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CHAPTER 1

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

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

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

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

Subd. 2. "Council" and **"City Council"** means the City Council of the City of Hills, Minnesota.

Subd. 3. "Person" includes all firms, partnerships, associations, corporations and natural persons.

Subd. 4. "Written" and "In Writing" means any mode of representing words and letters in the English language.

Subd. 5. "Street" means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

Subd. 6. "Public Property" and **"Public Place"** mean any place, property or premises dedicated to public use, owned by the City, occupies by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but no limited to, streets, parks, or parking lots so owned by occupied.

Subd. 7. "Private Property" means all property not included within the definition of public property or public place.

Subd. 8. "Intersection" means the area embraced within the prolongation or connection of the lateral curb line or, if no curb then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

Subd. 9. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 10. "Misdemeanor" means the crime for which a sentence of note more than ninety (90) days or a fine of not more than $700.00, or both, may be imposed.

Subd. 11. "Petty Misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than $200.00 may be imposed.

Subd. 12. "Conviction" means either of the following accepted and recorded by the Court:

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

Subd. 13. "Crime" means conduct which is prohibited by Federal or State law or ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 14. "Ordinance" means an ordinance duly adopted by the City Council of Hills, Minnesota.

Subd. 15. "Ex Officio Member" means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his discretion) to speak to any question coming before the board, commission or other deliberative body of which he is such a member.

Subd. 16. "May" is permissive.

Subd. 17. "Shall" is mandatory.

Subd. 18. "Violate" includes failure to comply with.

Subd. 19. "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

SECTION 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMENEANOR. Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for petty misdemeanor, except as otherwise stated in specific provisions herein, as set forth in the specific chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charged if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were provided.

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

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

SECTION 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES. All fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Treasury by the Court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SECTION 1.07. MEANINGS. As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

SECTION 1.08. CITATION. This codification of the ordinances of the City of Hills shall henceforth be known as the City Code and cited thus: “HILLS CITY CODE, SEC. .”

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

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

(Sections 1.11 through 1.99, inclusive, reserved for future expansion.)

CHAPTER 2

ADMINISTRATIVE AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Pursuant to authority granted by Minnesota Law, this City Code is enacted so as to provide for the enforcement of government and good order of the City of Hills, Minnesota, by and through the city council.

SECTION 2.02. COUNCIL; MEMBERS, POWERS and DUTIES.

Subd. 1. Composition of City Council. The city council shall consist of the mayor, and four council members. A majority of all the members shall constitute a quorum.

Subd. 2. Publication of Council Proceedings. Publication of council proceedings may be made by the city council. The city council, after every regular or special meeting, shall make available to any resident upon request the official council proceedings, which shall include action on motions, resolutions, ordinances, and other official proceedings.

Subd. 3. Enactment of Ordinances. Every ordinance shall be enacted by a majority vote of all the members of the council, except where a larger number is required by law. Ordinances shall be signed by the mayor, attested by the clerk and published once in the official newspaper, in no less than eight-point type. In the case of lengthy ordinances, or ordinance which include maps or charts, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in any other public location which the council designates. Prior to the publication of the title and summary, the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. Proof of publication shall be attached to and filed with the a copy of the ordinance at the office of the city clerk. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary.

Subd. 4. Execution of Instruments and Contracts.

A. Every contract, conveyance, license or other written instrument shall be executed on behalf of the City by the mayor and Clerk, with the corporate seal affixed, and only pursuant to authority of the city council. Reference: Minn. Stat 412.201.
B. Except as provided by other law, no member of the city council shall be directly or indirectly interested in any contract made by the city council with out first notifying the council of such interest. No council member shall vote on a motion involving a

contract in which he or she is either directly or indirectly interested. Whenever the amount of a contract for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the City is estimated to exceed the amount specified in Minn.. Stat. § 471.345, Subd. 3, the contract shall be left to the lowest responsible bidder, after notice has been published once in the official newspaper at least ten days in advance of the last day for the submission of bids. If the amount of the contract exceeds $1,000.00 it shall be entered into only after compliance with Minn. Stat § 471.345. Reference: Minn. Stat. 412.311.

Subd. 5. Specific Powers of the Council. The city council shall have power to perform all functions granted by Minn. Stat § 412.221, including but not limited to: (a) to make such contracts as may be deemed necessary or desirable to make effective any power possessed by the council; (b) to construct or acquire structures and buildings needed for city purposes; (c) to provide for the prosecution and defense of actions or proceedings at law in which the city may be interested; (d) to lay out, open, change, widen or extend streets, alleys, parks, squares, and other public ways and grounds and to grade, pave, repair, control, and maintain the same; (e) to establish and maintain drains, canals, and sewers, and to alter, widen, or straighten water courses; (f) to lay, repair, or otherwise improve or discontinue sidewalks, paths and crosswalks; (g) to provide for lighting the streets, buildings, or other grounds by gas, electricity of other means; (h) to provide for, and regulate the setting out and protection of trees, shrubs, and flowers in the city or upon its property; (i) to acquire, hold, manage and regulate cemetery grounds; (j) to establish markets, and restrain sales in streets; (k) to provide and regulate the use of wells, cisterns, reservoirs, waterworks and other means of water supply; (l) to provide hospitals and establish a hospital board; (m) to establish a fire department, appoint its members and prescribe their duties; (n) to name or rename the streets and public places of the city and to number the lots and blocks of the city; (o) to restrain or license and regulate auctioneers, and transient merchants; (p) to regulate the keeping of animals and to restraint their running at large; (q) to restrain and punish vagrants, prostitutes, and persons guilty of lewd conduct; (r) to regulate the construction of buildings; (s) to provide for the health or safety of the city; (t) to define nuisances and provide for their prevention or abatement; (u) to regulate and prevent noise or other disorder; (v) to provide for the government, good order and general welfare of the City.

Subd. 6. Council to Control Finances. The city council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts and the safekeeping and disbursement of public monies.

Subd. 7. Annual Tax Levy. The city council shall make its annual tax levy by resolution, which may contain taxes for the following levies as authorized by law; (a) a tax for the payment of principal and interest on outstanding obligations of the city as provided by Minn. Stat § 475.61, 475.73, and 475.74; (b) a tax for the payment of judgments; (c) a tax to provide musical entertainment to the public; (d) a tax for band purposes pursuant to Minn. Stat.

§ 449.09; (e) a tax for municipal forests pursuant to Minn. Stat §459.06; (f) a tax for advertising purposes pursuant to Minn. Stat. § 469.189; (g) a tax for forest fire protection pursuant to Minn. Stat § 88.04; (h) a tax for the public utilities fund pursuant to Minn. Stat § 412.251, Subd. 8; (i) a tax for support of a public library pursuant to Minn. Stat § 134.07; (j) a tax for firefighters' relief association purposes pursuant to Minn. Stat § 69.772, Subd. 4; § 69.773, Subd. 5; or other statutes; and (k) any other special taxes authorized by law.

Subd. 8. Disbursements. No disbursements of city funds shall be made except by an order-check drawn by the Mayor and attested by the Clerk or Treasurer. No order-check shall issue until the claim to which it relates has been audited and allowed by the council, except when the exact amount of such claim has been previously determined by contract authorized by the council and is issued for payment of a judgment; salary or wage previously fixed by the council or by statute; principal or interest on an obligation; rent or other fixed charge, or as otherwise provided in subparagraphs C, D, and F of this subdivision.

A. Payment of Claims. Except for wages paid on an hourly basis, a claim for money due on goods or services shall be made in writing, shall be itemized and shall contain a signed declaration by the person claiming payment or the claimant's agent that the claim is just and correct and that no part of it has been paid; but the council, in its discretion, may allow a claim prepared by the Clerk or Treasurer without declaration, if the declaration is made by an endorsement on the order-check by which the claim is paid. All payment of claims for wages shall be made in accordance with the provisions of Minn. Stat § 412.271, Subd. 2.
B. Endorsement on Claims. The Clerk or Treasurer shall endorse on each claim required to be audited by the council the word "disallowed" if such be the fact, or, "allowed in the sum of $....," if approved in whole or part, specifying in the latter case the items rejected. Each order-check issued on a claim made without declaration, shall have printed on its reverse side the declaration required in subparagraph A of this subdivision: "The undersigned payee, in endorsing this order-check, declares that the same is received in payment of a just and correct claim against the City of Hills, and that no part of such claim has heretofore been paid."
C. Immediate Payment of Claims. When payment of a claim based on contract cannot be deferred until the next council meeting, without loss to the city through forfeiture of discount privileges or otherwise, it may be paid immediately if the itemized claim is endorsed for payment by at least a majority of all the members of the council. The claim shall be acted upon formally at the next council meeting in the same manner as if it has not been paid, and the earlier payment shall not affect the right of the city of any taxpayer to challenge the validity of the claim.

D. Imprest Funds. The council may establish one or more imprest funds, by a transfer from the general fund, for the payment in cash of any proper claim against the city which it is impractical to pay in any other manner, except that no claims for salary or personal expenses of an officer or employee shall be paid from such funds. The council shall appoint a custodian of each such fund who shall be responsible for its safekeeping and disbursement according to law. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the council at the next council meeting after the disbursements have been made. The council shall act upon said claim as in the case of other claims and an order shall be issued to the fund custodian for the amount approved to replenish the fund. If the council fails to approve the claim in full for any sufficient reason, the fund custodian shall be personally responsible for the difference.

E. Independent Boards and Commissions. Subparagraphs C and D of this subdivision shall apply to any independent board or commission of the city having authority to disburse funds without the prior approval of the council. In such case, references in these provisions to "the council" shall be considered to be to the board or commission and the money for the fund may be secured from any undedicated fund under the jurisdiction of the board or commission.

F. No Delegation of Authority for Paying Claims. No delegation of the council's authority, pursuant to Minn. Stat § 412,271, Subd. 8, to pay certain claims made against the city has been made to any city official.

Subd. 9. Official Newspaper. The city council shall, annually at its first meeting of the year, designate a legal newspaper of general circulation in the city as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be published and such matters as the council may deem it advisable and in the public interest to have published in this manner. Reference: Minn. Stat § 412.831

SECTION 2.03. CITY SEAL. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk or Treasurer and affixed by him or her. The official City Seal shall be a circular disc having engraved thereupon "CITY OF HILLS" and such other words, figures or emblems as the city council may, by resolution, designate.

SECTION 2.04. COUNCIL MEETINGS.

Subd. 1. Time and Place. Regular meetings of the city council shall be held in the Council Chambers on the second Tuesday of each month. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on an alternative date to be set by the city council. All

council meetings shall be open to the public pursuant to the Minnesota Open Meeting Law, unless closed to the public pursuant to statue.

Subd. 2. Special Meetings. Special meetings of the city council may be called by the Mayor, or by any two other members of the city council, by writing filed with the City Clerk or Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk or Treasurer to each member of the city council by mailing a copy of such filing to all members who did not sign or issue the call at least three (3) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the city council when all council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk or Treasurer prior to the beginning of the meeting. Any special meeting attended by all council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the city council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the city council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute. Reference: Minn. Stat. § 471.705 (Open Meeting Law).

SECTION 2.05. ELECTION: DATE AND TERMS OF OFFICE.

Subd. 1. Date of Election. The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year.

Subd. 2. Terms. Council members shall be elected for four-year staggered terms, with two council members standing for election at each biennial election. The Mayor shall be elected for a four-year term. The terms of elective office shall commence on the first business day of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 3. Vacancy. A vacancy in office shall be filled by council appointment until an election is held as provided by Minn. Stat. § 412.02, Subd. 2a.

SECTION 2.06. CITY CLERK OR TREASURER.

Subd. 1. Offices Combined. Pursuant to the authority granted by Minn. Stat § 412.591, the offices of the Clerk and Treasurer may be combined into the office of the Clerk or Treasurer and thereafter the duties of the Treasurer and Clerk shall be performed by the Clerk or Treasurer.

Subd. 2. Audit. It shall be the responsibility of the Clerk and Treasurer to arrange for, in conformance with the laws of the State of Minnesota, an annual audit of the City's financial

affairs by the State Auditor or a public accountant in accordance with minimum procedures prescribed by the State Auditor.

Subd. 3. Duties of Clerk and Treasurer. The Clerk and Treasurer shall give the required notice of each regular and special election, record the proceeding thereof, notify officials of their election or appointment to office, certify to the county auditor all appointments and the results of all city elections. The Clerk or Treasurer shall keep (1) a minute book, noting therein all proceedings of the council; (2) an ordinance book to record at length all ordinances passed by the council; and (3) an account book to enter all money transaction of the city including the dates and amounts of all receipts and the person from whom the money from whom the money was received and all orders drawn upon the Treasurer with their payee and object. The Clerk or Treasurer shall act as the clerk and bookkeeper of the City, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish such notices, ordinances and resolutions a may be required and shall perform such other appropriate duties as may be imposed by the council. With the consent of the council, the Clerk or Treasurer may appoint a deputy for whose acts the Clerk or Treasurer shall be responsible and whom the Clerk or Treasurer may remove at pleasure. The Clerk or Treasurer shall possess all powers granted by Minn. Stat § 412.151.

Subd. 4. Financial Duties. The Clerk and Treasurer shall receive and safely keep all monies belonging to the City, including monies received in operation of any municipal liquor dispensary maintained by the city, and shall promptly enter in a book provided for the purpose an account of all monies received and disbursed as treasurer, showing the source and objects thereof with the date of each transaction. The Clerk or Treasurer shall pay out money only upon the written order of the Mayor, duly approved by the council and attested by the Clerk or Treasurer; or upon the written order of such other officers of independent boards or commissions as are authorized to issue orders in the course of board or commission operations; or as otherwise allowed by law. Such orders when paid and canceled shall be retained as treasurer's vouchers. Such accounts and vouchers shall be exhibited to the council upon request. The Clerk or Treasurer shall, immediately after the close of the calendar year, make out and file in the Office of the City Clerk for public inspection, a report of balances, receipts and disbursements of city funds for the year. The Clerk or Treasurer shall possess all powers granted by Minn. Stat § 412.141.

SECTION 2.07. APPROVAL OF MINUTES. The minutes of each council meeting shall be reduced to typewritten form, shall be signed by the Clerk or Treasurer, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

SECTION 2.08. ORDER OF COUNCIL BUSINESS.

Subd. 1. Order Established. Each council meeting shall be convened by the Mayor, who is the presiding officer. In the absence of the Mayor, the council will appoint one of its members to act as temporary presiding officer. Council business should be conducted in the following order unless varied by the presiding officer:

A. Call to Order
B. Roll Call
C. Approval of Minutes
D. Consent Agenda
E. Public Hearings
F. Petitions, Request, and Communications
G. Ordinances and Resolutions
H. Reports of officers, boards and commissions
I. Unfinished business
J. New Business
K. Miscellaneous
L. Adjournment

Subd. 2. Petitions and Agenda. Petitions and other papers addressed to the council shall be read by the clerk upon presentation of the same to the council. All persons desiring to present new business before the council, shall inform the clerk thereof at least 72 hours before said new business is to be heard. The clerk may prepare an agenda of said new business for submission to the council on or before the time of the next regular meeting.

