hunting area (DHA) or an area determined to be in special need of deer removal and approved by the City Administrator or his or her agent.

B. In a duly designated hunting area, hunting will not be allowed:

1. Within 300 feet of any occupied dwelling or active commercial structure, or structure accessory thereto, without written permission from all property owners with said structure(s) located within 300 feet of the hunting location.

2. Any place posted “no hunting” in compliance with the laws of Minnesota.

Subd. 5. *Authorized Hunters.* Any person hunting deer by bow and arrow within the city must meet all of the following criteria:

A. Be qualified to hunt deer by bow and arrow under all the laws and regulations of the state of Minnesota and be licensed to do so by the state; and

B. Be certified and qualified to harvest deer within the city by the City Administrator or his or her agent approved by the Council resolution. The Council has the authority to approve by resolution and designate the City Administrator or his or her agent for the purpose of managing the hunt, regulating the hunters and collecting fees due to the City and giving such

fees to the city. The agent approved by the Council may act for the City Administrator to collect fees. The fees shall be set by Council resolution. The standards and requirements shall be set by resolution of the Council. The program shall include each hunter's agreement to behavior and ethical standards, proficiency standards, and a waiver of rights for any liability of the city, its contract agent or landowners.

C. Application for a deer hunting qualification certificate shall be made to the City Administrator or his or her agent.

Subd. 6. *Conduct of the Hunt.*

A. Harvesting of deer shall only be done in compliance with this ordinance, state law, any resolution passed by the Council setting standards for conduct of the hunt or contracting for the services of the city's agent for that purpose, the city's hunt agent rulebook for hunters, if any, and nay deer management plan of the City of Redwood Falls adopted by the City Council, if any.

B. Carcasses and entrails must be removed from the site of the kill immediately and completely.

C. Only hunting by bow and arrow is allowed, except for hunting by the disabled with a crossbow, as it is allowed under State rules of the Department of Natural Resources, provided that written proof of disability is provided to the city's agent before hunting.

D. No permanent stand is allowed on public property.

E. No hunter may attempt to shoot or harvest a deer that is beyond the effective range of the hunter.

F. Each hunter must repair or pay any damage to the property of another that arises out of the hunting activities.

Subd. 7. *Violations.* A violation of this ordinance is punishable as a misdemeanor. In addition, any person convicted of or administratively found to have violated this ordinance, or any other law, or the rules of the hunt set by the Council or the hunt agent's rulebook, if any, as a result of actions related to deer harvesting authorized by this ordinance, shall be disqualified, for a period determined to be appropriate by the hunt designee, but not greater than 40 years from the date of conviction, or violation, whichever is later, from being certified as qualified to harvest deer within the City. The city or the city's hunt designee may, by due process, determine the commission of a violation and impose an appropriate period of disqualification, which decision can, within 15 days, be appealed, by written notice, to the City Administrator.

Subd. 8. *Annual Report to City Council.* Each year, the City Administrator or his or her agent shall report to the City Council about the conduct of the previous year's harvest, including the number of participants, the number of deer harvested, any problems encountered and any recommendations.

10.12 DISORDERLY CONDUCT

Subd. 1. 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:

A. 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 or her person and equal to the standards generally adopted and accepted by the public;

B. Urinate or defecate in a place other than:

1. If on public property, then in a plumbing fixture provided for that purpose;

2. If on the private property of another, then in a plumbing fixture provided for that purpose; or

3. If on private property not owned or controlled by another, then within a building.

C. 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;

D. Use a sound amplifier upon streets and public property without prior written permission from the city;

E. Use a flash or spotlight in a manner so as to annoy or endanger others; and

F. Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage or rubbish unto any premises except into receptacles provided for such purpose.

Subd. 2. 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 or her official duty, nor shall it include the spouse, children, employee or tenant of the owner or occupier.

10.13 DISORDERLY CONDUCT - NOISY PARTIES

Subd. 1. It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of the nature as to disturb the peace, quiet or repose of other persons. Any owner or person in lawful possession or control of the private lands who has knowledge of the disturbance and fails to immediately abate the disturbance shall be guilty of a violation of this section.

Subd. 2. It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of the private lands being present, without first having obtained written permission from the landowner or other person in lawful possession of the private lands.

A. The written permission shall, at all times, be in the possession of one or more persons at the site of the congregation.

B. The document containing the written permission must bear the signature of the landowner and date of the permitted use.

C. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.

Subd. 3. A violation of Subds. 1. or 2. of this section shall give a peace officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession or control of the land, to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a peace officer shall be guilty of a violation of this section.

10.14 NOISE VIOLATIONS

Subd. 1. *Prohibited noises.* The following are declared to be unlawful:

A. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);

B. All obnoxious noises and noise in excess of that permitted by M.S. § 169.693 and Minn. Rules parts 7030.100 *et seq.*, as this statute and these rules may be amended from time to time, and are hereby adopted by reference, which establish motor vehicle noise standards;

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

D. Noise in excess of that permitted by M.S. § 169.69, as it may be amended from time to time, and are hereby adopted by reference, which requires every motor vehicle to be equipped with a muffler in good working order;

E. The operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency. The term "engine retarding brake" means a Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

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

G. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and

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

Subd. 2. *Hourly restriction of certain operations*

A. *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

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

C. *Radios, music devices, paging systems, and the like.* The operation of any device referred to in subdivision 2 (A) between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

D. *Special Events – Exemptions.* It is recognized by the City that public policy requires discretion in enforcing this section in the context of certain special events. It is further recognized that special events are by their nature unique and infrequent. Therefore, noise levels relating to special events operating with approval of the City and other special events sanctioned by the City, shall be exempt from the prima facie provisions of this section.

Subd. 3. *Signs.* Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this section are in full force and effect even if no signs are installed.

Subd. 4. *Penalty.* Any person, firm or corporation who violates any provision of this section shall, upon conviction, be guilty of a petty misdemeanor and punished by a fine of not more than \$300.

10.15 DISRUPTIVE INTOXICATION

Subd. 1. *Public Policy.* It is the policy of the city to provide for the safety, health and welfare of the public while prohibiting certain harmful conduct of intoxicated persons in public places.

Subd. 2. *Definitions.*

A. The term “public place” means and includes a building or place controlled by the city, a school, a place of worship, any public street, including public sidewalk, alley, walk or other publicly owned lands, and any indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not. “Public place” excludes the interior premises of a licensed alcohol establishment.

B. The term “intoxicated person” means any person who is presently impaired, mentally or emotionally, as a result of the presence of alcohol, drugs or a controlled substance in the person’s body. Evidence of an “intoxicated person” may include, but is not limited to, any combination of the following indicators: odor of intoxicants on the breath; bloodshot, watery eyes; dilated pupils; stumbling or staggering; slurred speech; failure of standardized field sobriety testing (SFST); failure of drug recognition protocol; or alcohol concentration of .08 or more as measured by a portable breath testing device (PBT).

C. The term “public disruption” means and includes any conduct by an intoxicated individual in a public place to include loud, boisterous yelling, urinating in public, lewd or combative conduct, or disobeying a peace officer’s lawful command.

Subd. 3. *Disruptive Intoxication.* No intoxicated person shall, in a public place:

- A. Conduct him or herself so as to be a danger to themselves or others; or
- B. Be unable exercise care for their own safety or the safety of others; or
- C. Engage in a public disruption.

Subd. 4. *Sobriety Testing.* No person shall be cited under this section unless one of the following is satisfied:

- A. The person has attempted and failed either SFST or a PBT;
- B. Denied a request to submit to SFST or a PBT by a peace officer who has reasonable articulable suspicion to request testing; or
- C. A person so intoxicated or belligerent that performing SFST or a PBT would put the individual, peace officers or others at risk of harm.
(Ord. 19, Fourth Series, passed 8-16-2011)

10.16 SOCIAL HOST

Subd. 1. *Purpose and Findings.* The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds that:

A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

C. Alcohol is an addictive drug which if used irresponsibly could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. Often events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity and in some circumstances provide the alcohol.

E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove; and an ordinance is necessary to help further combat underage consumption.

F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. *Authority.* This section is enacted pursuant to M.S. § 145A.05, Subd. 1, as amended from time to time.

Subd. 3. *Definitions.* For purposes of this section the following terms have the following meanings:

A. The term “alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits, including dilutions and mixtures thereof from whatever source or by whatever process produced.