(Sections 2.09 through 2.29, inclusive, reserved for future expansion.)

Section 2.30. DEPARTMENTS GENERALLY.

Subd. 1. Appointment. All Department Heads and employees shall be appointed by the city council. All appointments shall be for an indeterminate term.

Subd. 2. Compensation. All wage and salary scales shall be fixed and determined by the city council.

Subd. 3. Table of Organization and Lines of Responsibility. The city council may by resolution adopt, amend, and from time to time revise, a Table of Organization and define lines of responsibility and authority for the efficient governmental organization of the City.

Subd. 4. Budgetary Information. The Heads of all Departments shall, prior to September 15 in each year, file with the City or Treasurer the projected financial needs of his or her Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the City.

SECTION 2.31. LAW ENFORCEMENT. The council may contract for the provision of such law enforcement services as are deemed necessary for the health, safety, and welfare of its citizenry.

SECTION 2.32. FIRE DEPARTMENT. A Volunteer Fire Department is hereby established. The size, composition and remuneration shall all be established by resolution of the city council and any such other board or boards having control over, or an interest in said volunteer fire department. Composition and remuneration may be changed from time-to-time by subsequent resolution. The city council and such other board or boards which may have an interest therein, may also establish written rules and regulations of the Department, a copy of which shall be distributed to each voting member. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the city council and any such other board having an interest therein. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. The Chief shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. The chief shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. IN case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the responsibilities of the Chief. The Chief of the Fire Department shall make and file such reports as may be required by the city council.

SECTION 2.33. LEGAL DEPARTMENT. A Legal Department is hereby established. The city council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary, who shall serve at the pleasure of the city council. The City Attorney shall perform such duties as are required of him by law and referred to him by the city council. It shall be the official duty of the City Attorney to act as “Revisor of Ordinances”.

(Sections 2.34 through 2.49, inclusive, reserved for future expansion.)

SECTION 2.50. BOARDS AND COMMISSIONS GENERALLY. All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed by the city council at the first regular meeting in December of each year. The term of each appointee shall be established and stated at the time of his appointment, and terms of present Board and Commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office on January 1st, December 31st being the date of expiration of terms. Provided, however, that all appointees to Boards and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filed in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term, but the appointment shall be effective immediately when made and only for the unexpired term. All appointed Board and Commission members may receive a stipend to be established by the city council and may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the city council before they were incurred. The Chairman and Secretary shall be chosen from and by the Board or Commission

membership annually to serve for one year, provided that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Board members shall be limited to serving six consecutive years, or two terms, whichever is greater. Any Board or Commission member may be removed by the city council for misfeasance, malfeasance or non-feasance in office and his position filled as any other vacancy. Each Board and Commission shall hold its regular meetings at a time approved by the city council. All members shall be residents of the City, except that one member of each Board or Commission may be a resident of Rock County and non-resident of the City, if the city council deems such arrangement more representative. Except for members of the city council, no person shall serve on more than one Board or Commission at the same time. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

(Sections 2.51 through 2.70, inclusive, reserved for future expansion.)

SECTION 2.71. PERSONNEL RULES AND REGULATIONS. The city council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time to time be amended.

SECTION 2.72. STATUTORY RULES ADOPTED. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, are adopted by reference and made part of this code. As so adopted, references in that Chapter to laws and statutes mean provisions of this code and references to the legislature mean the council.

SECTION 2.73. RIGHT OF ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the City Clerk or Treasurer or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the city council upon serving a written request therefor upon the Mayor and City Clerk or Treasurer at least five (5) days prior to any regular city council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his own motion of the appellant, the City Clerk or Treasurer, or a member of the city council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

SECTION 2.74. RULES OF PROCEDURES FOR APPEALS AND OTHER HEARINGS. The city council may adopt by resolution certain written rules of procedures to be followed in all administrative appeals and other hearings to be held before the city council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SECTION 2.75. INTERIM EMERGENCY SUCCESSION.

Subd. 1. Purpose. Due to the existing possibility of a national emergency or a natural disaster requiring a declaration of a state of emergency, it is necessary to insure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their office.

Subd. 2. Succession to Local Offices. In the event of an act or declaration of war upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, council members and City Clerk or Treasurer shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

A. By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes, respectively.
B. They shall review and record the specific facts relating to the national emergency or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.
C. They may, based on such facts, declare a state of emergency.
D. By majority vote of those persons present, regardless of number, they shall fill all positions on the city council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.
E. Such interim successors shall serve until such time as the duly elected official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3. Duties of the Interim Emergency Council. The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

Subd. 3. (Sections 2.76 through 2.88 inclusive, reserved for future expansion.)

SECTION 2.89. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

CHAPTER 3

MUNICIPAL UTILITIES – RULES AND REGULATIONS

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

1. "Municipal Utility" means a City-owned utility system, including, but not by way of limitation, water, sewerage, electric and refuse service.
2. "Consumer" and "Customer" mean any user of a utility.
3. "Service" means providing a particular ability to a customer or consumer.
4. "Public Utilities Commission" means the Public Utilities Commission of the City and certain specific references here in to the "City" shall include the City acting through the Public Utilities Commission where the language or context clearly indicates such reference.

SECTION 3.02. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

(Sections 3.03 through 3.10, reserved for future expansion).

SECTION 3.11. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS.

Subd.1. Use of Water or Sewer System Restricted. No person other than a city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this Chapter. No person shall make or use any such installation contrary to the regulatory provisions of this Chapter.

Subd. 2. Applications for Service. Application for a water or sewer service installation and for water service shall be made to the City Council of Hills on forms furnished by the city. The applicant's signature shall be an agreement to conform to this Chapter and to rules and regulations that may be established by the city as conditions for the use of water.

Subd**. 3. Fees or Deposits.** Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this Chapter. When a water service connection has been installed, application for water service may be made either by the owner or the owner's agent or by the tenant or occupant of the premises.

SECTION 3.12. CHARGES FOR SERVICE CONNECTIONS.

Subd. 1. Permit and Fee. No connection shall be made to the city water or sanitary sewer system without a permit received from the clerk. Fees shall be as set by the Council.

Subd. 2. Connection Fees. When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and necessary street repairs.

Subd. 3. Permit Issuance Requirements. No permit shall be issued to connect with any water or sanitary sewer main unless the clerk certifies to the truth of one of the following or the payment required under subdivision 4 is made:

A. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
B. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
C. That, if neither of the foregoing is true, a sum equal to the portions of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the City.

Subd. 4. Additional Connection Fee. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform change which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

SECTION 3.13. ACCOUNTING, BILLING AND COLLECTION.

Subd. 1. Owner Responsibility. The owner shall be liable for water supplied or sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for Service. Water and sewer service charges shall be billed in such manner as the council shall deem appropriate.

Subd. 3. Delinquent Accounts. All charges for water and sewer shall be due on the date specified by the city for the respective account and shall be delinquent 30 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where

satisfactory arrangements for payments have not been made, the clerk may, after the procedural requirements of subdivision 4 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee and/or deposit as deemed appropriate by the council. Delinquent accounts shall be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Procedure for Shutoff of Service. Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be delivered by certified mail and shall state that If payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests hearing before the date specified, a hearing shall be held on the matter by the council at least one week after the date of the request. If as a result of the hearing, the council finds that the amount claimed to be owing is actually due and unpaid and there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

SECTION 3.14. PROTECTION OF PUBLIC AND CITY.

Subd. 1. Permit and Bond. A permit for construction and connection of the extension between a building dram and the sewer main or stub, herein called the building sewer, or for construction of a water main or stub, shall be issued only upon application by a person who has furnished a bond either to the clerk or to the secretary of state under Minn. Stat 326.40. The bond shall be in the amount of $2,000.00 conditioned so as to secure compliance by the principal with the provisions of this code and to further secure the person’s performance of all work undertaken within the city.

Subd. 2. Liability Insurance. Before undertaking the construction work authorized by the permit, the person shall secure and maintain a policy of insurance against damages to property or injury or death to individuals. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least $300,000 per claimant and $750,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the city prior to construction work and

such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the person shall indemnify and save harmless the city and its personnel in like manner.

Subd. 3. Indemnification by Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. The owner shall indemnify the city for any loss or damage directly or indirectly caused by its installation. The clerk shall establish rules and regulations for the improper implementation of these requirements which, when approved by the council by resolution, shall govern the installation of building sewers and connections.

(Sections 3.15 through 3.20, reserved for future expansion).

SECTION 3.21. GENERAL WATER REGULATIONS.

Subd. 1. Discontinuance of Service. The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in Section 3.13, Subdivision 4, for non-payment of charges, or for violation of rules and regulations affecting utility service.

Subd. 2. Supply from One Service. No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subd. 3. Turning on Water, Tapping Mains. No person expect an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a city permit.

Subd. 4. Repair of Leaks. The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the consumer fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the sum of $25.00 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

Subd. 5. Use of Fire Hydrants. No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the city fire chief or council.

Subd. 6. Private Water Supply. No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water

supply. When any such connection is found, the clerk shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted Hours. Whenever the council determines that a storage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged a sum of $25.00 for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

SECTION 3.22. METERS.

Subd. 1. Meters Required. Except for extinguishing fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the clerk shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd. 2. Maintenance. The city shall maintain and repair at its expense any meter that has been unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charge is paid.

Subd. 3. Complaints; Meter Testing. When a customer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of $50.00 have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subd. 4. Meters Property of the City. Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

Subd. 5. Meter reading and Inspection. Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

SECTION 3.23. PLUMBING REGULATIONS.

Subd. 1. Service Pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet between the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cork with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. PVS tubing shall be used for all services of two inches or less. Joints on tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be PVC. Connections with the mains for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent and shall be fitted with appropriate saddles.

Subd. 2. Water Meter Setting. Every water meter shall be installed in accordance with the following provisions:

A. The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inches above the floor.

B. The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside of the of the basement wall unless a different position is approved by the city clerk or the clerk's designee. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

C. Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.

D. The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

E. Deviation from the installation specifications in the subdivision shall be by council approval only.

SECTION 3.24. WATER RATES.

Subd. 1. Council to Fix Rates. The City Council shall fix the rates of all public utilities.

SECTION 3.25. WELL CONSTRUCTION PERMIT.

Subd. 1. Permits. Before proceeding within the city with construction or reconstruction of any well, which involves drilling or casing insertion, the owners of the premises upon which the well is located or to be located shall obtain a permit from the council.

Subd. 2. Application and Fee. Application for a well permit shall be in writing on a form provided by the clerk, shall contain the information required thereon and shall be accompanied by a fee of $25.00.

Subd. 3. Council Consideration. The council shall study the proposed well location, design, depth, capacity, cost, and proposed water use, and consider the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the city and surrounding areas. The council shall deny the permit if it finds facts that show, and determines by resolution that the health, safety, and welfare of the public, require denial.

(Sections 3.26 through 3.30, reserved for future expansion)

SECTION 3.31. SANITARY SEWER SYSTEM.

Subd. 1. Requirements for Building Sewer. Building sewer construction shall meet the requirements of the Minnesota building and plumbing codes.

SECTION 3.32. SEWER SYSTEM REGULATIONS.

Subd. 1. Discharge of Surface Water, etc. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, cooling water, or unpolluted industrial process waters into any sanitary sewer. No rain spout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer.

Subd. 2. Non-acceptable Wastes. No person shall discharge or permit to be discharged into public sewer any of the following wastes:

A. Any liquor or vapor having a temperature in excess of 180 degrees Fahrenheit;

B. Any water or waste having a five-day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;

C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

D. Any garbage that has not been properly shredded;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, carbide, or other matter that may interfere with the proper operation of the sewers or sewage treatment plant;

F. Any water or waste having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;

G. Any water or waste containing a toxic or poisonous substance, whether or not listed as a hazardous waste by Section 7045.0135, Minnesota Rule 1985, in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant;

H. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand inceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subd. 4. Control Manhole Required. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the city engineer. The owner shall maintain the manhole so as to be safe and accessible for cleaning and inspection.

Subd. 5. Separate Sewers. A separate and independent sewer shall be provided for every building connected to the sewer system except that the council may waive this requirement where it finds that a separate sewer for a building is impractical.

Subd. 6. Right of Entry. Authorized employees of the city, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties connected to the city sanitary sewer system for the purpose of inspection, observation, measurement, sampling, and testing.

A. The premises of any property owner or occupant, who refuses entry to a city employee, after a proper request as provided for in this Section, shall be terminated from the connection with the city sanitary sewer system. Such termination from the connection shall be effected by the city only after a hearing before the city council upon 10 days mailed notice to the owner or occupant concerned.

B. The requirements of this code section for connection to the city sanitary sewer system, shall not be applicable to property disconnected under this Section. However, any such property producing sewage shall be equipped with an adequately maintained and liquid tight holding tank.

SECTION 3.33. SEWER CONNECTION REQUIRED:

Subd. 1. General Requirement. When property abuts upon any public street or alley along which water and sewer mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install suitable toilet facilities therein and connect them with the sanitary sewer in accordance with the provisions of this ordinance within 90 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant in writing by the city clerk on order of the council.

Subd. 2. Connection by City. Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution direct that a toilet be installed and connection made with the water and sewer system and that the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subd. 3. Assessment. After the installation and connection have been completed pursuant to council resolution, the clerk shall serve a written notice of the assessment upon the owner or the owner's representative directing the owner to pay the assessment to the treasurer within 10 days after the service of the notice. If the assessment is not paid within 10 days, the clerk shall certify the amount to the county auditor for collection in the same manner as other special assessments. The council may be resolution spread the assessment over a three-year period. The Council may, by resolution, assess the cost over an extended period at its own discretion, unless otherwise negotiated.

SECTION 3.34. SEWER RATES.

Subd. 1. Council to Fix Rates. The City Council shall fix the rates of all public utilities.

Subd. 2. Effluent of Unusual Strength or Quantity. Where it appears that sewage of unusual strength or quantity is being disposed from any premises, the council may cause an

investigation to be made and upon the facts may determine equitable and reasonable sewer charges against the owner, occupant, or lessee of the premises for sewer service.

Subd. 3. Required Information. The owner, occupant, or person in charge of any premises shall supply the city with such information as it may reasonably require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this Section constitutes a violation of this Section.

Subd. 4. Disposition of Revenues. All revenues derived from charges imposed under this Section shall be credited to the sewer fund.

SECTION 3.35. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

Subd. 1. Definitions. For the purposes of this part, the following words and phrases have the meanings given them in this Section.

Subd. 2. Sewage. Sewage is any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry , and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Subd. 3. Individual Sewage Treatment System. An individual sewage treatment system is a sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word “system” as it appears in this ordinance means “individual sewage treatment system”.

Subd. 4. Building Drain. The building drain is part of a building drainage system which receives the discharge from soil, wastes, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

Subd. 5. Building Sewer. The building sewer is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

SECTION 3.36. CODE ADOPTED. Minnesota Rules 1988, Chapter 7080 as amended (Individual Sewage Treatment Standards) are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Before publication of this code of ordinances the clerk shall mark at least one copy of Chapter 7080 as an official copy and file it in the clerk’s office for use and examination.