B. The term “alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contains 0.5% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. The term “event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

D. The term “host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

E. The term “parent” means any person having legal custody of a juvenile:

1. As natural/adoptive parent or stepparent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

F. The term “person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

G. The term “residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, where occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

H. The term “underage person” is any individual under 21 years of age.

Subd. 4. *Prohibited Acts.*

A. It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property, where alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does (a) consume any alcohol or alcoholic beverage or (b) possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

B. A person is criminally responsible for violating Subd. 4.A. above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 5. *Exceptions.*

A. This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

B. This section does not apply to legally-protected religious observances.

C. This section does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by M.S. § 340A.503, Subd. 1(a)(1), as amended from time to time.

D. This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverage during the course or scope of employment.

Subd. 6. *Enforcement.* This section can be enforced by any local law enforcement.

10.17 CURFEW

Subd. 1. *Curfew - Minors of the Age of 16 or 17.* It is unlawful for any minor person of the age of 16 or 17 years to be or loiter upon the streets or public places between the hours of 1:00 a.m. and 6:00 a.m.

Subd. 2. *Curfew - Minors Under the Age of 16.* It is unlawful for any minor person under the age of 16 to be or loiter upon the streets or public places between the hours of 10:00 p.m. and 6:00 a.m.

Subd. 3. *Curfew - Parents and Guardians.* It is unlawful for any parent, guardian or other person having the legal care or custody of any minor person to allow or permit the minor person to be or loiter upon the streets or public places in violation of this section unless the minor is accompanied by a person of lawful age having the minor person in charge. Provided, however, that, if the minor person has a written permit stating the time within which permission is granted to be upon the streets or public places, dated and signed by the parent or guardian of the minor, this subdivision shall not apply.

Subd. 4. *Curfew - Places of Amusement, Entertainment or Refreshment.* 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 person to be or loiter in such place in violation of this section unless the minor is accompanied by a person of lawful age having the minor person in charge. This subdivision shall not be construed to permit the presence, at any time, of any person under age in any place where his or her presence is otherwise prohibited by law.

Subd. 5. *Exceptions.* The curfew shall not apply to any students under the age of 18 years who are lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events or employment.

10.18 PUBLIC SAFETY ALARMS AND FALSE ALARMS

Subd. 1. *Purpose.* The purpose of this Ordinance is to ensure the availability of the City's public safety services for appropriate public safety needs to encourage alarm users to adequately maintain and utilize alarm systems.

Subd. 2. *Definitions*

A. **Alarm System.** An alarm installation designed to be used for the prevention or detection of burglary, elevator malfunction, robbery, or fire and located in or on a building, structure or facility.

B. **Alarm User.** The legal entity in control of any building, structure, or facility wherein or whereon an alarm system is located.

C. **False Alarm.** An alarm signal eliciting a response by personnel of the City's law enforcement agency or fire department when a situation requiring a response does not, in fact, exist, and which is caused by the activation of an alarm system through mechanical failure, improper maintenance of the alarm system or the building, structure, or facility, movement, alarm malfunction, improper installation or the inadvertence of the alarm user or its employees, family or agents. A false alarm does not include an alarm caused by climatic conditions such as tornados, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or user.

D. **Law Enforcement Agency.** An agency or person designated by the City Administrator.

Subd. 3. *False Alarm Reports.* The City Administrator shall cause the law enforcement agency to report all false alarms occurring within the City. The report shall include the identification of the alarm user and the date, time and location of the false alarm.

Subd. 4. *User Fees.* An alarm user, whose alarm system has resulted in the reporting of three (3) or more false alarms in a rolling twelve (12) month period because of the operation of a burglar, elevator, robber, or fire alarm, shall be charged user fees as established by City Council resolution.

Subd. 5. *Notice.* Upon notice of the first false alarm report for a particular alarm system, the City Administrator or his/her designee shall, by regular mail, notify the alarm user that a false alarm has been reported. The notice shall include a copy of the City's false alarm regulations. After receipt of the second and subsequent false alarm reports for a particular alarm system, the law enforcement center shall issue a citation for violation of this section.

Subd. 6. *Collection of Delinquent Alarm Fees.* If there are delinquent amounts that remain unpaid after the payment date specified in the notice, an administrative charge as established by City Council resolution shall be assessed on these invoices, and this charge along with the delinquent alarm fee shall be certified by the City Council to the Redwood County Department of Property Taxes for collection with taxes due against the property on which the alarm system is located.

Subd. 7. *Excessive Alarm Report.* When the operation of an alarm system has resulted in six (6) or more false alarms within a rolling twelve (12) month period, the City by written notice shall request the alarm user to provide the City with a written report indicating the actions taken or to be taken within a definite time period by the alarm user to discover and eliminate the cause of the

false alarms. Said report is to be completed and submitted to the City within fifteen (15) days of the date of the City's written notice. Failure to submit the written report within the time limits provided by the City Administrator or his/her designee shall be considered a violation of this Ordinance.

Subd. 8. *Hazard, Misdemeanor.* In the case of fire alarms, failure to comply with the requirements of an order of the Fire Marshal shall make the building a fire hazard and shall make the building in relation to existing use a hazard to safety or health or public welfare. Any owner or person, who shall permit such a hazard to exist on premises under his control or who shall fail to take immediate action to abate such a hazard when notified to do so by the Fire Marshal, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than a thousand dollars (\$1000.00) or by imprisonment for a period of not more than ninety (90) days, or both.

Subd. 9. *Confidentiality.* All information, submitted in compliance with this Ordinance, shall be held in confidence and shall be deemed a confidential report exempt from discovery to the extent permitted by law. Subject to the requirements of confidentiality, the City Administrator or his/her designee shall develop and maintain statistics for the purpose of ongoing alarm system evaluation.

10.19 INTERFERENCE WITH AMBULANCE SERVICE

It is unlawful for any person to give, or make or cause to be made a call for ambulance service without probable cause or to neglect to obey any reasonable order of a driver or attendants at an ambulance call or to interfere with the ambulance service's discharge of its duties.

10.20 [RESERVED]

10.21 [RESERVED]

III. PUBLIC NUISANCES

10.22 DUTIES OF CITY OFFICERS

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

10.23 PUBLIC NUISANCE PROHIBITION

Subd. 1. A person must not act, or fail to act, in a manner that is or causes a public nuisance. It is unlawful for any person to permit real property under his or her control to be used to maintain a public nuisance, or let the same to another knowing it is to be so used. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

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

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

C. Does any other act or omission declared by law or this ordinance to be a public nuisance.

10.24 PUBLIC NUISANCES AFFECTING HEALTH

Subd. 1. The following are hereby declared to be nuisances affecting health:

A. The exposed accumulation of decayed or unwholesome food or vegetable matter;

B. All ponds or pools of stagnant water;

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

D. Accumulation of manure, refuse, or other debris;

E. Depositing garbage, rubbish, offal, the body of a dead animal or other litter in or upon any public street, public waters, or the ice thereon, public lands, or without the consent of the owner, private lands, or water, or ice thereon;

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

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

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

I. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;

J. All public exposure of people having a contagious disease;

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

L. Any other land use or condition found unreasonably to injure or endanger the health of any members of the public.

10.25 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY

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

- A. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- B. Betting, bookmaking, and all apparatus used in those occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and
- E. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

10.26 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

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

- A. All snow and ice that is not removed from public sidewalks within twelve (12) hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- E. Radio aerials or television antennae erected or maintained in a dangerous manner;
- F. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;

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

H. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;

I. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;

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

K. Wastewater cast upon or permitted to flow upon streets or other public properties;

L. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

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

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

O. Reflected glare or light from private exterior lighting exceeding 0.5 foot-candles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) foot-candle when abutting any commercial or industrial parcel;

P. Any building that has been destroyed by fire, has been abandoned, or is in such condition as to constitute a hazard to any person on the premises;

Q. 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; and

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

10.27 [RESERVED]

10.28 [RESERVED]

IV. PROPERTY MAINTENANCE

10.29 MAINTENANCE CODE, GENERAL REQUIREMENTS

Subd. 1. *Scope.* The provisions of this Section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Subd. 2. *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

10.30 REFUSE AND JUNK PROHIBITIONS AND STORAGE

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

A. The term "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.

B. The term "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. The term "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, metal, scrap metal or parts or components thereof; or
6. Human or household waste of all kinds not included in any other portion of this definition.