SECTION 3.37. LICENSING.

Subd. 1. License Required. No person shall engage in the business of installing or constructing sewage treatment systems within the city without first obtaining a license to carry on such occupation from the city and procuring and posting with the city clerk a bond in the amount of $1,000 in favor of the city and the public, conditioned upon the faithful performance of contracts and compliance with this part of the ordinance. Such license shall be renewable annually on or before January 1st and may be revoked as provided in this code for licenses generally. Any installation, construction, alteration or repair of a system by a licensee in violation of the provisions of Section 3.36 or refusal on the part of a licensee to correct such defective work performed by such licensee, shall be cause for revocation of or refusal to renew a license.

Subd. 2. Revocation/Refusal. Before any license issued under the provisions of this Section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license should not be revoked or refused. Notice of the time, place, and purpose of such hearing shall be in writing.

SECTION 3.38. PERMITS.

Subd. 1. Permit required. No person shall install, alter, repair, or extend any individual sewage treatment system in the city without first obtaining a permit therefor from the council or its authorized representative for the specific installation, alteration, repair, or extension.

Subd. 2. Applications. Applications for permits shall be made in writing upon printed blanks or forms furnished by the clerk and shall be signed by the applicant.

Subd. 3. Contents. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size, and design of all parts of the system to be installed, altered, repaired, or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the council.

SECTION 3.39. ADMINISTRATION AND INSPECTION.

Subd. 1. Inspection Required. The City Council shall designate an individual to enforce the provisions of this Chapter and shall make such inspection or inspections as are necessary to determine compliance with the provisions of the ordinance. No part of the system shall be covered until it has been inspected and accepted by a designated city employee. It shall be the responsibility of the applicant for the permit to notify the designated

city employee that the job is ready for inspection or re-inspection, and it shall be the duty of the designated city employee to make the indicated inspection within 48 hours after receiving notice. It shall be the duty of the owner or occupant of the property to give the designated city employee free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system the designated city employee shall issue to the applicant a certificate of approval.

Subd. 2. Violation and Reinspection. If upon inspection the city discovers that any part of the system is not constructed in accordance with the minimum standards provided in this part, the city shall give the applicant written notification describing the defects. The applicant shall pay an additional fee of $25.00 for each re-inspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

SECTION 3.40. OBJECTIVES. The objectives of this part are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual, or new design which will satisfy the stated objectives may be accepted as complying with this ordinance and any permit granted for the construction, installation, alteration or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

(Sections 3.41 through 3.59, inclusive, reserved for future expansion).

SECTION 3.60. GARBAGE and RUBBISH. In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of this city; and in order to protect the area from the problems of uncoordinated, unsanitary, and improper solid waste disposal, the council hereby determines that it is in the best interest of the residents of the city to require licenses of persons collecting and/or hauling garbage and rubbish for hire, reserving to the city the right and authority to grant an exclusive refuse collection franchise to a single operator.

SECTION 3.61. FRANCHISE RIGHT RESERVED. The council hereby reserves the right to grant a franchise for the collection of garbage and rubbish. At some future time, the council may exercise its reserved right to provide for a franchise to a single operator for the collection of garbage and rubbish within the city.

SECTION 3.62. LICENSE REQUIRED. No person may collect or haul garbage or rubbish within the City of Hills without first obtaining a written license therefore, from the council. An application for license shall be submitted in writing to the city clerk, and shall contain the following information: (a) Name and address of the applicant; (b) Description of the equipment which will be used within the city by the applicant; (c) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city; (d) Evidence of the compliance with other applicable Sections of this Chapter.

SECTION 3.63. SUSPENSION OF LICENSE OR FRANCHISE. A license or franchise issued under the provisions of this Chapter may be revoked or suspended for a violation of the Sections 3.60 through 3.67, or other applicable regulations of law, or upon a showing that the licensee or franchisee has failed to comply with the same.

SECTION 3.64. FINANCIAL RESPONSIBILITY AND BOND.

Subd. 1. Insurance Required. The licensee or franchisee shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by said licensee or franchisee shall be covered against loss or injury in the following amounts: $300,000.00 when the claim is one for death by wrongful act or omission and $300,000.00 to any claimant in any other case; $750,000.00 for any number of claims arising out of a single occurrence. Said licensee or franchisee shall also provide evidence of worker's compensation insurance for employees. Such insurance policy or policies shall be for the full term of the license or franchise and shall provide for the giving of 10 days prior notice to the city of the termination or cancellation of said policies. In case any of said policies are terminated, the license or franchise shall be automatically revoked upon receipt by the clerk of said termination or cancellation.

Subd. 2. Bond Required. The licensee or franchisee may be required to furnish a surety bond in such amount as the council deems necessary, running to and approved by the council, guaranteeing the licensee's or franchisee's faithful and continuous performance of the terms of the franchise, license, or contract and of this ordinance.

SECTION 3.65. DESIGN OF EQUIPMENT. All trucks or motor vehicles used by the licensee or franchisee shall be watertight so as not to allow leakage of liquids or refuse while hauling the same and shall be covered with a metal covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(Sections 3.66 through 3.98, inclusive, are reserved for future expansion)

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

CHAPTER 4

BEER, WINE, AND LIQUOR LICENSING AND REGULATION

SECTION 4.01. DEFINITIONS. As used in this Chapter, unless otherwise stated in specific Sections, the following words and terms shall have the meanings stated:

1. "Application" means a form with blanks or spaces thereon, to be filling in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the insurance of a license for a business.

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

3. "License" means a document, issued by the City, to an applicant permitting him to carry on and transact the business stated therein.

4. "Licensee" means an application who, pursuant to his approved application, holds a valid, current, unexpired license, which has neither been revoked nor suspended, from the City or carrying on the business stated therein.

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

6. "Liquor" means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein).

7. "Wine" means a beverage made within rectification or fortification by the fermentation of sound ripe grapes, grape juice, other fruits, or honey, and also carbonated win, wine made from condensed grape must, wine made from other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, containing not less than one-half of one percent nor more than fourteen percent alcohol by volume. (This definition includes so-called "wine coolers" with the alcoholic content limits stated herein).

8. "Beer" means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. (This definition includes so-called "wine coolers" and "non-alcoholic" beer with the alcoholic content limits stated herein).

9. "Off-Sale" means the retail sale of beer or liquor in original packages for consumption off or away from the premises where sold.

10. "On-Sale" means the retail sale of beer, wine or liquor, by the glass or by the drink, for consumption on the premises where sold only.

11. “Sale”, “Sell” and “Sold” mean all barters and all manners or means of furnishing beer, wine or liquor to persons, including such furnishing in violation or evasion of law.

12. “Manufacturer” means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces liquors, wine or beer for sale.

13. “Wholesaler” means any person engaged in the business of selling liquor, wine or beer to retail dealers.

14. “Package” and “Original Package” mean any container or receptacle holding liquor, wine or beer, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

15. “Club” means any corporation duly organized under the laws of this State for civic, fraternal, social, or business purposes or for intellectual improvement or for the promotion of sports, or a congressionally chartered veterans organization, which shall have more than fifty members, and shall, for more than a year, have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a Board of Directors, Executive Committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents, or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the Directors or other governing body. Such club or congressionally chartered veterans organization must be incorporated and must have been in existence for at least three years.

16. “Fraternal club” means a club which serves only members and their guests which uses any profits derived from liquor sales principally for sponsoring activities beneficial to the community and not for the profit of any individual.

17. “Restaurant” means any establishment, other than a hotel, under the control of single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefor, meals are regularly served at tables to the general public, which employs an adequate staff to provide the usual and suitable service to its guests, and which shall have seating facilities for seating not less than thirty guests at one time.

18. “Hotel” and “Motel” mean and include any establishment having a resident proprietor or manager, where, in consideration of payment therefor, food and lodging are regularly furnished to transients, and which contains not less than ten guest rooms with bedding and other suitable and necessary furnishings in each room, and which is provided with a

suitable lobby, desk and office for the registration of its guests at the main entrance and on the ground floor, which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has, as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty guests at one time, where the general public is, in consideration of payment therefor, served with meals at tables.

19. "Exclusive liquor store" as herein used means an off-sale or on-sale establishment used exclusively for the sale of beer or liquors, at retail and under the control of an individual owner or manager, and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, and soft drinks at retail.

20. "Church" means a building which is principally used as a place where persons of the same faith regularly assemble for the public worship of God.

21. "Alcoholic Beverage" means any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, beer, wine, and liquor as defined in this Section.

22. "Minor" means any natural person who either (1) has not attained the age of 21 years, or (2) was born after September 1, 1967, but before September 1, 1988.

23. "Malt Liquor" means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

SECTION 4.02. APPLICATIONS AND LICENSES UNDER THIS CHAPTER – PROCEDURE AND ADMINISTRATION.

Subd. 1. Application. All applications shall be made at the office of the City Clerk or Treasurer upon forms prescribed by the City, or if by the State of Minnesota, then together with such additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

Subd. 2. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form shall, upon discovery of such falsehood, work an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part thereof.

Subd. 3. Application and Investigation Fees. At the time of the initial application, an applicant for an on-sale liquor license, and an applicant for an on-sale wine license shall pay to

the City a fee as set by Resolution of the council, which fee shall be considered an application and investigation fee, not refundable to applicant, to cover the costs of the City in processing the application and the investigation thereof. No such fee shall be required of an applicant for a temporary beer license.

Subd. 4. Action.

A. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuring license year. All applications including proposed license periods must be consistent with this Chapter. Prior to the consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

B. Issuing. If an application is approved, the City Clerk or Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the City or the proper Department of the State of Minnesota, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

C. License Refundment in Certain Cases. In the event that, during the license year, the licensed premises shall be destroyed or so damaged by fire, or otherwise, that licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of his illness or death, or if it shall become unlawful for the license to carry on the licensed business under his license, except when such license is revoked, the City shall, upon the happening of any such event, refund to the licensee, or to his estate, such part of the license fee paid by him as corresponds to the time such license had yet to run. In the event of death of the licensee, his personal representative hereby authorized to continue operation of said business for not more than ninety days after the death of such licensee.

D. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. NO license shall be transferable to a different location without prior consent of the Council and

payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

F. Revocation or Suspension. The council may revote or suspend, for a period not to exceed sixty days, a license granted under the provisions of this Chapter, or impose a civil fine not to exceed $2,000.00, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the City Code relating to alcoholic beverages. The Council may revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if such revocation is mandatory by Statute. If it shall be made to appear at the hearing thereon that such violation was not willful, the Council may order suspension; provided that revocation shall be ordered upon the third such violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing under the Administrative Procedures Act, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen nor more than thirty days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action; (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor; (2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

G. Waiver of Hearing on Revocation or Suspension. If within five (5) days after receipt of written notice of hearing on revocation or suspension, the licensee executes and delivers to the City Clerk or Treasurer an unequivocal waiver of hearing thereon, no hearing shall be held and the Council shall, at its next regular or special meeting, revoke or suspend the license on the basis of reports and other information then in its possession. If no such waiver is filed with the City Clerk or Treasurer within the time limited, the hearing shall

proceed as noticed and all costs and expenses for such hearing incurred by the City (as well as those incurred by the licensee) shall be paid by the licensee.

Subd. 5. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk or Treasurer without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of $2.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 7. Persons Disqualified.

A. No license under this Chapter may be issued to: (1) a person not a citizen of the United States or a resident alien; (2) a person who within five years of the license application has been convicted of a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; (3) a person who has had an alcoholic beverage license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; (4) a person under the age of twenty-one years; or, (5) a person not of good moral character and repute.

B. No person holding a license from the Commissioner as a manufacturer, brewer or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the City.

Section 4.03. RENEWAL OF LICENSES. Applications for renewal of all licenses under this Chapter shall be made at least sixty (60) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause, and upon payment of a $25.00 late application fee.

Section 4.04. DELINQUENT TAXES AND CHARGES. No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owned and are delinquent and unpaid.

SECTION 4.05. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such special conditions and

restrictions, in addition to those stated in this Chapter, upon any license as it, in its discretion, may deem reasonable and justified.

SECTION 4.06. PREMISES LICENSED. Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

SECTION 4.07. UNLAWFUL ACTS.

Subd. 1. Consumption. It is unlawful for any person to consume, or any licensee to permit consumption of, beer, wine or liquor on licensed premises more than thirty (30) minutes after the hour when a sale thereof can legally be made.

Subd. 2. Closing. It is unlawful for any person, other than a licensee or his bona fide employee actually engaged in the performance of his duties, to be on premises licensed under this Chapter more than thirty (30) minutes after the legal time for making licensed sales.

SECTION 4.08. CONDUCT ON LICENSED PREMISES. Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

SECTION 4.09. SALE BY EMPLOYEE. Any sale of an alcoholic beverage in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as of the person actually making the sale; and every such employer is liable to all the penalties, except criminal penalties, provided by law for such sale, equally with the person actually making the sale.

SECTION 4.10. LICENSE CONDITION AND UNLAWFUL ACT.

Subd.1. All premises licensed under this Chapter shall at all times be open to inspection by any police officer to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by such officers and without a warrant for searches or seizures.

Subd. **2.** It is unlawful for any licensee, or agent or employee of a licensee, to hinder or prevent a police officer from making such inspection.

SECTION 4.11. FINANCIAL RESPONSIBILITY OF LICENSES.

Subd. 1. Proof. No beer, wine or liquor license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility imposed by Minnesota Statutes by filing with the City:

A. A certificate that there is in effect an insurance policy or pool providing minimum coverages of (1) $50,000.00 because of bodily injury to any one person in any

one occurrence, and, subject to the limit for one person, in the amount of $100,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one occurrence, and (2) $50,000.00 for loss of means of support of any one person in any one occurrence, $100,000.00 for loss of means of support of two ore more persons in any one occurrence; an annual aggregate of $300,000.00 may be included in the insurance coverage; or,

B. A bond of a surety company with minimum coverages as provided in Subparagraph A of this Subdivision; or,

C. A certificate of the State Treasurer that the licensee has deposited with him $100,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.00.

Subd. 2. Exception. This Section does not apply to on-sale beer licenses with sales of beer of less than $10,000.00 for the preceding year, nor to off-sale beer licensees with sales of beer of less than $20,000.00 for the preceding year, nor does it apply to holders of on-sale wine licenses with sales of wine of less than $10,000.00 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this Subdivision.

SECTION 4.12. INSURANCE CERTIFICATE REQUIREMENTS. Whenever an insurance certificate is required by this Chapter the applicant shall file with the City Clerk or Treasurer a certificate of insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be canceled or terminated without thirty days written notice served upon the City Clerk or Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

SECTION 4.13. MINORS AS DEFINED IN SECTION 4.01 – UNLAWFUL ACTS.

Subd. 1. Consumption. It is unlawful for any:

A. Licensee to permit any minor to consume alcoholic beverages on licensed premises.

B. Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

Subd. 2. Purchasing. It is unlawful for any person:

A. To sell, barter, furnish, or give alcoholic beverages to a minor unless such person is the parent or guardian of the minor, and then only consumption in the household of such parent or guardian.