D. The term "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 the building, each unit shall be considered "residential premises".

Subd. 2. *Junk Storage.*

It is unlawful to park or store junk on any premises unless it is housed within a completely enclosed building or on duly licensed junk dealer premises.

Subd. 3. *Refuse Storage.*

A. It is unlawful for any person to store refuse on residential or commercial premises, for a continuous period in excess of seven days.

B. It is unlawful for any person to store refuse on commercial premises for a continuous period in excess of 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. *Violations.* If any person fails or refuses to comply with Subd. 2 or 3 above, the City may, upon 7 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 or refuse, 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. *Additional Unlawful Acts.* It is unlawful for any person to store, deposit or dispose of any junk or refuse which is in flames or heated to the point of danger of fire.

10.31 JUNK VEHICLES

Subd. 1. *Definitions.* For the purposes of this section, certain words used herein are defined as follows.

A. The term "enforcement authority" means any general law enforcement officer, code enforcement officer or any person with the authority to enforce the provisions of this section.

B. The term "junk vehicle" means a motor vehicle meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, the damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
3. Is apparently inoperable;
4. Has a fair market value equal only to the value of the scrap in it; or
5. Does not have current registration.

Subd. 2. *Unlawful Storage of Junk Vehicles.* It is unlawful for any person to keep, store or park or permit any other person to keep, store or park any abandoned vehicle or junk vehicle upon any privately-owned property in the city.

Subd. 3. *Exceptions.* It is not a violation of this section when:

A. The vehicle or part is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. A vehicle or part thereof is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, which property is fenced according to applicable City Code.

Subd. 4. *Abatement Action.*

A. Upon determination that a vehicle is a junk vehicle on private property, the enforcement authority shall issue an abatement order to the property owner as shown by the records of the County Assessor and to the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers or license numbers of the vehicle are not available to determine ownership. The abatement order shall be mailed, by certified mail, to

the parties. The abatement order shall order the removal of the vehicle within seven days of the issuance thereof. Such an abatement order shall identify the property by street address and by legal description, and shall describe the vehicle or parts thereof which violate this section. The abatement order shall further provide that a hearing on the abatement of the junk vehicle as a public nuisance may be requested and that if no hearing is required within seven days of the date of the mailing of the notice, the vehicle will be removed. Upon failure of the property owner or last registered owner of record to remove the vehicle within the seven days, or to request a hearing as herein provided, the city official shall dispose of the vehicle. The vehicle shall only be disposed of as scrap.

B. Upon failure of the property owner or last registered owner of record to remove the vehicle within the seven days, or to request a hearing as herein provided, the city official shall dispose of the vehicle. The vehicle shall only be disposed of as scrap.

C. This section becomes effective from and after its passage and publication.

Subd. 5. *Disposal.* The City's reasonable cost for enforcement and the costs of disposal hereunder shall become a charge against the property owner and shall be recovered by obtaining a judgment against the owner of the real estate on which the junk vehicle was located or, in the alternative, may be levied and collected as a special assessment on the property.

Subd. 6. *Appeal Hearing.* The property owner or registered owner of the vehicle shall be granted a hearing, if so requested, on the question of the abatement and removal of the vehicle or part thereof as a public nuisance. Upon receipt of written request for an appeal hearing, the City Administrator shall notify the appellant, in writing, of the time, date and place of the hearing. The notice shall be mailed by certified mail. The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with his or her reasons for denial. If it is determined that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle shall not be assessed against or otherwise collected from the property owner.

Subd. 7. *Repeat Violations.*

A. A "repeat violator" is defined as a person, firm, corporation, association or agent thereof who has received an abatement order involving the same property within the previous 365-day period to the current violation.

B. If a person is a repeat violator as defined in Subd. 7.A. of this section, the City may issue a repeat violator abatement order. A repeat violator abatement order shall be issued and served in the same manner and form as provided in this section for an abatement order, but will not include a description of the corrective action necessary to eliminate the violation or a date by which the corrective action must be completed. The repeat violator citation will notify the person receiving the citation that due to the repeat nature of his or her violations, a hearing shall be held by the Council on the question of repeat violations of this section. The notice shall

notify the property owner or registered owner of the vehicle of the time, date and place of the hearing. The property owner or registered owner of the vehicle may appear in person at the hearing or present a written statement in time for consideration at the hearing. If it is determined that the property owner or registered owner of the vehicle has previously violated this section within the preceding 365 days, the Council may issue an abatement order authorizing the summary abatement of any future nuisances.

10.32 ABANDONING A MOTOR VEHICLE

It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this section, an "abandoned motor vehicle" is as defined in M. S. Chapter 169, as amended from time to time.

10.33 LIMITATION ON VEHICLES ON RESIDENTIAL PROPERTY

Subd. 1. *Definitions.* For purposes of this section, the following words have the meanings specified below.

A. The term "accessory vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including, but not limited to, all-terrain vehicles, motorcycles, trailers, snowmobiles, watercraft and camper-semitrailers, as those terms are defined in M.S. Chapter 169, as amended from time to time.

B. The term "front yard area" means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines. The front side of the property will be determined as specified in the Unified Development Ordinance.

C. The term "impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Surfaces consisting of patio blocks, paver bricks or Class 5 gravel material, pervious and porous concrete products, or made of packed or oiled earthen materials or other surfaces which cause a majority of surface and storm water to runs-off the surface rather than being absorbed into the natural soils underneath, are considered impervious surfaces. Any flexible covering or surface, regardless of its ability to impede the natural infiltration of surface and storm water, shall not constitute an impervious surface unless the flexible covering or surface is a component of a stabilized permanent surface.

D. The term "outside" means to be outside of an enclosed storage facility and visible from any other property.

E. The term "person" means any natural person, firm, co-partnership, association or corporation who owns, leases, rents, resides upon or otherwise controls the residentially-zoned property.

F. The term "rear yard area" means all that area between the rear property line and a line drawn along the rear face or faces of the principal structure on the property and extended to the side property lines.

G. The term "residential premises" shall mean any building consisting of any number of dwelling units, each with individual kitchen facilities, and, in the case of multiple dwelling units in the building, each unit shall be considered "residential premises".

H. The term "residentially zoned lot" means a parcel of land, whether platted or not, that is zoned either R-1, R-2, R-3, R-4, A-0, R-R, R-M, R-B and PUD under this Code.

I. The term "setback lines" means those lines as defined in building codes, deed restrictions and zoning regulations that delineate how close to the edges of the property a structure may be built.

J. The terms "vehicle" or "vehicles" mean a motor vehicle or trailer as defined in M.S. § 169.011, as amended from time to time, including pioneer, classic collector and street rod vehicles, snowmobiles and all-terrain vehicles as defined in M.S. § 84.92(8), as amended from time to time, but excluding home maintenance equipment (such as riding lawn mowers or snowblowers), electric personal assistive mobility devices or a vehicle moved solely by human power.

Subd. 2. *General Prohibition*

A. *Impervious Surface.* Any primary parking area of a residential property with direct access to a public street or alley way shall be on an impervious surface. Parking or storage of motor vehicles and accessory vehicles shall only be permitted when on an impervious surface. All such vehicles shall be licensed, registered, and operable.

B. *Non-Impervious Surface.* Parking or storage on a residential property of up to one motor vehicle or two accessory vehicles on the side or rear yard is permitted on a non-impervious surface. All such vehicles shall be licensed, registered, and operable.

Subd. 3. *Parking within Setback Lines.* The owner or occupant of a residential premise that is located on property zoned residential shall not park nor store any motor vehicle or accessory vehicles within the setback line applicable to the particular parcel unless on an impervious surface. The provisions of this subdivision shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Subd. 4. *Notice.* Any owner or occupant who fails to abide by this subdivision, and who after being given notice by the City has not within seven (7) days of the notice complied, shall be found in violation and subject to the penalties found in §10.56 subd. 1 and 2.

10.34 PROHIBITED USE AND PARKING OF MANUFACTURED HOMES, MOBILE HOMES, PREFABRICATED BUILDINGS, MODULAR BUILDINGS AND RECREATIONAL CAMPING VEHICLES

Subd. 1. *Definitions.* The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise.

A. The term "manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

B. The term "mobile home" is synonymous with "manufactured home" whenever it appears in this chapter.

C. The term "modular building" means a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. Modular building includes, but is not limited to, modular housing that is factory built single-family and multi-family housing, including closed wall panelized housing, and other modular, nonresidential buildings. Modular building does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 *et seq.*, or prefabricated buildings as defined in this section.

D. The term "prefabricated building" means any building or building module intended for use as an R-3, one- or two-family dwelling or a U-1 accessory building, which is of closed construction and which is constructed on or off the building site, for installation or assembly and installation, on the building site, but does not include relocatable contractors' offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

E. The term "recreational camping vehicle" includes the following:

1. Vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use;

2. Structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;

3. Portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and

4. Folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

Subd. 2. *Unlawful Act.* It is unlawful for any person to park a manufactured home, mobile home, prefabricated building, modular building or recreational camping vehicle upon public or private property for human habitation unless the structure is in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 *et seq.*, the Minnesota State Building Code and the Unified Development Ordinance.

Subd. 3. *Notice and Abatement.* Upon seven (7) days' written notice to the owner, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records in the office of the County Treasurer, of private premises on which the material is found, the City may remove same and charge the owner for the costs. In the event that the owner fails to pay the costs after billing, the City may collect the costs together with reasonable attorney's fees and collection costs by suing the owner in a court of competent jurisdiction, or in the alternative, certify the costs of removal as any other special assessment on the land where the nuisance occurred.

10.35 WEEDS, GRASS AND OTHER VEGETATION

Subd. 1. *Unlawful Act.* It is unlawful for any owner, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records of the County Treasurer, of private or public premises, to maintain any weeds or grass growing thereon at a height of more than six (6) inches or to permit such shrubbery or other vegetation to be overgrown.

Subd. 2. *Notice and Abatement.*

A. If any such owner or tenant fails to assume the primary responsibility described in Subd. 1. of this section, the City may send notice by mail advising the owner or tenant that compliance with Subd. 1. is required within 48 hours of receipt of the notice. The notice shall at a minimum advise the owner or tenant of the particular maintenance obligation not being performed, the time period in which the owner or tenant must perform the necessary maintenance, and that the failure to do so could result in the City causing the maintenance to be done with the expenses associated therewith becoming a lien upon the property. If the owner or tenant fails to do so within the 48-hour period the City may cause the work to be done upon expiration of the appropriate time period and the expenses thus incurred shall be a lien upon the real estate. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the City. The amount, together with interest, shall be entered as a special assessment against the lot or parcel of land and be collected in the same manner as real estate taxes. If the owner of the property is unknown, the owner and owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the County Auditor's address.

B. In the event that the City does remove the weeds or grass because of the failure of the owner or tenant to do so, the City shall notify the owner or tenant that the City shall not give

any further additional notices to the owner or tenant, but may thereafter remove the weeds or grass after they have grown to a height in excess of six inches or may remove without further notice and charge the owner or tenant back for the removal.

Subd. 3. *Exception.* Land that is enrolled in a conservation reserve program under 7 C.F.R. § 1410, as those regulations may be amended from time to time, or M.S. § 103F.515, as it may be amended from time to time, land that is subject to a conservation easement created pursuant to M.S. Chapter 84C, as it may be amended from time to time, or property that is zoned "A-O," Agricultural-Open Space, shall be exempt from the weed and grass height restrictions or Subd. 1. However, a person owning or occupying any such land shall control or eradicate all noxious weeds on the land at a time and in a manner prescribed by applicable noxious weed control laws.

10.36 EXTERIOR PROPERTY AREAS

Subd. 1. The owner of any premises shall comply with the following requirements.

A. *Sanitation.* Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

B. *Grading and Drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon unless part of an approved retention areas or reservoirs.

C. *Ground Cover.* Every residential premise shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover or by paving with asphalt, concrete or by such other suitable means which complies with the applicable provisions of the Zoning Ordinance.

D. *Insect and rodent infestations.* It shall be the responsibility of the owner to control or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises. Properties in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After

E. *Accessory structures.* All accessory structures, including but not limited to detached garages, sheds and fences, shall be maintained shall be maintained in a professional state of repair and be structurally sound. Fences and similar structures constructed within a residential district shall be constructed of a material sold and designed for such uses and shall comply with the Zoning Ordinance.

F. *Sidewalks and Driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous condition.

G. *Exhaust Vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

H. *Defacement of Property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

10.37 EXTERIOR STRUCTURE

Subd. 1. *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Subd. 2. *Unsafe Conditions.* Any structural member or building component regulated by this ordinance that is deemed to be incapable of supporting all nominal loads or load effects due to deterioration, damage, neglect, inadequate anchorage, or other similar means shall be determined to be unsafe and shall be repaired, replaced, removed, or razed in accordance with the provisions of Minnesota State Building Code and city ordinance.

Subd. 3. The owner of any premises shall comply with the following requirements.

A. *Structural members.* Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

B. *Foundation walls.* Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

C. *Exterior walls.* Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

D. *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

E. *Overhang extensions.* Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

F. *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

G. *Chimneys and towers.* Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

H. *Window, skylight and doors.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

10.38 WATER SYSTEM

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

10.39 SANITARY DRAINAGE SYSTEM

Subd. 1. *Sewer Connection.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Subd. 2. *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

10.40 STORM DRAINAGE

Drainage of roofs and paved areas, yards, and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

10.41 HEATING FACILITIES

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to April 15 maintain a minimum temperature of 68°F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

10.42 VACANT STRUCTURES

Subd. 1. *Vacant structures and land.* Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance.

A. *Securing.* Any vacant structure open at windows or doors, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this Section and shall be made safe and secure immediately by boarding the openings. Boarding must be done with sound materials which are securely fastened to the structure and painted with a color consistent with the adjacent surfaces.

B. *Emergency Securing.* The City may take steps to immediately secure a vacant building at their discretion in emergency circumstances. Any costs associated with securing the building shall be assessed to property taxes.

C. *Maintenance.* The premises of a vacant structure shall be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collections and removal of debris; and watering and maintaining landscaping and yard.

D. *Occupancy.* Any vacant structure which has had window or door openings closed by boarding shall not be reoccupied until such openings have been secured by proper windows or doors.

E. *Termination of Utilities.* The City may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner. No utility may be restored until consent is given by the City. The Compliance Officer may authorize immediate termination of utilities at his or her discretion in emergency circumstances.

10.43 DISEASED TREES AND STUMPS

Subd. 1. *Declaration of policy.* The health of the trees in the City is threatened by shade tree pests, and the loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the City and impairs the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minn. Stat. §§ 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

Subd. 2. *Jurisdiction.* The City shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings as regulated by the City of Redwood Falls Boulevard Tree Policy, a copy of which is retained at City Hall.

Subd. 3. *Definition, Control Measures and Control Area of a Shade Tree Pest.*

A. *Oak Wilt Disease*

1. *Defintion.* Oak wilt disease is a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacearum*.

2. *Control Measures.* Control measures that may be taken to abate oak wilt disease are:

a. Installation of a root graft barrier. A root graft barrier can be ordered installed to prevent the underground spread of oak wilt disease. The city will mark the location of the root graft barrier. The barrier disrupts transmission of the fungus within the shared vascular systems of root grafted trees. The barrier is created by excavating or vibratory plowing a line at least forty-two (42) inches deep between any oak tree infected with oak wilt disease and each nearby and apparently healthy oak tree within fifty (50) feet of the infected tree.

b. Removal and disposal of trees.

1. On property that is zoned residential and commercial the city may mark for removal trees that have the potential to produce spores of the fungus *Ceratocystis fagacearum*. After, and in no case before, the installation of the root graft barrier and no later than May 1 of the year following infection, all marked trees *must be felled*. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked. If, however, after the city prescribes the location for a root graft barrier, the city determines that installation of the barrier is impossible because of the presence of pavement or obstructions such as a septic system or utility line, the city may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and the marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

2. On all other property, the City may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and the marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

3. All wood more than three (3) inches in diameter or ten (10) inches in circumference from such felled trees must be disposed of by burying, debarking, chipping, or sawing into wane-free lumber, or by splitting into firewood, stacking the firewood, and immediately covering the woodpile with unbroken four (4)-mill or thicker plastic sheeting that is sealed into the ground until Oct. 1 of the calendar year following the calendar year in

which the tree was felled, or by burning before May 1 of the year following infection. Wood chips from infected trees may be stockpiled or immediately used in the landscape.