B. Minor to purchase or attempt to purchase any alcoholic beverage.

C. To induce a minor to purchase or procure any alcoholic beverage.

Subd. 3. Possession. It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of his parent or guardian.

Subd. 4. Entering Licensed Premises. It is unlawful for any minor, as defined in the Chapter, to enter licensed premises for the purpose of purchasing or consuming alcoholic beverage. It is not unlawful for any person who has attained the age of eighteen years to enter licensed premises for the following purposes: (1) to perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute; (2) to consume meals; and (3) to attend social functions that are held in a portion of the establishment where liquor is not sold. It is unlawful for a license to permit a person under the age of eighteen years to enter a licensed premises unless attending a social event at which alcoholic beverages are not served, or in the company of a parent or guardian.

Subd. 5. Misrepresentation of Age. It is unlawful for a minor to misrepresent his age for the purpose of purchasing an alcoholic beverage.

Subd. 6. Proof of Age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, a Minnesota Identification card, or, in the case of a foreign national, by a valid passport.

SECTION 4.14. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS. It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(Sections 4.15 through 4.29, inclusive, reserved for future expansion.)

SECTION 4.30. BEER LICENSE REQUIRED. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of beer, as part of a commercial transaction, without a license therefor from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the City. Annual on-sale beer licenses may be issued only to drug stores, restaurants,

hotels, bowling centers, clubs, and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor at on-sale shall not be required to obtain an on-sale beer license, and may sell beer on-sale without an additional license. Any person licensed to sell liquor off-sale shall not be required to obtain an off-sale beer license, and may sell beer off-sale without an additional license.

SECTION 4.31. BEER LICENSE FEES.

Subd. 1. The annual on-sale beer license fee shall be established by Resolution and the council.

Subd. 2. The annual off-sale beer license fee shall be established by Resolution of the council.

Subd. 3. The daily temporary on-sale beer license fee shall be established by Resolution of the council.

SECTION 4.32. TEMPORARY BEER LICENSE.

Subd. 1. Applicant. A club or charitable, religious, or non-profit organization, duly incorporated as a non-profit or religious corporation under the laws of the State of Minnesota, and having its registered office and principal place of activity within the City, shall qualify for a temporary on-sale beer license, for serving beer off school grounds, and not in school buildings.

Subd. 2. Conditions.

A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in the calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the City, the applicant shall file with the City, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of $50,000.00 for injury to any one person and $100,000.00 for injury to more than one person, naming the City as an insured during the license period. Such license shall be issued only on the condition that the applicant will not sell in excess of $10,000.00 (retail value) worth of beer in any calendar year, and thereupon shall be except from proof of financial responsibility as provided for herein.

SECTION 4.33. BEER LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 1. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

Subd. 2. No licensee shall, during the effective period of such license, be the owner or holder of a Federal retail liquor dealer's tax stamp for the sale of intoxicating liquor, unless such owner or holder also holds a liquor license from the City, and ownership of holding thereof shall be grounds for immediate revocation, without a hearing.

Subd. 3. No license shall be granted to a wholesaler or manufacturer of beer or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 4. No person who has not attained the age of eighteen (18) years shall be employed to sell or serve beer in any on-sale establishment.

Subd. 5. Except as otherwise provided in this Chapter, no license shall be granted for any building within 300 feet of any public elementary or secondary school structure, or within 100 feet of any church structure.

Subd. 6. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operations of licensee's business.

SECTION 4.34. HOURS AND DAYS OF BEER SALES. No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, Monday through Saturday, inclusive. Neither shall any beer sale be made on any Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon.

SECTION 4.35. UNLAWFUL ACTS (BEER). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of beer.

Subd. 2. Licensee to sell or serve beer to any person who is obviously intoxicated.

Subd. 3. Licensee to fail, when doubt could exist, to require adequate proof of age of a person upon licensed premises.

Subd. 4. Licensee to sell beer on any day, or during any hour, when such sales are not permitted by law.

Subd. 5. Licensee to allow consumption of beer on licensed premises on any day when sales of beer are not permitted by law.

Subd. 6. Person to purchase beer on any day, or during any hour, when sale of beer are not permitted by law.

(Sections 4.36 through 4.49, inclusive, reserved for future expansion).

Section 4.50. LIQUOR LICENSE REQUIRED. It is unlawful for any person to sell, or keep or offer for sale, any liquor without a license therefor from the City. This Section shall not apply (1) to possession or handling for sale or otherwise of sacramental wine or any representative of any religious order or for use in connection with a legitimate religious ceremony, (2) to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes, (3) to industrial alcohol and its compounds not prepared or used for beverage purposes, (4) to wine in the possession of a person duly licensed under this Chapter as an on-sale wine licensee, or (5) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota and to sales by wholesalers to persons holding on-sale or off-sale licenses from the City.

SECTION 4.51. LIQUOR LICENSE FEES.

Subd. 1. The annual on-sale liquor license fee shall be established by Resolution of the council.

Subd. 2. The annual off-sale liquor license fee shall be established by Resolution of the council.

Subd. 3. The annual fraternal club on-sale liquor license fee shall be established by the Resolution of the council.

Subd. 4. The daily temporary on-sale liquor license fee shall be established by Resolution of the council.

SECTION 4.52. LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 1. Prior to issuance of any license the applicant shall file with the City Clerk or Treasurer a bond with a corporate surety, cash or United States government bond in the sum of $3,000.00 for an on-sale license and $1,000.00 for an off-sale license.

Subd. 2. No license shall be granted to a wholesaler or manufacturer of liquor, or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 3. No license shall be effective until a permit shall be issued to a licensee under the laws of United States, if such permit be required under such laws or the State of Minnesota.

Subd. 4. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

Subd. 5. No person under eighteen (18) years of age may sell or serve liquor on licensed premises.

Subd. 6. No licensee shall sell, offer for sale, or keep for sale, liquor in any original package which has been refilled or partly refilled.

Subd. 7. No licensee shall display liquor for sale to the public during hours when the sale of liquor is prohibited

Subd. 8. No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.

Subd. 9. No more than one license shall be held by any person. For the purpose of this Subdivision, any person owning a beneficial interest of five percent, or more, of any licensed establishment shall be considered a licensee.

Subd. 10. On-sale licenses shall be granted only to exclusive liquor stores, hotels, motels, restaurants, bowling centers, clubs, fraternal clubs, and congressionally chartered veterans organizations.

Subd. 11. The Council may issue the number of licenses authorized by statute or restrict such number from time to time as it may, in its discretion, deem proper.

Subd. 12. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

SECTION 4.53. HOURS AND DAYS OF LIQUOR SALES. No sale of liquor shall be made after 1:00 o'clock A.M. on Sunday, nor until 8:00 o'clock A.M. on Monday, nor after 8:00 o'clock P.M. on December 24. No on-sale shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday. No off-sale shall be made before 8:00 o'clock A.M. or after 10:00 o'clock P.M. on any weekday. No off-sale shall be made on New Year's Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25.

SECTION 4.54. UNLAWFUL ACTS (LIQUOR). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of liquor.

Subd. 2. Licensee to sell liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 3. Person to purchase liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 4. Licensee to sell or serve liquor to any person who is obviously intoxicated.

Subd. 5. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

SECTION 4.55. TEMPORARY LIQUOR LICENSE.

Subd. 1. License Authorized. Notwithstanding any provision of the City Code to the contrary, the Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. Such licensee may provide that the licensee may contract with the holder of a full-year on-sale license, issued by the City, for liquor catering service.

Subd. 2. Applicant. The applicant for a license under this Section must be a Club or charitable, religious, or other non-profit organization in existence for at least three years.

Subd. 3. Terms and Conditions of License.

A. No license is valid until approved by the Commissioner.

B. No license shall be issued for more than three consecutive days.

C. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

(Sections 4.56 through 4.69, inclusive, reserved for future expansion).

SECTION 4.70. ON-SALE WINE.

Subd. 1. On-Sale Wine License Required. It is unlawful for any person to sell, or keep or offer for sale, any wine without a license therefor from the City. This Section shall not apply (1) to possession or handling for sale or otherwise of sacramental wine or any representative of any religious ceremony, (2) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota, (3) to sales by wholesalers to persons holding on-sale or off-sale liquor licenses from the City, or (4) to sales by wholesalers to persons holding on-sale wine licenses from the City.

Subd. 2. On-Sale Wine License Fee. The annual on-sale wine license fee shall be established by Resolution of the council.

Subd. 3. On-Sale Wine License Restrictions and Regulations.

A. Prior to issuance of any one-sale wine license the applicant shall file with the City Clerk or Treasurer a bond with a corporate surety, cash, or United States government bonds in the sum of $3,000.00.

B. No license shall be granted to a wholesaler or manufacturer of wine, or to anyone holding a financial interest in such manufacture or wholesaling.

C. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

D. No person under the age of eighteen (18) years may sell or serve wine on licensed premises.

E. No licensee shall display wine for sale to the public on days or during hours when the sale of wine is prohibited.

F. No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.

G. No more than one license shall be held by any person. For the purpose of this Subparagraph, any person owning a beneficial interest of five percent, or more, of any licensed establishment shall be considered a licensee.

H. On-sale wine licenses shall be granted only to restaurants as defined in this Chapter. Provided, however, for purposes of this Section, such restaurant shall have appropriate facilities for seating not less than twenty-five guests at one time.

I. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

SECTION 4.71. HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSES. No sale of wine shall be made after 1:00 o'clock A.M. and 12:00 o'clock noon on Sunday, nor between 12:00 o'clock midnight and until 8:00 A.M. on Monday, nor between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, nor between the hours of 8:00 o'clock P.M. on December 24 and 8:00 A.M. on December 25.

SECTION 4.72. UNLAWFUL ACTS (WINE). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of wine.

Subd. 2. Licensee to sell wine on any day, or during any hour, when sales of wine are not permitted by law.

Subd. 3. Person to purchase wine on any day, or during any hour, when sales of wine are not permitted by law.

Subd. 4. Licensee to sell or serve wine to any person who is obviously intoxicated.

Subd. 5. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

Subd. 6. Licensee to sell wine except in conjunction with the sale of food.

(Sections 4.73 through 4.79, inclusive, reserved for future expansion).

SECTION 4.80. CONSUMPTION AND DISPLAY

Subd. 1. Definition. For purposes of this Section, the term "bottle club" is a "club" as defined in this Chapter, or an unincorporated society which, except for its lack of incorporation, otherwise meets the requirements of a club, and which is not otherwise licensed for the sale of liquor, either on-sale or off-sale or both.

Subd. 2. Consumption and Display License Required. It is unlawful for any bottle club or for any business establishment to allow the consumption or display of liquor or the serving of any liquid for the purpose of mixing liquor without a license therefor from the City, but a bottle club as herein defined and licensed may permit its members to bring and keep a personal supply of liquor in lockers assigned to such members.

Subd. 3. Consumption and Display License Fee. The annual consumption and display license fee is $300.00.

Subd. 4. Consumption and Display Restrictions and Regulations.

A. Every bottle, container or other receptacle containing liquor stored by a member of a bottle club shall have attached to it a label signed by the member of the club, shall be kept in a locker designated to the use of such member, and no other liquor shall be on a bottle club premises.

B. It is unlawful for any club member who is a minor to be assigned a locker for the storage of liquor or to consume or display liquor on any premises under control by such club.

C. No license may permit a person to consume or display liquor, and no person may consume or display liquor, between 1:00 o'clock A.M. and 12:00 o'clock noon on Sundays, nor between 1:00 A.M. and 8:00 o'clock A.M. on Monday through Saturday.

D. No license shall be issued to any bottle club when a member of the board, management, executive committee, or other similar body chosen by its members, or when a business establishment or the owner thereof holds a Federal retail liquor dealer's special tax stamp for the sale of liquor.

E. Liquor sold, served or displayed in violation of this Section shall be subject to seizure for purposes of evidence.

Subd. 5. Other Licenses. An on-sale liquor or wine licenses may also be licensed for consumption and display.

(Sections 4.81 through 4.89, inclusive, reserved for future expansion).

SECTION 4.90. NUDITY OR OBSENITY PROHIBITED.

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

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

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

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

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

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

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

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

(Sections 4.91 through 4.98, inclusive, reserved for future expansion).

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

CHAPTER 5

BUSINESS REGULATION AND LICENSING

SECTION 5.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. “Applicant” means any person making an application for a license under this Chapter.

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

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

4. “Business” means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated, by the terms and conditions of this Chapter, and not regulated by any other Chapter of the City Code.

5. “License” means a document issued by the City to an applicant permitting him to carry on and transact a business.

6. “Licensee” means an applicant who, pursuant to his application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business under this Chapter.

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

8. “Sale”, “Sell”, and “Sold” mean all forms of barter and all manner or means of furnishing merchandise to persons.

SECTION 5.02. APPLICATIONS. All applications shall be made as follows:

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

Subd. 2. All initial applications shall be accompanied by a payment of an investigation fee, if any, to cover the cost investigation as herein provided.

Subd. 3. All such applications must be subscribed, sworn to, and include, but not be limited to, the following:

A. Applicant's name, age and citizenship.

B. Applicant's present address and length of time he has lived at that address.

C. Applicant's occupation and length of time so engaged.

D. Applicant's addresses and occupations for the three years last preceding the date of application.

E. Names and addresses of applicant's employers, if any, for the three years last preceding the date of application.

F. Whether or not applicant has ever been convicted of a felony, gross misdemeanor, or misdemeanor, including violation of a municipal ordinance but excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.

G. Type of license and location of premises for which application is made.

H. At least four character references if applicant has not resided in the City for two years last preceding the date of application.

I. Such other information as the Council shall deem necessary considering the nature of the business for which license application is made.

Subd. 4. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 5. The City Clerk or Treasurer shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he deems necessary. The Council shall not consider an application before such investigation has been completed.

Subd. 6. Applications for renewal licenses may be made in such abbreviated form as the Council may be resolution adopt.

SECTION 5.03. ACTION OF APPLICATION, TRANSFER, TERMINATION and DUPLICATE LICENSE.

Subd. 1. Granting. The Council may grant any application for the period of the remainder of the then current calendar year or for the entire ensuring license year. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the City Clerk or Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of 1/12th for each calendar month or part thereof remaining in the then current license year. Provided, that for licenses where the fee is less than $100.00 a minimum license fee equal to one-half of the annual license fee shall be charged. Except as to licenses which are specifically City-wide, licenses shall be valid only at one location and on the premises therein described.

Subd. 3. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subdivision.

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

Subd. 5. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person who has been convicted of a felony within the past five years. Before revocation of any license, the Council shall give notice to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 6. Duplicate License. Duplicates of all original licenses may be issued by the City Clerk or Treasurer, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of $5.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

SECTION 5.04. FIXING LICENSE FEES. Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the City Clerk or Treasurer, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific

license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

SECTION 5.05. CARRYING OR POSTING. All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device, the City may provide a sticker for the current license year that shall be affixed to each machine or device requiring such sticker. All licenses shall display their licenses upon demand by any officer or citizen.

SECTION 5.06. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SECTION 5.07. RENEWAL OF LICENSES. Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as it required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SECTION 5.08. FRANCHISES.