3. *Control Area.* The control area for oak wilt disease is all lands within the boundaries of the City.

B. *Emerald Ash Borer*

1. *Definition.* Emerald ash borer is a shade tree pest and is defined as an insect that attacks and kills ash trees. The adults are small, iridescent green beetles that live outside of trees during the summer months. The larvae are grub- or worm-like and live underneath the bark of ash trees.

2. *Control Measures.* Control measures that may be taken to abate emerald ash borer are those provided in the document, *Minnesota Emerald Ash Borer Science Advisory Group Recommendations on Preparing for Emerald Ash Borer in Minnesota.*

3. *Control Areas.* The control area for emerald ash borer is all lands within the boundaries of the City.

C. *Dutch Elm Disease*

1. *Definition.* Dutch elm disease is a shade tree pest and is defined as a disease of elm trees caused by the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*, and includes any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Ulmus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*.

2. *Control Measures.* Control measures that may be taken to abate Dutch elm disease are:

a. *Use of fungicide.* Fungicides may be effective in preventing Dutch elm disease when injected into living trees that do not already show symptoms of Dutch elm disease. Fungicide injections on private lands are optional and, if performed, are at the landowner's expense.

b. *Removal and disposal of trees.* Prompt removal of diseased trees or branches reduces breeding sites for elm bark beetles and eliminates the source of Dutch elm disease fungus. Trees that wilt before July 15 must be removed within 20 days of detection [alternative: 30 days]. Trees that wilt after July 15 must be removed by April 1 of the following year. Diseased trees not promptly removed will be removed by the city at the landowner's expense. Wood may be retained for use as firewood or saw logs if it is debarked or covered from April 15 to Oct. 15 with four (4)-mill plastic. The edges of the cover must be buried or sealed to the ground.

3. *Control Areas.* The control area for Dutch elm disease is all lands within the boundaries of the City.

Subd. 4. *Declaration of a shade tree pest.* The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action.

Subd. 5. *Shade tree pest are unlawful.* It is unlawful for any person to permit any shade tree pest as defined in this section to remain on any premises the person owns or controls within the City. The nuisance may be abated as provided in this section and the owner cited per §10.56 Subd. 1 and 2.

Subd. 6. *Reporting discovery of shade tree pest.* Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a shade tree pest as defined under subdivision 2 shall report the same to the City.

Subd. 7. *Tree inspector.* The Council may appoint a tree inspector to coordinate the activities of the city relating to the control and prevention of damage by shade tree pests. The tree inspector will recommend to the Council the details of any program for the declaration, control, and prevention of shade tree pests. The tree inspector is authorized to enforce or cause to be enforced the tasks incident to such a program adopted by the Council. The term “tree inspector” includes any person designated by Council or the tree inspector to carry out activities authorized in this section.

Subd. 8. *Inspection and application of control measures.*

A. The tree inspector is authorized to inspect premises and places within the City to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of shade tree pests and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means.

B. Except in situations of imminent danger to human life and safety, the tree inspector shall not enter private property for the purpose of inspecting or preventing maintenance of a shade tree pest without the permission of the owner, resident, or other person in control of the property, unless the tree inspector has obtained a warrant or order from a court of competent jurisdiction authorizing the entry.

C. No person, firm, or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector’s authority while engaged in activities authorized by this section.

Subd. 9. *Abatement procedure.* Except as provided in subdivisions 12, whenever a tree inspector determines with reasonable certainty that a shade tree pest is being maintained or exists on premises in the City, the tree inspector is authorized to abate the shade tree pest according to the procedures in this subdivision.

A. The tree inspector will notify in writing the owner of record or occupant of the premises that a shade tree pest exists and order that the shade tree pest be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the city clerk.

B. The notice of abatement shall state that unless the shade tree pest is abated by the owner or occupant, it will be abated by the City at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the shade tree pest, and provide a reasonable amount of time to abate the shade tree pest. The notice will also state that the owner or occupant has the right to appeal the determination that a shade tree pest exists by submitting a request in writing to the city clerk within seven (7) days after service of the notice, or before the date by which abatement must be completed, whichever comes first.

C. If no timely appeal is submitted, and the control measures prescribed in the notice of abatement are not complied with within the time provided by the notice or any additional time granted, the tree inspector or designated person shall have the authority to obtain permission or an administrative search warrant, enter the property, and carry out abatement in accordance with the notice of abatement.

Subd. 10. *High-cost abatement.* If the tree inspector determines that the cost of abating a shade tree pest will exceed \$5,000 based on a reasonable, good faith estimate, the written notice referred to in subdivision 9 must provide that if the shade tree pest is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

Subd. 11. *Appeal procedure.* If the city clerk receives a written request for a hearing on the question of whether a shade tree pest exists, the City Council shall hold a hearing within twenty one (21) calendar days following receipt by the clerk of the written request. At least ten (10) days notice of the hearing shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the shade tree pest.

Subd. 12. *Abatement procedure in event of imminent danger.*

A. If the tree inspector determines that the danger of infestation to other shade trees is imminent, and delay in control measures may put public health, safety, or welfare in immediate danger, the tree inspector may provide for abatement without following subdivision 9

or 10. The tree inspector must reasonably attempt to notify the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting

B. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 13. *Recovery of cost of abatement; liability and assessment.*

A. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

B. After notice and hearing, as provided in Minn. Stat. § 429.061 (which may be amended from time to time), the city clerk shall, on or before Sept. 1 next following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then certify the charges against the property to the county auditor for collection along with current taxes the following year or in annual installments as the city council may determine in each case.

10.44 [RESERVED]

10.45 [RESERVED]

V. AMINAL REGULATIONS

10.46 ANIMAL LICENSING AND REGULATION.

Subd. 1. *Definitions.* As used in this section, the following definitions shall apply.

A. The term "animal" means either a cat or dog unless indicated otherwise.

B. The term "dangerous dog" means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;

2. Killed a domestic animal without provocation while off the owner's property;

or

3. Been found to be potentially dangerous, and after the owner has been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or other domestic animals.

C. The term "dog" means both male and female and includes any animal of the dog kind.

D. The term "feral cat" means an unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

E. The term "owner" means any person owning, keeping, harboring or maintaining an animal within the City or permitting the animal to be at large within the City. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

F. The term "potentially dangerous dog" means any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;

2. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

3. Has a known propensity, tendency or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic animals.

G. The term "Shelter" means the Friends of the Animal Shelter.

H. The term "stray cat" means any cat whose owner from time to time allows the cat to run free off of the property of the owner.

Subd. 2. *Running at Large Prohibited.* It is unlawful for the owner of any animal to permit the animal to run at large. Any 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 and 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 for Certain Dogs.* It is unlawful for the owner of any dog, three months of age or more, to fail to obtain a license therefor from the City.

Subd. 4. *Dog License Issuance, Term and Renewal.* All dog licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the state, showing current rabies immunization of the dog. All dog licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least 30 days prior to expiration of the license. If the application is for an initial license for a neutered dog, a statement from a licensed veterinarian shall accompany the application stating that the dog has been neutered.

Subd. 5. *Adoption of Fees for Dogs.* All fees for the licensing, impounding and maintenance of dogs, including penalties for late application, may be fixed and determined by the Council, adopted by resolution and uniformly enforced. The fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Administrator and open to inspection during regular business hours.

Subd. 6. *Tag Required for Licensed Dogs.* All licensed dogs 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 dog before the expiration of the license. It is unlawful for the owner of any dog to fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog.

Subd. 7. *Owner Obligation for Proper Care.* No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal.

Subd. 8. *Feeding of Stray or Feral Cats.* It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community.

Subd. 9. *Impoundment.*

A. Any animal found in the City, or any dog found in the City without a license tag, running at large or otherwise in violation of this section, shall be placed at the Friends of the Animal Shelter, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Shelter shall be held for redemption by the owner for at least five regular business days. A "regular business day" is one during which the Shelter is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m. Impoundment records shall be preserved for at least six months and shall show:

1. The description of the animal by specie, breed, sex, approximate age and other distinguishing traits;
2. The location at which the animal was seized;
3. The date of seizure;
4. The name and address of the person from whom any animal three months of age or over was received; and

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

B. In the event any dog, cat, or other impounded animal is unclaimed after the expiration of any applicable redemption or quarantine period set forth in Minnesota Statutes or Redwood Falls City Ordinances, whichever is longer, they shall become the property of the Shelter and may be disposed of, adopted, or sold in its sole discretion. All proceeds from the disposition of such animals shall be the sole property of the Shelter, including any proceeds received from any animals disposed of in accordance with Minnesota Statutes §35.71.

Subd. 10. *Notice of Impounding.* Upon the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, written notice shall be posted for five days at the Police Station and the Municipal Office Building, which notice shall be in substantially the following form:

NOTICE OF IMPOUNDING ANIMAL

Date _____

To Whom it May Concern: I have this day taken up and impounded in the Friends of the Animal Shelter an animal described as follows:

Sex _____

Color _____

Breed _____

Approximate Age _____

Name of Owner _____

NOTICE IS HEREBY GIVEN that unless the animal is claimed and redeemed on or before _____ o'clock ___ M. on the _____ day of _____ the animal will be disposed of.

(Police Officer)

Subd. 11. *Release From Shelter.* Before a seized animal is released to its owner, the Shelter shall verify that the owner is compliant with all Redwood Falls Ordinances, Chapter 10, as they relate to licensing, if applicable. The Shelter shall be entitled to collect and retain a per diem, boarding, immunization fee, care and adoption fees for any animals.

Subd. 12. *Immobilization of Animals.* For the purpose of enforcement of this section, any peace officer may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 13. *Barking Dogs.*

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

B. Any police officer may enter onto private property and seize any barking dog; provided that, the following conditions exist:

1. There is an identified complainant other than the peace officer making a contemporaneous complaint about the barking;

2. The peace officer reasonably believes that the barking meets the criteria set forth in Subd. 13.A.;

3. The peace officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;

4. The peace officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored;

5. The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper or other person authorized to have such a key shall not be considered as a forced entry;

6. No other less intrusive means to stop the barking is available; and

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

C. Any dog seized under the provisions of Subd. 13.B. shall be taken to the Shelter and kept there to be reclaimed by the owner. The owner shall pay all other fees required under Subd. 11. Any dog seized under Subd. 13.B. which is unclaimed may be disposed of according to the provisions of Subds. 9.B.

D. A person who violates §10.46, Subd. 13.A. is guilty of a petty misdemeanor.

Subd. 14. *Interfering with a Peace Officer.* No person shall, in any manner, molest, hinder or interfere with any peace officer, or any other individual employed directly or by contract with the City to capture animals and convey them to the Shelter while the person is engaged in the occupation.

Subd. 15. *Dangerous Dogs.* No person may own, possess, keep, harbor, maintain or otherwise have a dangerous dog in the city.

A. *Notice of Potentially Dangerous or Dangerous Dogs.* If, after an investigation conducted by a peace officer, it is determined that a dog is potentially dangerous or dangerous

according to the criteria described in Subd. 1., the Police Department will serve a notice of intent to declare the dog potentially dangerous or dangerous dog on the owner of the dog in question. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in Subd. 15.B. and the result of the failure to contest the designation as described in Subd. 15.G.

B. *Contesting Declaration of Dangerous or Potentially Dangerous Dogs.* If the owner of a dog has received a notice of intent to declare a dog as a potentially dangerous or dangerous dog, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the Police Department within 14 days of receipt of the notice of intent to declare a dog as potentially dangerous or dangerous.

C. *Initial Review.* Upon receipt of the request, the Police Department will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence surrounding the notice to determine if there is sufficient evidence supporting the designation to convene a hearing of the Animal Control Review Panel. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this section applying to dangerous or potentially dangerous dogs shall apply to the dog in question. If there is sufficient evidence that the Review Panel could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.

D. *Hearing Procedure.* This Review Panel will consist of the Council President, a Council member as appointed by the Mayor, and an elector who resides within the city. The Panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the Panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to the Police Department and the dog owner.

E. *Effect of Findings that Dog is Potentially Dangerous or Dangerous.* If the Panel finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. Within 14 days after the owner has received notice that the dog is dangerous, the owner must cause the animal to be humanely destroyed or removed from the city limits.

F. *Appeal.* If the owner of the dog disputes the decision of the Review Panel, the owner shall have the right to appeal the decision to the City Council. The appeal must be filed with the City Clerk within 14 days of the Panel's ruling. If the owner of the dog disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.

G. *Mayor to Appoint Veterinarian and Substitute Panel Members.* The Mayor of the City may appoint a veterinarian to serve on the Hearing Panel on a voluntary basis in lieu of the elector. The appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the veterinarian is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint another veterinarian to replace the initial appointee on the Panel. In addition, in the event the City Council President or relevant Council member is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint other members of the City Council or city staff to sit in their place.

H. *Failure to Contest Notice of Intent to Declare.*

1. If the owner of a dog receives a notice from the Police Department of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within 14 days, the owner shall be considered as having forfeited the right to the hearing described in Subd. 17.D. and as having consented to the designation of the dog as potentially dangerous or dangerous by default.

2. The Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within 14 days after the owner has received notice that the dog is dangerous, the owner must cause the animal to be humanely destroyed or removed from the city limits.

I. *Seizure of Dangerous Dogs and Violations.* The peace officer shall immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if within 14 days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the city limits.

J. *Exemptions.* Dogs may not be declared potentially dangerous or dangerous if the threat, injury or damage was sustained by a person:

1. Who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the dog;

2. Who was provoking, tormenting, teasing, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused or assaulted the dog; or

3. Who was committing or attempting to commit a crime.

K. *Law Enforcement Exemption.* The provisions of this section do not apply to trained dogs used by law enforcement personnel officials for police work.

Subd. 16. *Enforcement.* The peace officer may enter upon private land where there is reasonable cause to believe this section is being violated. Any person who brings an animal into the City is subject to this section.

Subd. 17. *Summary Destruction.* Notwithstanding the provisions set forth in Subd. 17, whenever a peace officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, the Officer, after making reasonable attempts to impound the animal, may summarily destroy the animal.

Subd. 18. *Obstructing.* No person shall tamper, hinder or interfere with any live trap set for the purpose of capturing cats found to be running at large, or break open any trap, or attempt to do so, or to take or let out any cat captured therein. A violation of this subdivision shall constitute a petty misdemeanor punishable by a fine not to exceed \$300 or that amount which may be lawfully prescribed by a municipality for an ordinance violation that is defined as a petty misdemeanor.

Subd. 19. *Quarantine of Unvaccinated Animal.* The owner of an animal that inflicts a bite on a human shall provide to the police department evidence that the animal is current on its rabies vaccination. The police department may seize and hold the animal at the Shelter for a period of not less than ten days if evidence of a current rabies vaccination is not presented or otherwise of record. If the animal is owned by a resident of the City, the animal may be reclaimed by the owner upon payment of impounding, boarding and immunization fees; if the animal is a dog, the owner must also provide proof of current licensure or purchase a dog license. If the animal is owned by a person not a resident of the City, the animal may be reclaimed by the owner upon payment of impounding, boarding fees and immunization fees. Any animal impounded pursuant to this section cannot be reclaimed or released until such time that the animal has been immunized for rabies. In the event any dog, cat, or other impounded animal is unclaimed after the expiration of any applicable redemption or quarantine period set forth in Minnesota Statutes or Redwood Falls City Ordinances, whichever is longer, they shall become the property of the Shelter and may be disposed of, adopted, or sold in its sole discretion. All proceeds from the disposition of such animals shall be the sole property of the Shelter, including any proceeds received from any animals disposed of in accordance with Minnesota Statutes §35.71.

10.47 ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING

Subd. 1. *Definitions.* As used in this section, the following definitions shall apply.

A. The term "animals" includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

B. The term "farm animals" means cattle, horses, mules, donkeys, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, rabbits, guinea hens and honey bees.

Subd. 2. *Keeping.* It is unlawful for any person to keep or harbor any animal, not in transit, except:

A. Farm animals kept in that portion of the city zoned for agricultural purposes;

B. Animals kept in an animal hospital or clinic for treatment by a licensed veterinarian; or

C. Animals that may be kept in the City zoo or in Alexander Ramsey City Park.

Subd. 3. *Animals in Transit.* It is unlawful for any person to transport animals unless they are:

A. Confined within a vehicle, cage or other means of conveyance;

B. Animals being transported in a portion of the city zoned for agricultural purposes;
or

C. 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.

10.48 ANIMAL WASTE

Subd. 1. *Definitions.* As used in this section, the following definitions shall apply.