Subd. 1. Definition. The term “franchise” as used in this Section shall be construed to mean any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

Subd. 2. Franchise Ordinances. The city council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public’s right in such places, or desiring the privileges of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Subd. 3. Power of Regulation Reserved. The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota.

Subd. 4. Conditions in Every Franchise. All conditions specified in this Section shall be a part of every franchise even though they may not be expressly contained in the franchise:

A. That the grantee shall be subject to and will perform on its part all the terms of this Section and will comply with all pertinent provisions of the City Code, as the same may from time to time be amended.

B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the State of Minnesota, in the manner following:

    1. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested.

    2. If possible, maximum rates and charges shall be arrived at by direct negotiation with the city council

    3. If direct negotiations fail to produce agreement, the city council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

C. That the city council shall have the right to require reasonable extensions of any public services system from time to time, and to make sure rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

D. That the Grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall no right to receive upon commendation proceedings brought by the City to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

F. That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires

thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the city council shall have the power to require such alterations therein, or relation or rerouting thereof, as the city council may at any time deem necessary for safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.

G. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute.

H. That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City.

Subd. 5. Further Provisions of Franchise. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the city council may deem proper to protect the City's interest, nor shall anything contained in this Section limit any right or power possessed by the City over existing franchises.

(Sections 5.09 through 5.29, inclusive, reserved for future expansion.)

SECTION 5.30. DANCES.

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

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

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

Subd. 2. License Required. It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefor from the City.

Subd. 3. Application and License:

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

B. All applications shall be accompanied by affidavits of two residents showing that the applicant is of good character and reputation in the community in which he lives, that he has not been convicted of a felony, gross misdemeanor, or violation of any public dance laws within the past five years. No license shall be issued to any person who has been so convicted.

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

D. Applications may be referred by the Council to any law enforcement agency for investigation and report prior to being acted upon by the Council.

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

F. A natural person shall be employed by the licensee, as an observer, to be present during the entire time the dance is held. The observer shall have available telephone or radio communications with on-duty police, and shall use such communication to report any violation of this Section, another provision of the City Code, or any other law.

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

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

Subd. 4. Dance Regulations.

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

B. Illumination. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low so as to give imperfect illumination is prohibited.

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

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

SECTION 5.31. SHOWS.

Subd. 1. License Required. It is unlawful for any person to present any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition without first having obtained a license therefor from the City.

Subd. 2. Exceptions. No license shall be required in the following instances:

A. Performances presented in the local schools, under the sponsorship of such schools, and primarily for the students thereof only.

B. Performances of athletic, musical or theatrical events sponsored by local schools or colleges using student talent only.

C. Any performance or event in, or sponsored by, bona fide local church and non-profit organizations, provided that such organization shall be incorporated.

Subd. 3. Obscenity Prohibited.

A. Definitions. As used in this Subdivision, the following words and terms shall have the meanings stated:

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

2. "Obscene performance" means a performance which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or Sado-

masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

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

4. “Performance” means any play, motion picture film, dance, or other exhibition pictured, animated, or live, performed before an audience.

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

6. “Sexual conduct” means human masturbation, sexual intercourse, or any touching of the genitals, public area or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

7. “Sexual excitement” means the condition of human male or female genitals or the breast of the female when in a state of sexual stimulation, or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.

B. It is unlawful for any licensee, for a monetary consideration or other valuable commodity or service, to knowingly or recklessly (1) exhibit an obscene performance; or (2) directly or indirectly sell an admission ticket or other means to gain entrance into an obscene performance, or (3) directly or indirectly permit admission of a person or premises whereon there is exhibited an obscene performance.

C. Any prosecution under this Subdivision shall include the following elements: (1) that the average person, applying contemporary community standards, would find the performance, taken as a whole, appealing to the prurient interest of the audience; (2) that the performance describes or depicts, in a patently offensive way, sexual conduct included in the definition of “obscene performance”; and (3) that the performance, taken as a whole, lacks serious literary artistic, political or scientific value.

SECTION 5.32. BILLIARDS, POOL and BOWLING.

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

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

A. Pool, billiard, snooker or other game table licensee to be open between 1:00 o'clock A.M. and 8:00 o'clock A.M. of any weekday, or between 1:00 o'clock A.M. and 12:00 o'clock noon on any Sunday, and permit use of such licensed facilities.

B. Person under the age of twenty-one years to play pool, billiards, snooker or such game table where beer or liquor is sold or consumed, unless accompanied by his parent or guardian.

C. License to cause or permit any person under the age of twenty-one years to play pool, billiards, snooker or other similar game table where beer or liquor is sold or consumed unless such minor is accompanied by his parent or guardian.

D. License to permit any form of gambling except as may be licensed by or under the control of the Charitable Gambling Control Board.

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

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

SECTION 5.33. TOBACCO.

Subd. 1. Definition. As used in this Section, the term "tobacco" means and includes tobacco in any form, including but not limited to, cigarettes, cigars, bagged, canned or packaged product.

Subd. 2. License Required. It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any tobacco in any form unless a license therefor shall first be obtained from the City.

Subd. 3. Restrictions.

A. Separate licenses shall be issued for the sale of tobacco at each fixed place of business, and no license shall be issued for a movable place of business.

B. It is unlawful for any person to sell or give away any tobacco in any form to any person under the age of eighteen (18) years.

SECTION 5.34. SOLICITORS.

Subd. 1. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

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

A. “Solicitor” means any person making the solicitation, including such common terms as “peddler”, “transient merchant” and “canvasser”.

B. “Solicitee” means the person solicited.

C. “Goods” means any tangible thing of value, but not including money, things in action or intangible personal property other than merchandise certificates or coupons as herein described. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller.

D. “Services” means work, labor, or services of any kind.

E. “Established place” means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

F. “Business solicitation” means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contracts the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or (2) an attempted solicitation in which the solicitee has first initiated the contract with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of each occupancy or cultivation are proven by the solicitor.

G. “Contribution solicitation” means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contract with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.

B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/34 inches high with the words “Peddlers and Solicitors Prohibited” or “Solicitors Prohibited” in type not smaller than 48 point.

D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.

E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.

F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subd. 4. Application. Applications for licensing or registration shall contain the name and address of the solicitor, the name and address of the business or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background and past solicitation practices.

Subd. 5. Investigation, Approval or Disapproval.

A. All applications for licensing or registration shall be immediately referred to the Sheriff of Rock County, and by him or other person acting in the stead, investigated as to the truth thereof.

B. If he finds no past history of the applicant indicating violations similar to those declared unlawful in this Section he shall recommend issuing a license or approving registration, as the case may be, and the City Clerk or Treasurer shall forthwith advise the applicant. The City Clerk or Treasurer shall issue a license, upon payment of the fee therefor, to the approved applicant for business solicitation, and shall approve the completion of registration by the applicant for a contribution solicitor.

C. If the Chief of Police finds a past history of the applicant indicating violations similar to those declared unlawful in this Section, he shall recommend denial of the license or registration. In all matters of recommended denial the applicant shall be forthwith advised thereof, and the application shall be referred to the Council and considered by it at its next regular or special meeting occurring more than ten (10) days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

SECTION 5.35. SEWER SERVICE CONNECTION INSTALLER.

Subd. 1. It is unlawful for any person to engage in the work or business making service connections with any public sewer without a license therefor from the City.

Subd. 2. Any person desiring a license to make a service connection with public sewers, shall apply in writing to the Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications

shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, such license shall be issued by the City upon the filing of bond as herein provided.

(Sections 5.36 through 5.98, inclusive, reserved for future expansion.)

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

CHAPTER 6

STREETS AND SIDEWALKS GENERALLY

(THIS CHAPTER CONTAINS PROVISIONS AS TO DEFINITIONS, APPLICATION AND SCOPE RELATING TO CHATERS 7 AND 8 AS WELL AS THIS CHAPTER)

SECTION 6.01. DEFINITIONS. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters 6, 7 and 8.

SECTION 6.02. APPLICATION. The provisions of City Code, Chapters 6, 7 and 8, are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to, those owned or operators by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision.

SECTION 6.03. SCOPE AND ORDERS OF OFFICERS.

Subd. 1. Scope. The provisions of Chapters 6, 7, and 8 relate exclusively to the streets and alleys in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets and alleys.

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

SECTION 6.04. TRAFFIC AND PARKING CONTROL.

Subd. 1. Council Action. No devise, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. Temporary Restrictions. The City, acting through Law Enforcement, may temporarily restrict traffic or parking for any private, public or experimental purpose. IT is the duty of Law Enforcement to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3. Traffic Restriction and Prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 4. Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5. Damaging or Moving Markings. It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person has written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting with the authority or scope of a contract with the City or such other authority.

SECTION 6.05. ICE AND NSOW ON PUBLIC SIDEWALKS.

Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property forty-eight (48) hours after such snow or ice has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning seventy-two (72) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 3. Cost of Removal to be Assessed. The City Clerk or Treasurer shall, upon direction of the Council; and on receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 4. Civil Suit for Cost of Removal. The City Clerk or Treasurer shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursement of a civil action thereof.

SECTION 6.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

Subd. 1. Methods of Procedures.

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

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

Subd. 2. Permit Required. It is a misdemeanor to construct or reconstruct a sidewalk, curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing form the City. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

Subd. 3. Specifications and Standards. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with standards prescribed by the City.

Subd. 4. Inspection. The City shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the City if found to be unsatisfactory or not in accordance with the standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SECTION 6.07. OBSTRUCTIONS IN STREETS.

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

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

Subd. 3. Dumping in Streets. It is a misdemeanor for any person to throw or deposit in any street any nails, direct, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease, or other petroleum products, or to employ any water containing salt or other injurious chemical thereon. It is a violation of this Section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of

this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

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

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

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

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

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

SECTION 6.08. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City as herein provided.

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

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the City shall cause such investigation to be made as he may deem necessary to determine estimated costs of repair, such as back-filing, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner or procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

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

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

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect the public liability insurance of not less than $200,000.00 for any person, $400,000.00 for any occurrence and property damage insurance of not less than $50,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

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

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

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

Subd. 6. Cost Adjustment. Within sixty days following completion of such permanent repairs the City shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to, the permit holder, as the case may be.

Subd. 7. Alternate Method of Charging. In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

Subd. 8. Emergency. During an emergency occurring during non-business hours or days, the Policy Department may inspect and, upon making a determination that an emergency exists, waive a permit on the condition that one will be applied within two (2) hours after the City offices are next open for business.

SECTION 6.09. REGULATION OF GRASS, WEEDS AND TREES.

Subd. 1. City to Control Tree Planting (Standards). The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be placed and the placement thereof.

Subd. 2. Permit Required. It is unlawful for any person to plant, spray, trim or remove trees or other plants within are upon City property, including rights-of-way, without first procuring from the City a permit in writing to do so.

Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. IF the grass or weeds in such a place attain a height in excess of nine (9) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefor, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subd. 4. City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 5. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the City Clerk or Treasurer shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk or Treasurer shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be

extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

SECTION 6.10. CURB SET-BACK.

Subd. 1. Permit Required. It is a misdemeanor for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first making application to the Council and obtaining a permit therefor.

Subd. 2. Agreement Required. No such permit shall be issued until the applicant, and abutting landowner if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of constructing and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his heirs or assigns if the area ever, in the Council's opinion becomes a public hazard. Such agreement shall be recorded in the office of the County Recorder, and shall run with the adjoining land.

Subd. 3. Sign-Posting. ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in all such set-back areas now in use or hereafter constructed. It is unlawful for any person to park other than at an angle in such set-back areas, as such angle parking is herein described and allowed.

Subd. 4. Public Rights Preserved. Such set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

SECTION 6.11. LOAD LIMITS. The City may from time to time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

SECTION 6.12. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

Subd. 1. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installation shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 2. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. Waiver. The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

SECTION 6.13. PRIVATE USE OF PUBLIC STREET AND PARKING LOTS.

Subd. 1. Authority, Permission and Procedure. Upon an application duly made, the Council may in its discretion, grant special permission whereby on-street parking of the use of City-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or "leased" parking, "loading zones" or benches) at such places, on such terms and for such consideration as the Council may deem just and equitable. In establishing the amount of such consideration to be paid to the City, the Council shall consider the amount of space, location thereof, if any, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of such complaint, call a hearing thereon to be held after ten days' notice in writing to applicant and complainant and published noticed at least ten days prior to such hearing. After such hearing the Council shall by resolution decide whether to terminate, continue or redefine the terms of such permission and such decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, in its own motion, reconsider the same.

Subd. 2. Public Vehicles. Free and reserved on-street parking shall be limited to City-owned and operated vehicles.

Subd. 3. Forbidden Practices. It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

Subd. 4. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason thereof.

SECTION 6.14. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, such as coloring may be approved by the City.

SECTION 6.15. MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS. It is unlawful for any person to drive or operate a motorized vehicle, except for sidewalk maintenance equipment, on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

SECTION 6.16. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 1. Primary Responsibility. It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

Subd. 2. Notice – No Emergency. Where the City determines that no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 3. Notice – Emergency. Where the City determines that an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 4. Failure to Owner to Reconstruct or Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Clerk or Treasurer shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.

Subd. 5. Seasonal Exception. No maintenance or repair work involving poured concrete shall be required during the period from October 1 to May 1 of the year next following.

SECTION 6.17. NUMBERING BUILDINGS.

Subd. 1. Requirement. The current address of all homes and other buildings occupied for living purposes and business buildings shall be displayed on the exterior of said home or business facing the street adjacent to said home or business building in compliance with this Section.

Subd. 2. Size of Numbers. Each number of the address attached to the home or business shall be three (3) inches or greater in size. The numbers shall be of a color that contrasts to the color of the building to which it is attached. The numbers of the address shall be in Arabic numbers. Roman numbers and numbers in writing still have to display Arabic numbers.

Subd. 3. Location. All numbers attached to a home or business place shall display the address of said home or business place and shall be located in a position near the front door of said building so it may be seen from the street and road clearly at night with a spotlight or a porch light attached to the building.

(Sections 6.18 through 6.98, inclusive, reserved for future expansion.)

SECTION 6.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

CHAPTER 7

TRAFFIC REGULATIONS

(SEE CHAPTER 6 for DEFINITIONS, SCOPE, AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 7.01. BICYCLES.

Subd. 1. Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

Subd. 2. Manner and Number Riding.

A. It is unlawful for any person propelling a bicycle to ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or in a seat attached to the bicycle operator.

Subd. 3. Hitching Rides. It is unlawful for any person riding upon any bicycle, coaster, roller skates, toboggan, sled, skate board or toy vehicle to attach the same or himself to any vehicle upon a roadway.

Subd. 4. Where to Ride.

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Whenever a useable path for bicycles has been provided adjacent to the roadway, bicycle riders shall use such paths and shall not use the roadway.

Subd. 5. Right of Way – Sidewalks. Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible

signal before overtaking and passing such pedestrian. Provided, that it is unlawful for any person to ride a bicycle on a sidewalk in a Business District or to park a bicycle upon a sidewalk except where parking stalls have been provided.

Subd. 6. Carrying Articles. It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevent the driver from keeping at least one hand upon the handlebars.

SECTION 7.02 U-TURNS. It is unlawful for any person to operator a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

SECTION 7.03. EXHIBITION DRIVING.

Subd. 1. Prima Facie Evidence. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. Unlawful Act. It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided, that this Section shall not apply to driving on a racetrack. For purposes of this Section, a “racetrack” means any track or premises whereon motorized vehicles, horses, dogs or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

SECTION 7.04. EMERGENCY VEHICLES. The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Fire Department or fire patrol vehicles when traveling in response to a firm alarm, nor to public ambulances when traveling in emergencies. This exception shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 7.05. RECREATIONAL MOTOR VEHICLES (INCLUDING SNOWMOBILES).

Subd. 1. Definitions. All definitions as used in Minnesota Statutes, Section 84.92 are adopted and incorporated in this Ordinance as if fully set out herein. In addition, For the purposes of this Section, the terms defined shall have the meanings given them.

A. “Motorcycle” – Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, whether or not designed for use on streets and highways, including motor scooters, bicycles with motor attached other than those herein defined as motorized bicycles, and mini-bikes.

B. “Motorized Bicycle” – A bicycle with full operable pedals which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than 50 cubic centimeters piston displacement, and a maximum of two break horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged.

C. “All-Terrain Vehicle” - means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and includes a class 1 all-terrain vehicle and a class 2 all-terrain vehicle. A class 1 all-terrain vehicle includes ATVs which have a total dry weight of less than 900 pounds. A class 2 all-terrain vehicles includes ATVs which have a total dry weight of 900 to 1,500 pounds.

D. “Snowmobile” – A self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.

E. “Golf Cart”- A gas or electric three of four wheeled vehicle of a type which is commonly used to transport golfers and their equipment while playing the sport of golf.

F. “Recreational Motor Vehicle” – Unless otherwise defined herein, any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to a motorcycle, motorized bicycle, all-terrain vehicle, snowmobile, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

G. “Owner” – A person, other than a lien holder, having a property interest in, or title to, a recreational motor vehicle, who is entitled to the use or possession thereof.

H. “Operate” – To ride in or on and have control of a recreational motor vehicle, all-terrain vehicle, golf cart, or snowmobile.

I. “Operator” – The person who operates or is in actual physical control of a recreational motor vehicle, all-terrain vehicle, golf cart, or snowmobile.

Subd. 2. Recreational Motor Vehicle Operating Restrictions. It is unlawful for any person to operate a recreational motor vehicle as follows:

A. On a public sidewalk or walkway provided or used for pedestrian travel.

B. On private property of another without lawful authority or permission of the owner or occupant.

C. On any lands owned or occupied by a public body or on frozen waters, school grounds, park property, playgrounds, recreational areas, private roads, platted but unimproved roads, utility~~,~~ easements, public trails and golf courses. Provided, however, that the Council may, by resolution, specifically permit use on City property, in which event the shortest route to and from areas so permitted shall be used.

D. While the operator is under the influence of liquor or narcotics, legal prescription medications, or habit-forming drugs.

E. For Recreational Vehicles, other than All-Terrain Vehicles or Golf Carts, at a rate of speed greater than reasonable or proper under all of the surrounding circumstances.

F. For All-Terrain Vehicles or Golf Cart, at a rate of speed greater than 15 miles per hour.

G. In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereo.

H. Towing any person or thing on a public street or highway except through the use of a rigid tow bar attached to the rear of an automobile.

I. At a speed greater than 10 miles per hour when within 100 feet of a lake shore, except in channels, or of a fisherman, ice house, skating rink, or sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property.

J. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons or creates a nuisance as defined in Minn. Stat. 561.01.

K. Chasing, running over, or killing any animal, wild or domestic.

L. Unless otherwise addressed herein, during the hours between 11:00 o'clock P.M. of one day and 7:00 o'clock A.M. of the day next following, except that during such hours a vehicle licensed for highway use, if otherwise lawfully operated, may be operated on a public street.

M. Without liability insurance coverage, and if liability insurance coverage cannot be obtained in the private market, insurance may be obtained from the Minnesota Automobile Assigned Risk Plan at a rate to be determined by the commissioner of commerce.

N. Without a lighted head and tail light when required for safety.

O. Contrary to traffic laws under Minnesota State Statutes except those that cannot be readily applied to recreational vehicles, snowmobile, all-terrain vehicle, or golf cart.

P. If the operator has any physical impairments which would prohibit the operator from being able to safely operate the recreational vehicle, snowmobile, all-terrain vehicle, or golf cart.

Subd. 3. Owner Responsibility.

A. It is unlawful for the owner of any recreational motor vehicle to permit its operation on private property without permission of the owner or occupant, on City property without the permission of the Council, or on other public property without permission of the body in charge thereof. For purposes of this Section, the owner shall be conclusively presumed to have given such permission unless the recreational motor vehicle so operated shall have been stolen or reported stolen in a timely manner to a law enforcement agency.

B. Every person leaving a recreational motor vehicle in a public place shall lock the ignition, remove the key and take the same with him.

Subd. 4. Additional Snowmobile Operating Regulations.

A. It is unlawful for any person to operate a snowmobile upon the roadway, shoulder or inside bank or slope any street or highway. Operation in the ditch or on the outside bank within the right-of-way of any street or highway except interstate highways or freeways is permitted in conformance with State law and the City Code, unless the roadway directly abuts a public sidewalk or walkway or property used for private purposes. Between the hours of one-half hour after sunset to one-half hour before sunrise, any operation may only be on the right-hand side of such street or highway and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto.

B. A snowmobile may make a direct crossing of a street or highway except an interstate highway or freeway, provided:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and sage crossing.

2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

5. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

C. No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

D. Notwithstanding any prohibition in this Section, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, and at location where, snow upon the roadway renders travel by automobile impractical.

E. No person under fourteen (14) years of age shall operate on streets or highways or make a direct crossing of a street or highway as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets or highways as permitted under this Section and make a direct crossing thereof only if he has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner of Conservation as provided by Minnesota Statutes 1969, Section 84.86. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this Subparagraph.

Subd. 5. Snowmobile Equipment. It is unlawful for any person to operate a snowmobile unless it is equipped with the following:

A. Standard mufflers which are properly attached and in constant operation~~,~~ and which reduce the noise of operation of the motor to the minimum necessary for operation. Mufflers shall comply with Minnesota Law. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile

motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of the operation.

C. A safety or so-called “deadman” throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaging from the driving track.

D. At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficiency intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment to be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.

E. Reflective material at least sixteen inches on each side, forward of the handlebars, so as to reflect or beam light at a 90 degree angle.

Subd. 6. Additional All-Terrain Vehicle and Golf Cart Operating Regulations.

Section 1. Permit Issuance. Permits shall be issued by the City Clerk, or their authorized designee, upon compliance with this section.

A. Individual Permit. An application for an individual permit shall include the full name and address of the applicant, the applicant’s date of birth, the applicant’s driver’s license number, the State of issuance of the applicant’s driver's license, the date of the application, and the signature of the applicant.

B. Revocation of Permit. An individual permit may be revoked by the City Clerk or their authorized designee if there is any material misrepresentation made in the permit application, if liability insurance covering the subject ATV or golf cart lapses, or if there is evidence that the permitee cannot safely operate the subject ATV or golf cart. The City Clerk of their authorized designee shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permitee or send the notice via certified mail to the address on the application and addressed to

the permitee. The revocation shall be effective immediately after personal service or three (3) days after mailing.

C. Effective Dates of Permit. Permits shall be effective for a period of one year from the date of issuance thereof, and applications for renewal of a permit shall be made at least 10 days but no more than 45 days prior to the expiration date of the permit to be renewed.

D. Cost of Permit. The cost of the permit shall be $5.00. The City Council may, at any council meeting at which they normally determine fees for City services and permits, increase or decrease the cost of the permit described herein.

E. Driver's License Requirement of Applicant: Applicant shall be in possession of a valid state-issued driver's license or a valid Farm Education Permit.

Section 2. Age of Operator. No person under the age of sixteen (16) years of age shall operate an all-terrain vehicle or golf cart on the roadways or alleys within the City limits of Hills, Minnesota, unless said operator is in possession of a valid Farm Education Permit and is operating the all-terrain vehicle or golf cart under said Farm Education Permit.

Section 3. Safety Equipment. All operators who are less than eighteen (18) years of age must wear a safety helmet approved by the commissioner of public safety and an eye-protective device while operating an ATV on the roadways or alleys within the City limits of Hills, Minnesota. In addition, a golf cart which is being operated on the roadways and alleys within the City limits of Hills, Minnesota shall have a slow moving sign prominently displayed on the rear of said golf cart according to Minn. Stat. 169.522. In addition, all terrain vehicles and golf carts which shall be operated on the roadways and alleys within the City limits of Hills, Minnesota shall be equipped with a rear view mirror as required under Minn. Stat. 169.70.

Section 4. Times of Operation. All terrain vehicles and golf carts may be operated on the roadways and alleys within the City limits of Hills, Minnesota only from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Section 5. Limitations of Liability. Nothing in this ordinance shall be construed as an assumption of liability by the City of Hills for any injuries to persons or

property which may result from operation of an ATV or golf cart by a permit holder or the failure of the City of Hills to revoke said permit.

Subd. 8. Insurance. The owner of any recreational vehicle covered by this ordinance shall maintain insurance coverage on the subject ATV or golf cart which insurance conforms to Minn. Stat. 65B.48, and proof of said insurance coverage shall be kept with the covered vehicle at all times of operation in the City Limits.

Subd. 9. Violation. Every person who violates this ordinance shall be guilty of a petty misdemeanor.

Subd. 10. Effective Date. This ordinance shall be in full force and effect seven (7) days after publication.

(Sections 7.07 through 7.98, inclusive, served for future expansion.)

SECTION 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be published as for a misdemeanor; where violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violations not constituting a misdemeanor under the provisions of Subdivision 1, hereof, he shall be punished as for a petty misdemeanor.

Subd. 3. As to any violation of a provision adopted by reference, he shall be punished as specified in such provision, so adopted.

CHAPTER 8

PARKING REGULATIONS

(See Chapter 6 FOR DEFINITIONS, SCOPE, AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 8.01. PRESUMPTION. As to any vehicle parking in violation of Chapters 6, 7 and 8 when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

SECTION 8.02. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with another traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection~~)~~; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty feet of the nearest rail of a railroad crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when property sign-posted; (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; or, (16) on any boulevard which has been curbed.

SECTION 8.03. RECREATIONAL CAMPING VEHICLE PARKING.

Subd. 1. Definition. The term “recreational camping vehicle” means any of the following:

A. “Travel Trailer” – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified “Travel Trailer” by the manufacturer of the trailer.

B. “Pick-up Coach” – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. “Motor Home” – A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. “Camping Trailer” – A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

Subd. 2. Unlawful Act. It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for the purpose of occupying it as living quarters.

SECTION 8.04. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

SECTION 8.05. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SECTION 8.06. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

SECTION 8.07. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel or bumper touching the plane of the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

SECTION 8.08. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SECTION 8.09. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 1. It is unlawful for any person to stop, park or leave any vehicle upon any street for a continuous period in excess of twenty-four (24) hours.

Subd. 2. The Council may designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute, ten-minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a

prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

Subd. 3. It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a police officer for the purpose of measuring the length of time such vehicle has been parked.

Subd. 4. For the purpose of enforcement of this Section, any vehicle moved less than one block in a limited time parking zone shall be deemed to have remained stationary.

SECTION 8.10. EMERGENCY.

Subd. 1. Definition. For purposes of this Section, the term "emergency" means a condition created on City streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

Subd. 2. Declaration of Emergency. Whenever an emergency is declared, notice shall be given through local news media, or by any other reasonable means.

Subd. 3. Duration of Emergency. An emergency shall remain in effect on any street until it has been plowed to full width, curb-to-curb, or until notice of termination is given.

Subd. 4. Unlawful Act. It is unlawful to park or leave standing a vehicle on any street during an emergency.

SECTION 8.11. PARKING RULES IN CITY PARKING LOTS. In City-owned parking lots, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, provided that such limitations and restrictions are marked or sign-posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by "one-way" signs or arrows, or to park any vehicle in any City-owned parking lot contrary to the restrictions or limitations marked or sign-posted therein.

SECTION 8.12. IMPOUNDING AND REMOVING VEHICLES. When any police officer finds a vehicle standing upon a street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the same to a position in compliance with this Chapter. When any police officer finds a vehicle unattended upon any street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

SECTION 8.13. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed where, in the judgment of the Council, a commercial loading zone is justified, and duly sign-posted.

SECTION 8.14. UNATTENDED VEHICLE.

Subd. 1. It is unlawful for any person to leave a motor vehicle, occupied by a child or children under the age of fifteen, unattended while the engine is running.

Subd. 2. It is unlawful for any person to leave a motor vehicle unattended with the key in the ignition.

SECTION 8.15. VEHICLE REPAIR ON STREET. It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than three (3) hours.

SECTION 8.16. PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE. It is unlawful for any person to park a vehicle on any street for the purpose of advertising for sale or selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event.

SECTION 8.17. TRUCK PARKING.

Subd. 1. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except streets as specifically designed by the Council by resolution and sign-posted.

Subd. 2. It is unlawful to park a truck or commercial vehicle of more than one ton capacity in a zone sign-posted prohibiting truck parking, but parking of such vehicle for a period of not more than thirty (30) minutes shall be permitted in such area for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 3. It is unlawful to park a semi-tractor and/or semi-trailer upon any City street, or within 300 feet of the occupied dwelling of another, with any engine thereon running, for a period of more than one hour.

(Sections 8.18 through 8.98, inclusive, reserved for future expansion.)

SECTION 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

CHAPTER 9

PUBLIC PROTECITON, CRIMES AND OFFENSES

SECTION 9.01. CONTAINERS, STORAGE AND DISPOSAL OF GARBAGE.

Subd. 1. General. Every household or occupant of any dwelling house, boarding house, restaurant, or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide one or more fly-tight metal or plastic cans sufficient to receive all garbage which may accumulate between the times of collection. No person shall fail to dispose of in a sanitary manner, garbage and rubbish accumulated on property the person owns or occupies. All garbage and rubbish accumulating between the times of collection shall be placed and stored in approved cans or containers. Garbage cans shall be kept at the rear of the property if there is an alley, and shall be accessible to collectors at all reasonable times.

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

A. "Refuse" – Includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing, tree or law clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.

B. "Residential Dwelling" – Any single building consisting of one through four dwelling units with the individual kitchen facilities for each.

C. "Multiple Dwelling" – Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

D. "Commercial Establishment" – Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Subd. 3. Storage.

A. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to thirty gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition; provided, that tree leaves, weeds, and grass clippings may be stored in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds and no longer than four feet.

B. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted.

C. It is unlawful for any person to store and refuse on commercial establishment premises for more than forty-eight hours. Such storage shall be in containers as for residential dwelling premises, except that so-called “dumpsters” with close-fitting covers may be substituted.