A. The term "animal" means a dog, cat or other farm animal defined in §10.47 Subd. 1. B.

B. The term "owner" means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.

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 the animal is in the custody of a person of suitable age and discretion having in his or her possession equipment and supplies for excrement removal; or

C. Permit animal excrement to accumulate for a period in excess of seven days on premises occupied by him or her without removal and sanitary disposal.

Subd. 3. *Exceptions.* The provisions of Subds. 2.A. and B. above, 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.

10.49 FEEDING OF DEER PROHIBITED

Subd. 1. *Prohibition.* No person shall feed or allow the feeding of any deer within any area of the City of Redwood Falls. For the purpose of this section, feeding shall mean provision of on-half cubic foot or more of grain, fruit, vegetables, nuts, hay or other edible material, either on the ground or at a height of less than five (5) feet above the ground, in a manner that attracts deer on a regular basis. Living food sources, such as fruit trees and other vegetation, shall not be considered as deer feeding.

Subd. 2. *Exceptions.* This prohibition shall not apply to veterinarians, park maintenance staff or county, state, or federal game officials who in the course of their duties have deer in their custody or under their management.

10.50 [RESERVED]

10.51 [RESERVED]

VI. FIRE SAFETY

10.52 ADOPTION OF MINNESOTA STATE FIRE CODE

The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety through the Division of the Fire Marshal, pursuant to Minnesota Statutes §299F.011, including amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety through the Fire Marshal Division, hereinafter referred to as MSFC, is hereby adopted by reference with the exception of the optional appendices, unless specifically stated in this section of the City Code, as the Fire Code for the City of Redwood Falls. The MSFC is hereby incorporated in this section of the City Code as if fully set out herein.

10.53 APPLICATION, ADMINISTRATION AND ENFORCEMENT

The application, administration and enforcement of this code shall be in accordance with the MSFC. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes §299F.011. The Fire Marshal, Fire Chief, Police Chief, or designated representative is authorized to enforce the provisions of the Minnesota State Fire Code and this ordinance.

10.54 REQUIRED PERMITS

Subd. 1. *Permit Required Prior to Initiation of Activity.* Applicants seeking a permit as specified by provision of the MSFC or this section, shall be in receipt of said permit prior commencement of the regulated activity, construction, installation, modification, maintenance, operation or process granted by said permit.

Subd. 2. *Commence of Work Prior to Issuance of a Permit.* If work for which a permit is required per MSFC or by this section has been commenced without first obtaining the required permit, a special investigation shall be made before a permit may be issued for the work. The investigation fee shall be equal to the permit fee for the permitted activity and shall be collected in addition to the required permit fee.

Subd. 3. *Permit Fees.* Wherein permits are required by the MSFC or other provision of this section, the City shall collect fees in accordance with the schedule set forth in the fee schedule as adopted by the Redwood Falls City Council, amended from time to time. Permit fees shall be paid prior to the issuance of any permit.

10.55 PREMISES IDENTIFICATION

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

10.56 FIRE LANES

Subd. 1. The Fire Marshal shall be empowered to order the establishment of fire lanes on public or private property in accordance with the MSFC. When such fire lane is established on public property or a public right of way, the necessary sign or signs shall be provided by the City of Redwood Falls, and when on private property, the required signage shall be erected and maintained by the owner at his/her expense. Following installation of fire lane signs, no person shall park a vehicle or otherwise occupy or obstruct a fire lane.

Subd. 2. Fire Lane Sign Specifications

A. Fire lane signs shall have a minimum dimension of 12" wide by 18" high and shall contain the legend "NO PARKING - FIRE LANE" in red letters on a white, reflective background.

B. Signs shall be posted at each end of the fire lane and every 75-foot interval within the fire lane.

C. Curbs shall be painted yellow and maintained along fire lanes at mercantile, educational, institutional and commercial residential (hotels, motels and apartments) occupancies and in other specific areas as designated by the Code Official.

D. Sign posts shall be set back a minimum of 12 inches but not more than 60 inches (five feet) from the curb.

E. A Fire Lane, as approved by the Code Official, shall be required in front of every sprinkler system Fire Department connection allowing unobstructed connection of hose(s) for firefighting purposes.

10.57 KEY BOXES

Subd. 1. *Requirements.* In addition to the requirements of the MSFC, where property is protected by an automatic alarm system, a protected access to or within a structure, or access to an area on that property is unduly difficult because of secured openings and where immediate access is necessary for public safety, lifesaving, or firefighting purposes, the Fire Marshal or Fire Chief may require a key box to be installed in an approved location. The key box shall be of the type approved by the Fire Marshal or Fire Chief and shall be the expense of the landowner.

Subd. 2. *Contents.* All keys shall be labeled or marked separately and placed on a single key ring. Unless otherwise waived by the Fire Marshal or Fire Chief, the key box shall contain the following keys;

- A. Main Entry Key
- B. Fire Alarm Panel, access and control
- C. Automatic sprinkler system room, access can controls
- D. Electrical rooms, mechanical rooms, boiler rooms, and other such rooms
- E. Elevator control rooms

F. Any other rooms, areas, or equipment deemed necessary by the Fire Marshal or Fire Chief.

Subd. 3. *Placement.* The key box shall be placed in a location approved by the Fire Marshal or Fire Chief.

Subd. 4. *Maintenance.* The operator of the building shall immediately notify the Fire Marshal or Fire Chief and provide the new key when a lock is changed or rekeyed. The key to such a lock shall be secured in the key box.

10.58 DELIBERATE OR NEGLIGENT BURNING

It shall be unlawful for any person to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

10.59 REMOVAL OR TAMPERING WITH EQUIPMENT

Subd. 1. It shall be unlawful for any unauthorized person to remove, tamper with or otherwise disturb any fire hydrant, sprinkler system, Fire Department connection, fire detection and alarm system, fire suppression system, or other fire appliance required by this code or the MSFC.

Subd. 2. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Marshal, Fire Chief, or designated representative in charge of the incident.

10.60 REMOVAL OF OR TAMPERING WITH APPURTENANCES

Locks, gates, doors, barricades, chains, enclosures, signs, tags, notices or seals which have been installed by or at the direction of Code Official shall not be removed, unlocked, destroyed, tampered with or otherwise vandalized in any manner.

10.61 OBSTRUCTION OF EGRESS

No person shall physically obstruct or otherwise prevent the use by any other person of an egress device required by this code or the MSFC.

10.62 FIRES OR BARBECUES ON BALCONIES OR PATIOS

Subd. 1. *Open Flame Prohibited.* In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within fifteen (15) feet of the structure.

Subd. 2. *Fuel Storage Prohibited.* No person shall store or use any fuel, barbecue, torch, or other similar device in the locations designated in Section 1.

Subd. 3. *Exemptions.* Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Fire Marshal.

10.63 FIRE APPARATUS ACCESS ROADS

Subd. 1. *Access and Loading.* Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 50,000 pounds.

Subd. 2. *Turning Radius.* The minimum turning radii shall be determined by the Fire Marshal but in no case shall be less than twenty-eight (28) feet.

Subd. 3. *Fire Apparatus Road Gates.* Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- A. The minimum gate width shall be twenty (20) feet.
- B. Gates shall be of the swinging or sliding type.
- C. Construction of gates shall be of materials that allow manual operation by one person.
- D. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- E. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Fire Marshal or Fire Chief.
- F. Manual opening gates shall not be locked with a padlock or chain and padlock unless a key is provided to Fire Department or they are capable of being opened by means of forcible entry tools.
- G. Locking device specifications shall be submitted for approval by the Fire Marshal or Fire Chief.

Subd. 4. *Turnarounds Required.* Dead-end fire apparatus access roads in excess of 150 feet shall be provided with a turnaround provisions with a width of no less than 50' unless approved by the Fire Marshal.

10.64 RECREATIONAL FIRES

Subd. 1. *Recreational Fires.* A recreational fire is an outdoor fire which is burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires shall comply with the following requirements:

- A. Burning shall be prohibited between 12:00 Midnight and 9:00 AM during any day of the week.
- B. No chemically treated wood, painted or glued wood, trash, yard waste, leaves, or other non-wood material shall be burned. Only clean wood or charcoal may be burned.
- C. Fires shall be contained in a fire ring, chimenea, or other non-combustible fire container that completely surrounds the fire.
- D. Open fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

E. Fires in portable outdoor fireplaces shall be conducted in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

F. All fires shall be a minimum of ten (10) feet from property lines.

Subd. 2. *Attendance.* All recreational fires and use of portable outdoor fireplaces shall be constantly attended by an adult over 18 years in age until the fire is completely extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Subd. 3. *Extinguishment authority.* When open burning, a recreational fire or a portable outdoor fireplace creates or adds to a hazardous situation, or a creates a nuisance, the Fire Marshal, Fire Chief, Police Chief, or designated representative is authorized to order extinguishment.

10.65 OPEN BURNING

Subd. 1. *Open Burning Prohibited.* Except as otherwise permitted by this section, all open burning is prohibited in the City of Redwood Falls.

Subd. 2. *Exemptions.* The following types of open burning shall be exempt from the prohibition of Section 1:

- A. Recreational fires subject to the conditions this ordinance.
- B. Fires purposely set under the supervision of the Fire Department for the instruction and training of firefighting personnel.
- C. Fires for which a burning permit has been obtained.

Subd. 3. *Definitions.* For the purposes of this section the following definitions shall apply:

A. "Open Fire" or "Open Burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

B. "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.

C. "Starter Fuels" mean dry, untreated, unpainted wood 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 fire.

D. "Wood" means dry, clean fuel only such as twigs, branches, limbs, commercially made logs for heating, charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, 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 three foot lengths.

E. "Recreational Fire" means a fire set for cooking, warming or ceremonial purposes which is not more than three (3) feet in diameter by two (2) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.

F. "Burning Permit" is a permit issued by the Fire Marshal, Police Chief or designee authorizing fires exempted from the general provisions hereof and setting conditions therefore.

G. "Burner" means a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food, or outdoor fireplaces.

H. "Outdoor Fire Place" means a manufactured freestanding fire pit or barbecue pit approved and listed by a nationally recognized agency such as Underwriters Laboratories (UL) for the purpose of recreational fires that is enclosed with spark arresting screening and is used per the manufacturer's instructions.

I. "Bon Fire" means an outdoor fire utilized for ceremonial purposes.

J. "Fire Extinguishing Equipment" means any approved equipment and material such as a fire extinguisher with a minimum 4-A rating, garden hose and water supply, or shovel and sand, that is used for the purpose of extinguishing a fire.

Subd. 4. *Use of Burners Prohibited.* No person shall use a burner, as defined by this ordinance, within the City.

Subd. 5. *Burning Permit.* Except for permits issued by the Minnesota Department of Natural Resources for fire training and permanent burn sites, the Fire Marshal, Police Chief, or designated representative may issue a burning permit for any of the following:

A. Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.

B. Fires purposely set for forest, prairie and game management purposes when no other alternative methods are practical.

C. The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, roadway, highway or railroad right-of-way, park land and in accepted agricultural land management practices where chipping, composting, landscaping or other alternative methods are not practical.

- D. The disposal of diseased trees generated on site or diseased or infected nursery stock.
- E. Ground thawing for utility repair and construction.
- F. Bon Fires under the direct supervision of the Fire Department.

Subd. 6. *Prohibited Materials.*

- A. No permit may be issued for the open burning of oils, petro fuels, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring paint or paint filters.
- B. No permit shall be issued for the open burning of hazardous waste or salvage operations, solid waste generated from an industrial or manufacturing process or from a service or commercial establishment, or building material generated from demolition of commercial or industrial structures, or discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

Subd. 7. *Procedure for Permit Issuance.*

- A. Application for a burning permit shall be submitted to the Fire Marshal, Police Chief, or designated representative on a form prescribed by the City of Redwood Falls.
- B. The Permit fee shall be imposed per the fee schedule adopted by the Redwood Falls City Council, amended from time to time.
- C. The Fire Marshal, Police Chief, or designated representative shall review the application to insure compliance with the provisions of this section and any applicable State laws and/or regulations.
- D. The Fire Marshal, Police Chief, or designated representative may inspect the proposed burn site on such occasions and at such time as is deemed necessary to adequately review the application. Submission of the application shall constitute authorization for the Fire Chief, or designee, to enter the premises for this purpose.
- E. Within five business days, excluding Saturdays, Sundays and legal holidays, after receipt of the application the Fire Marshal, Police Chief, or designated representative shall either grant or deny the application.

Subd. 8. *Denial of Permit.*

- A. Application for a burning permit may be denied for any one of the following reasons:
 - 1. The proposed fire or burn site does not meet the requirements of this section.

2. The Fire Chief, or designee, determines that there is a practical alternative method of disposal of the material.

3. The Fire Marshal, Police Chief, or designated representative determines that the fire would result in a pollution or nuisance condition.

4. The Fire Marshal, Police Chief, or designated representative determines that the burn cannot be safely conducted and no plan has been submitted to adequately address the safety concerns.

5. The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted.

6. The denial of any application shall be in writing and shall state the reasons for the denial.

B. Any person aggrieved by the denial of a burning permit may appeal that decision to the City Council by submitting a written request or appeal to the City Administrator's office within ten days after the date of the denial. The City Administrator shall review the appeal request and forward it for placement on the next available City Council agenda.

Subd. 9. *Responsibilities of Permit Holder.* The holder of any permit shall be responsible for the following:

A. Have a valid permit in possession at the burn site at all times during the burn.

B. Prior to starting burn, confirm that no burning ban or air quality alert is in effect.

C. Constant attendance by the permit holder or competent representative during a burn event.

D. Verify that the fire is completely extinguished before the permit holder or representative leaves the site.

E. All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries.

Subd. 10. *Revocation of Permit.* An officer of the Minnesota Department of Natural Resources, the Fire Marshal, Police Chief, or designated representative may revoke any burning permit for appropriate reasons including, but not limited to:

A. A fire hazard exists or develops during the course of the burn.

B. Pollution or nuisance conditions develop during the course of the burn.

C. The fire smolders with no flame present.

D. Any of the conditions of the permit are violated during the course of the burn.

Subd. 11. *Burning Ban or Air Quality Alert.* No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air quality alert.

Subd. 12. *Severability.* If any sections, subsection, sentence, clause or phrase of this code section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the section.

10.66 [RESERVED]

10.67 [RESERVED]

VII. PENALTY AND ABATEMENT

10.68 PENALTIES

Subd. 1. *Criminal Penalties.* Any person convicted of violating any provision of this section, subdivision, paragraph, or provision of these Chapters is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case except as otherwise stated in specific provisions hereof. Each day's violation after notice thereof shall constitute a separate offense.

Subd. 2. *Civil Penalties.* Any violation of this section, subdivision, paragraph, or provision of these Chapters may constitute an administrative offense subject to the rules and procedures of § 1.13 of this Code. Any violation shall result in the imposition of a civil penalty in the amount as set forth in the fine schedule adopted and amended from time to time by the Council.

10.69 ABATEMENT PROCEDURE

Subd. 1. *Procedure.* Whenever the peace officer or other designated official determines that a public nuisance or violation of this Chapter is being maintained or exists on the premises in the City, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice shall be by certified or registered mail. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated, not to exceed 30 days. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the City may take any and all action necessary to abate said nuisance immediately and may assess to the landowner any and all costs incurred therein, including legal fees and costs, and said assessment shall be a specific lien against any real estate owned by said landowner.

Subd. 2. *Notice.* Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for

summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

Subd. 3. *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Subd. 1 and 2 of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 1 and 2 of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 4. *Immediate abatement.* Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 5. *Judicial remedy.* Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

Subd. 6. *Personal liability.* The owner of the premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

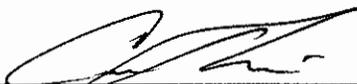
Subd. 7. *Assessment.* After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota
this 6th day of December, 2016.

ATTEST:



Keith Muetzel
City Administrator

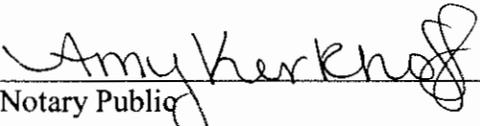


Corey Theis
Mayor

(City Seal)

Introduced: November 15, 2016
Approved: December 6, 2016
Publication: December 12, 2016 (Summary)

Subscribed and sworn to before me this
7th day of December, 2016.



Notary Public