D. It is unlawful to store organic refuse unless it is drained and wrapped.

Subd. 4. Deposit. It is unlawful for any person to deposit refuse from any source, rubbish, offal, or the body of a dead animal, in any place other than a sanitary landfill.

Subd. 5. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger in fire in other refuse.

(Sections 9.02 through 9.09, inclusive, reserved for future expansion.)

SECTION 9.10. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another, or,

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

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

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

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, air gun, slung-shot, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

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

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed to expose the same accessible to children, without removing the doors, lids, hinges or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

SECTION 9.11. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or (2) disturb an assembly or meeting, no unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or (4) willfully and lewdly expose his person or the private parts thereof, or procure another to so expose himself; and any open or gross lewdness or

lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public, or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another, then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or (8) use a sound amplifier upon streets and public property without prior written permission from the City; or (9) use a flash or spotlight in a manner as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SECTION 9.12. UNLAWFUL MECHANICAL DEVICES AND USES THEREOF. As to any mechanical devices, it is unlawful for any person to: (1) sell or maintain a machine or device which is for gambling or contains an automatic pay-off device; (2) give any prize, award, merchandise, gift, or thing of value to any person on account of operation of such device; (3) sell or maintain, or permit to be operated in this place of business any amusement device equipped with an automatic pay-off device; (4) equip any amusement device with an automatic pay-off device; or (5) permit the playing of coin amusement machines for public use within 300 feet of any church, public or parochial school or playground. This Section shall not be construed to include the use, possession of sale of any device licensed by or under the control of the Charitable Gambling Control Board.

SECTION 9.13. CURFEW AND LOITERING.

Subd. 1. Curfew Imposed. Except as provided in Subd. 2, no person under the age of eighteen (18) years shall be on any public street or alley, public sidewalk, or in any park or other public ground or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 12:00 A.M. and 6:00 A.M. of the following day.

Subd. 2. Subdivision 1 notwithstanding, no person under the age of sixteen (16) years shall be on any public street or alley, public sidewalk, or in any park or other public ground, vacant lot, or any other unsupervised place between the hours of 10:00 P.M. and 6:00 A.M. of

the following day, provided, however, that on the days of Friday and Saturday, said hours shall run from 11:00 P.M. to 6:00 A.M. the following day.

Subd. 3. Exceptions. The restrictions of Subdivision 1 and 2 do not apply when the minor:

A. Is accompanied by a parent, guardian, or other person having the minor lawful care, custody, or control;

B. Is returning home by direct route from and within fifteen minutes after a school activity or an activity of a religious or other voluntary association;

C. Is on the way to or from the minor's place of employment; or

D. Is upon an emergency errand or other legitimate business directed by a parent, guardian, or other adult having the lawful custom of the minor.

Subd. 4. Responsibility of Parent, etc. No parent, guardian, or other adult having custody and control of a minor under eighteen (18) years of age shall knowingly permit the minor to violate the provisions of Subd. 1 or 2.

Subd. 5. Loitering Prohibited. No person shall loiter upon any public street or alley, public sidewalk, vacant lot, public or private lot, or any other unsupervised public place.

Subd. 6. **Responsibility of Other Persons.** Whenever er the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of eighteen (18) in such place in violation of Subd. 1 or 2, the owner or person in charge shall immediately order such minor to leave, and if such minor refused to leave, the owner or person in charge shall immediately inform the police department of the violation.

Subd. 7. Penalties. Any person who shall be found to be in violation of this Section shall be guilty of a petty misdemeanor.

SECTION 9.14. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Subd. 1. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

Subd. 2. Hours. It is unlawful for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M. of the day following; provided, however, that this Section shall not apply to hose vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in a park.

(Sections 9.15 through 9.19, inclusive, reserved for future expansion.)

SECTION 9.20. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definition. For the purpose of this Section:

A. “Owner” means a person who owns an animal hereby regulated.

B. “Own” means to have a property interest in, or to, harbor, feed, board or keep.

C. “Dangerous Animal” means an animal which has caused damage to property or injury to a person, or which animal, but its actions, exhibits a propensity for causing imminent danger to persons.

D. “Dog” means both male and female and includes any animal of the dog kind.

E. “Cat” means both male and female and includes any animal of the feline kind.

F. “Animal” means a dog or a cat.

G. “Animal Pound” means a city-owned facility or any facility with which a contract for services has been entered by it and approved by the Council.

Subd. 2. Running at Large Prohibited. It is unlawful for the owner of any animal to permit such 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 any accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building or enclosure. Any cat shall be deemed to be running at large with the permission of the owner unless it is on the premises of the owner, or effectively confined within a motor vehicle, building or enclosure.

Subd. 3. License Required. 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. 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 of Minnesota, showing rabies immunization of the dog for at least the term of the license.

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

Subd. 6. Tag Required. 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 transferrable, 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.

Subd. 7. Animal Pound. Any animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in an Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than five regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 o'clock A.M. and 7:00 o'clock P.M. Impoundment records shall be preserved for a minimum of 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 the seizure; (4) the name and address of the person from whom any dog three months of age or over was received; and, (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

Subd. 8. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified, or if the owner is unknown, written notice shall be posted for five days at the City Hall describing the animal and the place and time of taking.

Subd. 9. Release from Animal Pound. Animals shall be released to their owners, as follows:

A. If such animal is a dog and owned by a resident of the City, after purchase of a license, if unlicensed, and, if either a dog or a cat, after payment of the impounding fee and maintenance.

B. If such animal is a dog and owned by a person not a resident of the City, after immunization of such dog for rabies, and, if either a dog or a cat, after payment of the impounding fee and maintenance.

Subd. 10. Seizure by a Citizen. It is lawful for any person to seize and impound an animal so found running at large, but said person shall within six hours thereafter notify the Rock County Sheriff's Department of said seizure. It shall be the duty of the Rock County Sheriff's Department to place said animal in an appropriate impound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or

she shall inform the Rock County Sheriff's Department of the name of the owner, and the address is known.

Subd. 11. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person who duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 12. Other Unlawful Acts. It is unlawful for the owner of any animal to (1) fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog, or (2) own a dangerous animal, or (3) interfere with any police officer, or other City employee, in the performance of his duty to enforce this Section, or (4) fail to keep his dog from barking, howling or whining, or (5) fail to keep his cat from emitting loud or unusual noise.

Subd. 13. Summary Destruction. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempt to impound, such animal may be destroyed in a humane manner.

Subd. 14. Rabies Control – Generally.

A. Every animal which bites a person shall be promptly reported to the Rock County Sheriff's Department and shall thereupon be securely quarantined at the direction of the Rock County Sheriff's Department for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Rock County Sheriff's Department, such quarantine may be on the premises of the owner or at the veterinary hospital of his choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the council the animal may be confined in a veterinary hospital designated by the council.

B. The owners, upon demand made by the Rock County Sheriff's Department or by any City employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.

C. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall

immediately send the head of such animal and rabies data report to the State Health Department for pathologic examination and shall notify all persons concerned of the results of such examination.

D. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

Subd. 15. Reports of Bite Cases. It is the duty of every physician, or other practitioner, to report to the council the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Subd. 16. Responsibility of Veterinarians. It is the duty of every licensed veterinarian to report to the council his diagnosis of an animal observed by him as a rabies suspect.

Subd. 17. Police Dogs, Seeing-Eye Dogs. The provisions of this Section shall not apply to the ownership or use of seeing-eye dogs by blind persons, or dogs used in police activities of the City, such as canine corps or tracking dogs used by or with the permission of the council or any law enforcement agency.

Subd. 18. Animals in Heat. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

SECTION 9.21. ANIMALS AND FOWL – KEEPING, TRANSPORTING, TREATMENT, HOUSING.

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

A. “Farm Animals” – Cattle, horses, mules, sheep goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.

B. “Animals” – Include farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters, rabbits and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in that portion of the City zoned for agricultural purposes, or, (2) animals kept or part of a show licensed under the City Code, or, (3) animals used in a parade for which a permit has been issued, or, (4) animals in a laboratory for scientific or experimental purposes, or, (5) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

Subd. 3. Animals in Transit. It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, case or other means of conveyance, or, (2) farm animals

being transported in a portion of the City zoned for agricultural purposes, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

Subd. 6. Trespasses. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefor from the owner.

(Sections 9.22 through 9.30, inclusive, reserved for future expansion).

SECTION 9.31. STORAGE OF WOOD. It is unlawful to store wood outside a building or other structure unless such wood is stored on a platform or in some other manner so that the bottom of the storage pile is at least six (6) inches above ground, and the support for the platform has no more contact with the ground than is necessary for support.

SECTION 9.32. TRANSPORTATION OF TERMITE-INFESTED WOOD PROHIBITED. It is unlawful for any person to transport within the City any wood, lumber, logs, poles, sawdust or other wood products which are infected with termites. It is also unlawful to transport lumber obtained from razing a building without first having it inspected for termites and certified to be free of infestation.

(Section 9.33 through 9.39, inclusive, reserved for future expansion).

SECTION 9.40. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than nine (9) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

Subd. 2. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk or Treasurer has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk or Treasurer shall certify to the county Auditor of Rock County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

SECTION 9.41. JUNK CARS, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLICANCES STORED ON PUBLIC OR PRIVATE PROPERTY. It is unlawful to park or store any

unlicensed, unregistered or inoperable motor vehicle, furniture, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a building, and any violation is hereby declared to be a nuisance. This Section shall not apply to premises on which a duly licensed junk dealer properly carries on such licensed business, nor shall it apply to a disposal area operated by a governmental unit.

The purpose of this Ordinance is to define certain nuisances and establish methods of abating such nuisances.

Subd. 1. Definitions. For purposes of this Ordinance, the definitions of "Abandoned Vehicle" and "Junk Vehicle" shall be those in Minn. Stat. 168B.011.

Subd. 2. Public Nuisance Defined. Whoever intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor, and each day such act or failure to perform is suffered or permitted shall constitute a separate offense.

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 deposits garbage or refuse upon or otherwise renders dangerous for passage, any public highway or right of way, or waters used by the public; or

C. Is guilty of any other act or omission declared by law or City Code to be a public nuisance and for which no sentence is specifically provided.

Subd. 3. Public Nuisances Affecting Health. The following are declared to be nuisances affecting health:

A. Accumulations of manure, refuse, or other debris.

B. The pollution of any public or private well, cistern, or body of water by sewage, industrial waste, or other substances.

Subd. 4. Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

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

B. The outdoor storage of abandoned, junked, discarded, or unlicensed vehicles, whether self propelled or towed, upon private property within the City of Hills is hereby declared to be detrimental to the health, safety and general welfare of the community, aesthetically unattractive and detracting from the enjoyment of the environment by said residents, tending to depreciate

neighborhood property values, and is an infringement on their properties and homes. The same also constitutes a potential nuisance to the community and may imperil safety. The control also constitutes a potential nuisance to the community and may imperil safety. The control of the outdoor storage of abandoned, junked, discarded, or unlicensed vehicles and seldom or never used recreational vehicles or trailers is therefore regulated for the preservation of the health, safety, and general welfare of the City of Hills.

In addition, the accumulation of storage or discarded, worn out, inoperable materials or items which are no longer used for the purposes for which they were manufactured or made is hereby declared to be detrimental to the public health, safety and general welfare of the community, aesthetically unattractive and detracting from the enjoyment of the environment by said residents, tending to depreciate neighborhood property values, and is an infringement on their properties and homes. The same also constitutes a potential nuisance to the community and may imperil safety. The control of the accumulation and storage of such items and materials is therefore regulated for the preservation of the health, safety and general welfare of the City of Hills.

Subd. 5. Unlawful Storage of Vehicles, Debris, and Other Materials, and Requirements for Lawful Storage Thereof:

A. It shall be unlawful for any person or persons, firm, company, partnership or corporation, either as a private property owner, vehicle owner, occupant, lessee, agent, tenant or otherwise, to openly store or deposit or cause or permit to be openly stored or deposited an abandoned, junked, discarded or unlicensed vehicle or vehicles, whether self propelled or towed, or parts or pieces thereof, on any private property within the City of Hills, except as permitted in junkyards as described in other sections of this Code, unless such vehicle or part or piece thereof is stored or deposited in a completely enclosed building. The covering of said vehicles with a tarpaulin or car cover of any type will not be permitted and will be deemed a violation of this Code.

B. It shall be unlawful for any person or persons, firm, company, partnership or corporation, whether by principal or agent, to park, store or permit to be parked or stored any abandoned vehicle or vehicles, whether self propelled or towed, on the public streets or alleys of the City of Hills.

C. No vehicles, whether self propelled or towed, shall be parked or kept in the front or side yard area of a residence. Properly licensed and operable vehicles may be stored in the rear yard of a residential unit; however, such storage is limited to a maximum of five (5) vehicles. Parking areas, other than

the principal driveway, must maintain a minimum 3-foot setback from lot lines and 10 feet from the principal structure.

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

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

Subd. 6. Enforce of Ordinances. The following are the means of enforcement of the provisions of this ordinance:

A. Duties of City Council. The City Council or designees thereof shall enforce the provisions relating to nuisances affecting public health, peace, and safety. The law enforcement officials shall assist the City Council or designees thereof in the enforcement of health, peace, and safety nuisance violations. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

B. Abatement. Whenever the City Council, with or without the assistance of law enforcement officials, determines that a public nuisance is being maintained or exists on premises in the city, the City Council or the designee thereof shall notify in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated. The notice shall be served in person or by certified mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the City Council shall

schedule a hearing on the matter before the Council and give notice thereof to the owner or occupant. Thereafter the Council may, after the owner or occupant has an opportunity to be heard or fails to appear, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting the notice and the hearing. The abatement of such nuisance shall be in accordance with the authority granted by Minn. Stat. 168B and in accordance with the procedures found in Minn. Stat. 168B.

C. Immediate Abatement. Nothing in this Section shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Subd. 7. Recovery of Cost – Personal Liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and cost determined, the Financial Director or other designated City employee shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable.

Subd. 8. Assessment. Any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to City Code.

Subd. 9. Additional Remedies. The provision of this Section shall not be the exclusive remedy for abating nuisances, but the City may proceed as the City deems appropriate by seeking an injunction or other order from a court of competent jurisdiction requiring abatement, or under any other applicable statutory or City Code provision, or under applicable common law. The filing of criminal charges shall not prohibit, void, or nullify any abatement proceedings or alter any other remedy available to the City, nor shall the commencement or completing of abatement proceedings prohibit the filing of criminal charges or conviction thereof.

SECTION 9.42. OBSTRUCTIONS ON PUBLIC PROPERTY.

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

Subd. 2. Fires. It is unlawful for any person to build or maintain a fire upon public property except in prescribed areas.

Subd. 3. Dumping on Public Property. It is unlawful for any person to throw or deposit on public property any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease, or other petroleum products, or to empty any water containing salt or other injurious chemicals thereon. It is a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on public property without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is unlawful for any person to place or maintain a sign, advertisement, or other structure on public property without first having obtained a written permit from the Council.

Subd. 5. Snow or Ice on Public Property. It is unlawful for any person not acting under a contract with the City to dump snow or ice on public property.

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

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

SECTION 9.43. 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, a “motor vehicle” is as defined in Minnesota Statutes, Chapter 169.

SECTION 9.44. DISPOSAL OF ABANDONED MOTOR VEHICLES, OTHER PROPERTY.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions.

1. The term “abandoned motor vehicle” means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such property, or in an inoperable condition such that is has no substantial potential further use consistent with its usual function

unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to, and accepted by, the City. A classic car or pioneer car, as defined in Minn. Stat. § 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.

2. The term "vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, to motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned motor-vehicle.

C. Immediate Sale. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license place currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this Subdivision.

D. Notice.

1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten days. The notice set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph E of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall be deemed a wavier by them of all rights, title and interest in the vehicle and consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Subdivision.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen days after the date of the notice required by this Subdivision.

2. Nothing in this Subdivision shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of the lien holder to foreclosure. For the purposes of this Subparagraph E "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following one notice published at least seven days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.

H. Contracts and Disposal.

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

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

3. If the City utilizes its own equipment and personnel for disposal of the abandoned vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

Subd. 2. Disposal of Unclaimed Property.

A. Definition. The term "abandoned property" means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least sixty days and has been declared such by a resolution of the city council.

B. Preliminary Notice. If the City Clerk or Treasurer knows the identity and whereabouts of the owner, he shall serve written notice upon him at least thirty days prior to a declaration of abandonment by the city council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Clerk or Treasurer notice shall also be served upon him. Such notice shall described the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the city council after the expiration of thirty days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk or Treasurer shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale

conducted in the manner directed by the city council in its resolution declaring property abandoned and stated in the notice.

D. Fund and Claims Thereon. All proceeds from such sale shall be paid into the general Fund of the City and expenses thereof paid therefrom. The former owner, if he makes claim within eight months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund.

Subd. 3. Disposal of Excess Property.

A. Declaration of Surplus and Authorizing Sale of Property. The City Clerk or Treasurer may, from time to time, recommend to the city council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the city council, said property shall be declared surplus, the value estimated and the City Clerk or Treasurer authorized to dispose of said property in the manner stated herein.

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

C. Surplus Property With a Total Estimated Value Between $100.00 and $500.00. The City Clerk or Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value of $100.00 to $500.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City at the City Clerk or Treasurer's option. Such sale shall be by auction.

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

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

Subd. 4. Persons Who May Not Purchase – Exception.

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

B. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the term of this Section.

(Sections 9.45 through 9.49, inclusive, reserved for future expansion).

SECTION 9.50. AIR POLLUTION CONTROL.

Subd. 1. It is unlawful for any person to burn or permit burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by him, except as otherwise provided by this Code.

Subd. 2. The Air Pollution Control Rules, 1976, APC 1 through 32, 6 MCAR 4.0033, 6 MCAR 4.0039 and 6 MCAR 4.0041, as updated, promulgated by the Minnesota Pollution Control Agency, are hereby adopted by reference as though set forth verbatim herein. One copy of the sale Rules shall be marked CITY OF HILLS – OFFICIAL COPY and kept on file in the office of the City Clerk or Treasurer and open to inspection and use by the public. It is unlawful to violate a provision of this Section or of the Air Pollution Control Rules hereby adopted by reference.

SECTION 9.51. MINNESOTA UNIFORM FIRE CODE.

Subd. 1. Adoption. The 1982 Edition (as amended) of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF HILLS – OFFICIAL COPY and kept on file in the office of the City Clerk or Treasurer and open to inspection and use by the public.

Subd. 2. Storage of Flammable and Explosives Material. No bulk plants for storage of flammable or combustible liquids, or bulk storage of liquefied petroleum gas, not established on the effective date of this Section, shall be permitted. No storage of explosives or blasting agents shall be permitted.

(sections 9.52 through 9.98, inclusive, reserved for future expansion.)

SECTION 9.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or

declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 10

SUBDIVISION REGULATIONS (PLATTING)

SECTION 10.01. GENERAL PROVISIONS.

Subd. 1. Purposes and Intent. This Chapter is enacted for the following purposes: to safeguard the best interest of the City; to assist the Subdivider in harmonizing his interest with those of the City at large; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern and poor circulation of traffic. It is the purpose and intent of this Chapter to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes, Chapter 429, 462 ,and 505, which regulations the Council deems necessary for the health, safety and general welfare of the community.

Subd. 2. Approvals Necessary for Acceptance of Subdivision Plats. Before any plat shall be recorded or be of any validity, it shall be approved by the Council as having fulfilled the requirements of this Chapter.

Subd. 3. Compliance. No plat of any subdivision shall be entitled to record nor to be filed with the City unless it complies with all the provisions of Minnesota State Law, Chapter 505 M.S.A. (Sections 505.01 to 505.04) or any later amendment thereof or additions thereto.

Subd. 4. Building Permits. No building permits shall be issued by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been fully complied with.

Subd. 5. Definition. For the purpose of this Chapter, the word “subdivision” as applied to land shall be as follows: Subdivision is described tract of land which is to be or has been divided into five or more lots or parcels each of which parcel is less than one acre in area, for the purpose of transfer of ownership and building development. It includes resubdivision.

SECTION 10.02. SUBMISSION PROCEDURE AND DATA.

Subd. 1. Preliminary Plat.

A. The subdivider shall prepare and submit three copies of a preliminary plat which plat shall comply with all provisions of the Minnesota State Law, Chapter 505 M.S.A. (Sections 505.01 to 505.04) or any later amendment thereof or additions thereto.

B. Supplementary Requirements. Upon request of the Council, supplementary information shall be submitted; such supplemental information may include the following:

1. Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be known.

2. Proposed surface drainage diagrams for lots in the form of arrows, proposed contours and other appropriate method.

3. Soil tests and reports, as specified by the City Engineer or other person designated by the Council to act in such capacity, by an approved soils laboratory.

Subd. 2. Final Plat. After the preliminary plat has been approved, subdivider shall submit three (3) copies of the final plat as so approved.

Subd. 3. Submission of Plat. All plat submissions shall be to the office of the City Clerk or Treasurer and approval shall be by the Council unless some other group or individual is authorized by the Council to so approve.

Subd. 4. Filing Fee. The financial plat shall be accompanied by a fee as established by the Council which fees shall be used for expanses of the City in connection with the review, inspection, approval or disapproval of said plat.

SECTION 10.03. VARIANCES. The Council may grant a variance from the provision of this Chapter when, in its opinion, undue hardship may result from strict compliance. In determining whether to grant such variance, the Council shall take into account the nature of the proposed land use, the existing use of land in the vicinity, the probable effect of the proposed subdivision upon traffic conditions and whether or not such variance will be detrimental to public welfare or injurious to other property in the immediate vicinity.

SECTION 10.04. BASIC IMPROVEMENTS.

Subd. 1. General.

A. Before a final plat is approved by the Council, the developer of the land covered by the said plat shall execute and submit to the Council an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Chapter have been made or arranged for in the manner following as respects the highways, roads or streets to which the lots sought to be constructed have access.

B. No final plat shall be approved by the Council without first receiving a report from the City Engineer or other engineer or person retained by the Council certifying that the improvements described herein, together with all agreements and documents required herein, meet the minimum requirements of all applicable City Code provisions.

C. No final plat shall be approved by the Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the developer agrees to make improvements which will, in the opinion of the City Engineer or other engineer or person retained by the Council, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the final plat of the subdivision may be approved.

D. All the required improvements to be installed under the provisions of this Chapter shall be inspected during the course of their construction by the City Engineer or other engineer or person retained by the Council. All the inspection costs pursuant thereto shall be paid by the developer or individual or tract owners.

Subd. 2. Street Improvements.

A. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the Council.

B. All streets are to be improved with pavement, gravel or other surfacing in accordance with standards and specifications for street construction approved by the Council.

C. All streets to be paved shall be of an overall width in accordance with the standards and specifications for street construction as approved by the Council.

D. Curb and gutter shall be constructed in accordance with standards and specifications for street construction as approved by the Council.

E. Storm sewers, culverts, storm water inlets and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for street construction as approved by the Council.

F. Trees shall be planted in conformance with the standards and specifications as approved by the Council.

G. Street signs of the standard design approved by the Council shall be installed at each street intersection.

Subd. 3. Sanitary Sewer and Water Distribution Improvements.

A. Sanitary Sewers shall be installed as required by standards and specifications as approved by the Council.

B. Public water facilities, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the Council.

Subd. 4. Financial Improvements.

A. Improvements listed in Subdivisions 2 and 3 shall be paid for by the developer.

B. Before any lots are sold in the platted area the improvement specified in Subdivisions 2 and 3 shall be completed.

Subd. 5. Public Utilities.

A. All utility lines for telephone and electric service shall be placed in the rear line easements when carried on overhear poles. To serve these lines connections may be made on lot lines, providing an easement covering the same is filed.

B. Where telephone, electric and/or gas service lines are able to be placed underground entirely, conduits and cables shall be placed within easements or dedicated public ways in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

SECTION 10.05. VIOLATIONS.

Subd. 1. Sale of Lots From Unrecorded Plats. It is unlawful to sell, trade or offer to sell or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision of area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the County Recorder of Rock County.

Subd. 2. Receiving and Recording Unapproved Plats. It is unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this Chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Council.

Subd. 3. Misrepresentation as to Construction, Supervision or Inspection of Improvements. It is unlawful for any developer or other person owning an addition or subdivision of land within the City to represent that any improvement upon any of the highways, streets or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the Council or has been supervised or inspected by the City when such improvements have not been so constructed, supervised or inspected.

(Sections 10.06 through 10.98, inclusive, reserved for future expansion.)

SECTION 10.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

LAND USE REGULATIONS

SECTION 1. PERMITS. No person may erect any structure of any kind, (or add to the outside dimensions of any structure already erected), or relocate any structure or building by moving it from any point outside the City into the City, moving it from within the City to any point outside the City or moving it from one location to within the City to another location within the city, without first procuring from the City Clerk or Treasurer a permit to do so, approved by the Council, before such work or relocation is commenced. Prior to the issuance of a permit, the applicant, if so required by the Council, shall provide the City with a certification from a structural pest control applicator licensed by the State of Minnesota certifying that the building or structure is free from termites.

SECTION 2. APPLICATION FOR PERMIT. Any person desiring to erect, alter, or relocate any structure within the City, shall make application therefor on a form to be provided by the City and file the same in the office of the City Clerk or Treasurer. Said application shall state the nature of such structure or building (and if already constructed, the nature and extent of the contemplated outside dimension changes), the purpose or purposes for which the same is to be used or occupied, and shall be accompanied by a sketch showing the number of the lot and block on which said structure is, or is to be located, the correct dimensions of said lot and name or names of the owners thereof, the correct dimensions of said structure to be erected or relocated, (and if already erected and located the correct dimensions thereof with the proposed outside changes added), and the correct position on said lot with respect to the front, sides and rear lot lines where said structure is, or is to be located.

SECTION 3. FEE FOR PERMIT. Fees for such permits shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Clerk or Treasurer and uniformly enforced. The fee shall accompany said application and in the event the said permit is not granted, such fee shall be refunded.

SECTION 4. YARD AND SETBACK REQUIREMENTS. It is required that new residences be set back twenty-five (25) feet from the front line of said lot, to the structure, less overhang and each residence shall have two side yards, each being not less than five (5) feet in width, and subject to approved drainage.

SECTION 5. VARIANCES.

Subd. 1. Authorization. The Council may authorize a variance where the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Section, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use of development of property immediately adjoining the piece in question, the literal enforcement of the requirements of this Section would involve unnecessary hardship and note mere inconvenience.

Subd. 2. Procedure.

A. Application for any variance permissible under this Section shall be made to the Council in the form of a written application. All applications shall be accompanied by a list of the names and addresses of the owners of the lands abutting directly on the property described in the application.

B. Upon receipt of such application and list, and at least ten days prior to the regular meeting of the Council, a notice of planned hearing shall be published once in the official newspaper and copy of said notice shall be mailed to each of the owners referred to in said list. The City Clerk or Treasurer shall cause such notices to be published and mailed.

C. An open hearing on said variance requests shall be part of the next scheduled meeting of the Council. The Council shall, in a timely manner issue its decision following the hearing.

D. In deciding on any adjustment or variance under the provisions of this Section, the Council shall designate such conditions in connection therewith as will, in its opinion, secure the requirements of Subdivision 3 of this Section. The Council shall put its decision in writing stating pertinent facts and findings, and shall specifically and fully set forth any adjustment or variance granted, and conditions designated.

Subd. 3. Conditions. No variance from the terms of this Section shall be authorized unless all of the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the tended use of the property, that do not apply generally to other properties of classes or uses in the same zoning district.

B. That the alleged difficulty or hardship has not resulted from the actions of the applicant.

C. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

D. That the authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Section or the public interest.

SECTION 6. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon

conviction thereof, shall be punished as a misdemeanor except as otherwise stated specific provisions thereof.

CHAPTER 11

LISTING OF UNCODED ORDINANCES IN EFFECT

All Ordinances described in this Chapter remain in effect after adopting of the City Code. There are of a permanent and continuing nature as authority for a specific act which has been performed. These ordinances may be in the nature of a contract and of only occasional reference value. For this reason it appears justified to list and describe said ordinances here only to facilitate finding them in the event that it becomes necessary.

Ordinance No.	Date of Adoption	Brief Description
55	03-13-62	An ordinance providing for use and load limitations on certain streets, prohibiting the use of all vehicles not equipped with pneumatic tires, prohibiting burning in or upon village streets, and imposing penalties for violation.
56	06-21-63	An ordinance declaring certain territory annexed.
66	08-01-73	An ordinance extending the corporate limits of the Village of Hills.
67	06-11-74	An ordinance regulating and controlling Dutch Elm disease within the City of Hills.
68	10-08-74	An ordinance extending the corporate limits of the City of Hills.
70	02-11-75	An ordinance extending the corporate limits of the City of Hills.
73	11-08-77	An ordinance authorizing and directing the remaining of Main and Summit Avenues in the City of Hills.
76	09-29-81	An ordinance extending the corporate limits of the City of Hills.
82	07-12-83	An ordinance granting a franchise to F.M. Keller, its successors and assigns to erect, operate and maintain a community antenna television system in the City of Hills.

86	04-25-88	An ordinance granting to Interstate Power Company, its successors and assigns, permission to erect, install, construct, repair, own, operate, maintain, manage, and control an electric plant within the corporate limits of the City of Hills.
89	10-18-94	An ordinance extending the corporate limits of the City of Hills
90	11-07-94	An ordinance establishing a City Tree Board within the City of Hills to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Hills.
92	10-08-96	An ordinance extending the corporate limits of the City of Hills.
93	04-25-00	An ordinance extending the corporate limits of the City of Hills.
94	10-23-00	An ordinance extending the corporate limits of the City of Hills.

CHAPTER 12 – Future Use.

CHAPTER 13 – Future Use.

CHAPTER 14 – Future Use.

CHAPTER 15 – Future Use.

CHAPTER 16 - Future Use.

CHAPTER 17 – Future Use.

CHAPTER 18 – Future Use.

CHAPTER 19 – Future Use.

CHAPTER 20 – Future Use.